



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Mike Boland

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/19-1	from Ch. 46, par. 19-1
10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-5	from Ch. 46, par. 19-5

Amends the Election Code. Permits a person to vote by absentee ballot on the basis that he or she is 65 years old or older.

LRB093 19983 JAM 45727 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 19-1, 19-2, 19-3, and 19-5 as follows:

6 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

7 Sec. 19-1. Any qualified elector of the State of Illinois  
8 having duly registered where such registration is required who  
9 is of the age of 65 or more years or who expects to be absent  
10 from the county in which he is a qualified elector or who  
11 because of being appointed a judge of election in a precinct  
12 other than the precinct in which he resides or who because of  
13 physical incapacity or the tenets of his religion in the  
14 observance of a religious holiday or who because of election  
15 duties for the office of an Election Authority or the State  
16 Board of Elections or who because of election duties for a law  
17 enforcement agency, including but not limited to the offices of  
18 the Attorney General, a State's Attorney, a United States  
19 Attorney, or a State, county, or municipal police department,  
20 or who, because he is temporarily abiding outside the precinct  
21 in which he is registered to vote due to the fact he is a  
22 student attending an institution of higher education or who is  
23 serving as a sequestered juror on a State or federal jury, will  
24 be unable to be present at the polls on the day of holding any  
25 special, general or primary election at which any presidential  
26 preference is indicated or any candidates are chosen or  
27 elected, for any congressional, State, district, county, town,  
28 city, village, precinct or judicial offices or at which  
29 questions of public policy are submitted, may vote at such  
30 election as hereinafter in this Article provided.

31 Each Election Authority, law enforcement agency, and the  
32 State Board of Elections shall compile and keep current a list

1 of his or its officers or employees who are eligible to vote  
2 under this Article by reason of election duties.

3 For purposes of this Article 19, a physically incapacitated  
4 voter marks his or her ballot "personally" when the voter  
5 exercises his or her physical abilities to their reasonable  
6 limit in marking the ballot, and marking personally may include  
7 instructing the person assisting the incapacitated voter when  
8 giving such instruction represents the reasonable limit of the  
9 physical abilities.

10 (Source: P.A. 86-873; 86-875; 86-1028.)

11 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

12 Sec. 19-2. Any elector as defined in Section 19-1 who is of  
13 the age of 65 or older or who is expecting to be absent from the  
14 county of his residence or any such elector who because of  
15 being appointed a judge of election in a precinct other than  
16 the precinct in which he resides or who because of physical  
17 incapacity or the tenets of his religion in the observance of a  
18 religious holiday or who because of election duties for the  
19 office of an Election Authority, the State Board of Elections,  
20 or a law enforcement agency will be unable to be present at the  
21 polls on the day of such election may by mail, not more than 40  
22 nor less than 5 days prior to the date of such election, or by  
23 personal delivery not more than 40 nor less than one day prior  
24 to the date of such election, make application to the county  
25 clerk or to the Board of Election Commissioners for an official  
26 ballot for the voter's precinct to be voted at such election.

27 (Source: P.A. 84-808.)

28 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

29 Sec. 19-3. Application for such ballot shall be made on  
30 blanks to be furnished by the election authority and  
31 duplication of such application for ballot is prohibited,  
32 except by the election authority. The application for ballot  
33 shall be substantially in the following form:

34

APPLICATION FOR BALLOT

1 BY ELECTOR WHO EXPECTS TO BE  
2 ABSENT FROM COUNTY

3 To be voted at the .... election in the County of .... and  
4 State of Illinois, in the .... precinct of the (1) \*township of  
5 .... (2) \*City of .... or (3) \*.... ward in the City of ....

6 I state that I am a resident of the .... precinct of the  
7 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
8 the city of .... residing at .... in such city or town in the  
9 county of .... and State of Illinois; that I have lived at such  
10 address for .... month(s) last past; that I am lawfully  
11 entitled to vote in such precinct at the .... election to be  
12 held therein on ....; that I expect to be absent from the  
13 county of my residence on the date of holding such election,  
14 and that I will have no opportunity to vote in person on that  
15 day.

16 I hereby make application for an official ballot or ballots  
17 to be voted by me at such election if I am absent from the  
18 county of my residence, and I agree that I shall return such  
19 ballot or ballots to the official issuing the same prior to the  
20 closing of the polls on the date of the election.

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

24 .....

