

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 3-5, 19-1, 19-2, and 19-5 as follows:

6 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

7 Sec. 3-5. No person who has been legally convicted, in this
8 or another State or in any federal court, of any crime, and is
9 serving a sentence of confinement in any penal institution, or
10 who has been convicted under any section of this Act and is
11 serving a sentence of confinement in any penal institution,
12 shall vote, offer to vote, attempt to vote or be permitted to
13 vote at any election until his release from confinement.

14 Confinement for purposes of this Section shall include any
15 person convicted and imprisoned but granted a furlough as
16 provided by Section 3-11-1 of the "Unified Code of
17 Corrections", or admitted to a work release program as provided
18 by Section 3-13-2 of the "Unified Code of Corrections".
19 Confinement shall not include any person convicted and
20 imprisoned but released on parole.

21 Confinement or detention in a jail pending acquittal or
22 conviction of a crime is not a disqualification for voting.

23 (Source: P.A. 80-699.)

24 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

25 Sec. 19-1. Any qualified elector of the State of Illinois
26 having duly registered where such registration is required who
27 expects to be absent from the county in which he is a qualified
28 elector or who because of being appointed a judge of election
29 in a precinct other than the precinct in which he resides or
30 who because of physical incapacity or the tenets of his
31 religion in the observance of a religious holiday or who

1 because of election duties for the office of an Election
2 Authority or the State Board of Elections or who because of
3 election duties for a law enforcement agency, including but not
4 limited to the offices of the Attorney General, a State's
5 Attorney, a United States Attorney, or a State, county, or
6 municipal police department, or who, because he is temporarily
7 abiding outside the precinct in which he is registered to vote
8 due to the fact he is a student attending an institution of
9 higher education or who is serving as a sequestered juror on a
10 State or federal jury, or who because of his or her confinement
11 or detention in a jail pending acquittal or conviction of a
12 crime, will be unable to be present at the polls on the day of
13 holding any special, general or primary election at which any
14 presidential preference is indicated or any candidates are
15 chosen or elected, for any congressional, State, district,
16 county, town, city, village, precinct or judicial offices or at
17 which questions of public policy are submitted, may vote at
18 such election as hereinafter in this Article provided