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

26 Post office address to which ballot is mailed:  
27 .....

28 However, if application is made for a primary election  
29 ballot, such application shall designate the name of the  
30 political party with which the applicant is affiliated.

31 APPLICATION FOR BALLOT  
32 BY ELECTOR WHO IS JUDGE OF ELECTION  
33 IN A PRECINCT OTHER THAN THE PRECINCT  
34 IN WHICH HE RESIDES

35 To be voted at the .... election in the County of .... and  
36 State of Illinois, in the .... precinct of the (1) \*township of

1 .... (2) \*City of .... or (3) \*.... ward in the City of ....

2 I state that I am affiliated with the .... party (to be  
3 used in primary elections) and that I am a resident of the ....  
4 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
5 \*.... ward in the city of .... residing at .... in such city or  
6 town in the county of .... and State of Illinois; that I have  
7 lived at such address for .... month(s) last past; that I am  
8 lawfully entitled to vote in such precinct at the .... election  
9 to be held therein on ....; that I am a judge of election in  
10 .... precinct or the (1) \*.... ward in the city of .... or (2)  
11 \*township of .... or (3) \*city, village or incorporated town of  
12 .... in such county and that I will have no opportunity of  
13 voting in person on that day:

14 I hereby make application for an official ballot or ballots  
15 to be voted by me at such election if I serve as a judge of  
16 election in such last named precinct, and I agree that I shall  
17 return such ballot or ballots to the official issuing the same  
18 prior to the closing of the polls on the date of the election.

19 Under penalties as provided by law pursuant to Section  
20 29-10 of The Election Code, the undersigned certifies that the  
21 statements set forth in this application are true and correct.

22 ....

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

24 Post office address to which ballot is mailed:

25 ....

26 APPLICATION FOR BALLOT

27 BY PHYSICALLY INCAPACITATED ELECTOR

28 To be voted at the .... election in the County of .... and  
29 State of Illinois, in the .... precinct of the (1) \*township of  
30 .... (2) \*City of .... or (3) \*.... ward in the City of ....

31 I state that I am affiliated with the .... party (to be  
32 used in primary elections) and that I am a resident of the ....  
33 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
34 \*.... ward in the city of .... residing at .... in such city or  
35 town in the county of .... and State of Illinois; that I have  
36 lived at such address for .... month(s) last past; that I am

1 lawfully entitled to vote in such precinct at the .... election  
2 to be held therein on ....; that I shall be physically  
3 incapable of being present at the polls of such precinct on the  
4 date of holding such election for the following reasons:

5 I hereby make application for an official ballot or ballots  
6 to be voted by me at such election if I am so physically  
7 incapacitated, and I agree that I shall return such ballot or  
8 ballots to the official issuing the same prior to the closing  
9 of the polls on the date of election.

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

13 .....

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

15 Post office address to which ballot is mailed:

16 .....

17 APPLICATION FOR BALLOT

18 BY ELECTOR 65 YEARS OLD OR OLDER

19 To be voted at the .... election in the County of .... and  
20 State of Illinois, in the .... precinct of the (1) \*township of  
21 .... (2) \*City of .... or (3) \*.... ward in the City of ....

22 I state that I am affiliated with the .... party (to be  
23 used in primary elections) and that I am a resident of the ....  
24 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
25 \*.... ward in the city of .... residing at .... in such city or  
26 town in the county of .... and State of Illinois; that I have  
27 lived at such address for .... month(s) last past; that I am  
28 lawfully entitled to vote in such precinct at the .... election  
29 to be held therein on ....; that I am (or will be on the date of  
30 said election) 65 years old or older.

31 I hereby make application for an official ballot or ballots  
32 to be voted by me at such election because I am (or will be on  
33 the date of said election) 65 years old or older, and I agree  
34 that I shall return such ballot or ballots to the official  
35 issuing the same prior to the closing of the polls on the date  
36 of election.



1 .....  
2

APPLICATION FOR BALLOT

3 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

4 OF STATE'S ATTORNEY, COUNTY CLERK OR

5 BOARD OF ELECTION COMMISSIONERS

6 To be voted at the .... election in the County of .... and  
7 State of Illinois, in the .... precinct of the (1) \*township of  
8 .... (2) \*City of .... or (3) \*.... ward in the City of ....

9 I state that I am a resident of the .... precinct of the  
10 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
11 the city of .... residing at .... in such city or town in the  
12 county of .... and State of Illinois; that I have lived at such  
13 address for .... month(s) last past; that I am lawfully  
14 entitled to vote in such precinct at the .... election to be  
15 held therein on ....; that I am employed in the office of the  
16 (State's Attorney of .... County) (County Clerk of .... County)  
17 (Board of Election Commissioners of the (City) (County) of ....  
18 and that because of election duties on the date of holding such  
19 election I will have no opportunity to vote in person on that  
20 day.

21 I hereby make application for an official ballot or ballots  
22 to be voted by me at such election, and I agree that I shall  
23 return such ballot or ballots to the official issuing the same  
24 prior to the closing of the polls on the date of the election.

25 Under penalties as provided by law pursuant to Section  
26 29-10 of The Election Code, the undersigned certifies that the  
27 statements set forth in this application are true and correct.

28 .....

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

30 Post office address to which ballot is mailed:

31 .....

32 Provided, that if application be made for a primary  
33 election ballot, such application shall designate the name of  
34 the political party with which the applicant is affiliated.

35 APPLICATION FOR

36 TEMPORARILY ABSENT STUDENT 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 ....; that I am temporarily abiding outside  
11 such precinct in the (1) \*township of .... (2) \*City of .... in  
12 the county of .... and State of .... due to the fact I am a  
13 student attending an institution of higher education, and for  
14 that reason do not expect to have an opportunity to vote in  
15 person on that day.

16 I hereby make application for an official ballot or ballots  
17 to be voted by me at such election if I am absent from the  
18 precinct of my residence, and I agree that I shall return such  
19 ballot or ballots to the official issuing the same prior to the  
20 closing of the polls on the date of the election.

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

24 .....

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

26 Post office address to which ballot is mailed:  
27 .....

28 However, if application is made for a primary election  
29 ballot, such application shall designate the name of the  
30 political party with which the applicant is affiliated.

31 In lieu of the separate application blanks heretofore  
32 prescribed, the election authority may adopt a standard  
33 application blank in substantially the following form for all  
34 categories of absentee voters:

35 APPLICATION FOR  
36 ABSENT VOTER'S BALLOT

1 To be voted at the ..... election in the County of  
2 ..... and State of Illinois, in the ..... precinct of the  
3 (1) \*township of ..... (2) \*City of ..... or (3) \*..... ward  
4 in the City of .....

5 I state that I am a resident of the ..... precinct of the  
6 (1) \*township of ..... (2) \*City of ..... or (3) \*.....  
7 ward in the City of ..... residing at ..... in such city  
8 or town in the county of ..... and State of Illinois; that I  
9 have lived at such address for ..... months last past; that I  
10 am lawfully entitled to vote in such precinct at a .....  
11 election to be held therein on .....; and that (1) I am (or  
12 will be on the date of said election) 65 years old or older or  
13 (2) I will be unable to vote in person at the polls of such  
14 precinct for the following reasons:

15 (Check One)

16 I expect to be absent from my county of residence.

17 I expect to be temporarily absent from the country.

18 I shall be serving as a judge of election in the  
19 ..... precinct which is not my precinct of  
20 residence.

21 I shall be observing a religious holiday in  
22 accordance with the tenets of my religion.

23 I shall be performing official election duties  
24 for an Election Authority .....,

25 (election authority)

26 ..... or the State Board of

27 Elections.

28 (location)

29 I shall be performing election law enforcement  
30 duties in the employment of .....,

31 (law enforcement agency)

32 .....

33 (location)

34 I am temporarily abiding in the (1) \*township  
35 of ..... (2) \*city of .....in the county of .....  
36 and State of .... due to the fact I am a

1 student attending an institution of higher education.

2 I am physically incapacitated.

3 Reason(s):

4 I have been called for jury duty on said day by

5 .....

6 (court jurisdiction)

7 I hereby make application for an official ballot or ballots  
8 to be voted by me at such election and agree that I shall  
9 return the ballot or ballots to the election official issuing  
10 the same in sufficient time for such official to deliver the  
11 ballot or ballots to the proper polling place prior to the  
12 closing of the polls on the date of the election.

13 Under penalties as provided by law pursuant to Section  
14 29-10 of the Election Code, the undersigned certifies that the  
15 statements set forth in this application are true and correct.

16 .....

17 \*fill in either (1), (2) or (3). Post office address to which  
18 ballot is mailed:

19 .....

20 Provided, that if application is made for a primary  
21 election, such application shall designate the name of the  
22 political party with which applicant is affiliated.

23 (Source: P.A. 86-873; 86-875; 86-1028.)

24 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

25 Sec. 19-5. It shall be the duty of the election authority  
26 to fold the ballot or ballots in the manner specified by the  
27 statute for folding ballots prior to their deposit in the  
28 ballot box, and to enclose such ballot or ballots in an  
29 envelope unsealed to be furnished by him, which envelope shall  
30 bear upon the face thereof the name, official title and post  
31 office address of the election authority, and upon the other  
32 side if the ballot is to go to an elector who is to be out of  
33 the county on the day of the election a printed certification  
34 in substantially the following form:

35 I state that I am a resident of the .... precinct of the

1 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 2 the city of .... residing at .... in such city or town in the  
 3 county of .... and State of Illinois, that I have lived at such  
 4 address for .... months last past; that I am lawfully entitled  
 5 to vote in such precinct at the .... election to be held on  
 6 ....; and I expect to be absent from the county of my residence  
 7 on the date of such election.

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

9 I further state that I personally marked the enclosed  
 10 ballot in secret.

11 Under penalties of perjury as provided by law pursuant to  
 12 Section 29-10 of The Election Code, the undersigned certifies  
 13 that the statements set forth in this certification are true  
 14 and correct.

15 .....

16 If the ballot is to go to an elector who is physically  
 17 incapacitated the envelope shall bear upon the back thereof a  
 18 certification in substantially the following form:

19 I state that I am a resident of the .... precinct of the  
 20 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 21 the city of .... residing at .... in such city or town in the  
 22 county of .... and State of Illinois, that I have lived at such  
 23 address for .... months last past; that I am lawfully entitled  
 24 to vote in such precinct at the .... election to be held on  
 25 ....; that I shall be physically incapable of being present at  
 26 the polls of such precinct on the date of holding such  
 27 election.

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

29 I further state that I personally marked the enclosed  
 30 ballot in secret. If I received assistance in casting my  
 31 ballot, I further attest that, due to physical incapacity, I  
 32 marked the enclosed ballot in secret with the assistance of

33 .....

34 (Individual rendering assistance)

35 .....

36 (Residence Address)

1 Under penalties of perjury as provided by law pursuant to  
2 Section 29-10 of The Election Code, the undersigned certifies  
3 that the statements set forth in this certification are true  
4 and correct.

5 .....  
6

7 In the case of a voter who is voting absentee by reason of  
8 physical incapacity, marking a ballot in secret includes  
9 marking a ballot with the assistance of another individual,  
10 other than a candidate whose name appears on the ballot (unless  
11 the voter is the spouse or a parent, child, brother, or sister  
12 of the candidate), the voter's employer, an agent of that  
13 employer or an officer or agent of the voter's union, when the  
14 voter's physical incapacity necessitates such assistance.

15 If the ballot is to go to an elector who is 65 years old or  
16 older, the envelope shall bear upon the back thereof a  
17 certification in substantially the following form:

18 I state that I am a resident of the .... precinct of the  
19 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
20 the city of .... residing at .... in said city or town in the  
21 county of .... and State of Illinois, that I have lived at such  
22 address for .... months last past; that I am lawfully entitled  
23 to vote in such precinct at the .... election to be held on  
24 ....; that I am (or will be on the date of said election) 65  
25 years old or older.

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

27 I further state that I personally marked the enclosed  
28 ballot in secret.

29 Under penalties of perjury as provided by law pursuant to  
30 Section 29-10 of the Election Code, the undersigned certifies  
31 that the statements set forth in this certification are true  
32 and correct.

33 .....  
34

35 If the ballot is to go to an elector who is unable to be  
36 present at the polls on the date of the election because of the  
observance of a religious holiday, the envelope shall bear upon  
the back thereof a certification in substantially the following

1 form:

2 I state that I am a resident of the .... precinct of the  
3 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
4 the city of .... residing at .... in said city or town in the  
5 county of .... and State of Illinois, that I have lived at such  
6 address for .... months last past; that I am lawfully entitled  
7 to vote in such precinct at the .... election to be held on  
8 ....; that I shall be unable to be present at the polls of such  
9 precinct on the date of holding such election because of the  
10 tenets of my religion in the observance of a religious holiday.  
11 \*fill in either (1), (2) or (3).

12 I further state that I personally marked the enclosed  
13 ballot in secret.

14 Under penalties of perjury as provided by law pursuant to  
15 Section 29-10 of The Election Code, the undersigned certifies  
16 that the statements set forth in this certification are true  
17 and correct.

18 .....

19 If the ballot is to go to an elector who is temporarily  
20 abiding outside the precinct in which he is registered to vote  
21 due to the fact he is a student attending an institution of  
22 higher education the envelope shall bear upon the back thereof  
23 a certification in substantially the following form:

24 I state that I am a resident of the .... precinct of the  
25 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
26 the city of .... residing at .... in such city or town in the  
27 county of .... and State of Illinois, that I have lived at such  
28 address for .... months last past; that I am lawfully entitled  
29 to vote in such precinct at the .... election to be held on  
30 ....; and I expect to be absent from the precinct of my  
31 residence on the date of such election because I am temporarily  
32 abiding outside such precinct in the (1) \*township of .... (2)  
33 \*city of .... in the county of .... and State of .... due to the  
34 fact I am a student attending an institution of higher  
35 education.

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

1 I further state that I personally marked the enclosed  
2 ballot in secret.

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

7 .....

8 If the election authority adopts the standard absentee  
9 ballot application blank provided in Section 19-3, the printed  
10 certification on the absentee ballot envelope shall be in  
11 substantially the following form:

12 I state that I am a resident of the ..... precinct of the  
13 (1) \*township of..... (2) \*City of ..... or (3) \*..... ward  
14 in the city of ..... residing at ..... in said city or town  
15 in the county of ..... and State of Illinois, that I have  
16 lived at such address for .... months last past; that I shall  
17 be unable to be present at the polls of such precinct on the  
18 date of holding such election for the reason indicated on the  
19 application for ballot enclosed herein.

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

21 I further state that I personally marked the enclosed  
22 ballot in secret. If I received assistance in casting my  
23 ballot, I further attest that, due to physical incapacity, I  
24 marked the enclosed ballot in secret with the assistance of

25 .....

26 (Individual rendering assistance)

27 .....

28 (Residence Address)

29 Under penalties of perjury provided by law pursuant to  
30 Section 29-10 of the Election Code, the undersigned certifies  
31 that the statements set forth in this certification are true  
32 and correct.

33 .....

34 In the case of a voter who is voting absentee by reason of  
35 physical incapacity, marking a ballot in secret includes  
36 marking a ballot with the assistance of another individual,

1 other than a candidate whose name appears on the ballot (unless  
2 the voter is the spouse or a parent, child, brother, or sister  
3 of the candidate), the voter's employer, an agent of that  
4 employer, or an officer or agent of the voter's union, when the  
5 voter's physical incapacity necessitates such assistance.

6 Provided, that if the ballot enclosed is to be voted at a  
7 primary election, the certification shall designate the name of  
8 the political party with which the voter is affiliated.

9 In addition to the above, the election authority shall  
10 provide printed slips giving full instructions regarding the  
11 manner of marking and returning the ballot in order that the  
12 same may be counted, and shall furnish one of such printed  
13 slips to each of such applicants at the same time the ballot is  
14 delivered to him. Such instructions shall include the following  
15 statement: "In signing the certification on the absentee ballot  
16 envelope, you are attesting that you personally marked this  
17 absentee ballot in secret. If you are physically unable to mark  
18 the ballot, a friend or relative may assist you after  
19 completing the enclosed affidavit. Federal and State laws  
20 prohibit a candidate whose name appears on the ballot (unless  
21 you are the spouse or a parent, child, brother, or sister of  
22 the candidate), your employer, your employer's agent or an  
23 officer or agent of your union from assisting physically  
24 disabled voters."

25 In addition to the above, if a ballot to be provided to an  
26 elector pursuant to this Section contains a public question  
27 described in subsection (b) of Section 28-6 and the territory  
28 concerning which the question is to be submitted is not  
29 described on the ballot due to the space limitations of such  
30 ballot, the election authority shall provide a printed copy of  
31 a notice of the public question, which shall include a  
32 description of the territory in the manner required by Section  
33 16-7. The notice shall be furnished to the elector at the same  
34 time the ballot is delivered to the elector.

35 (Source: P.A. 89-653, eff. 8-14-96.)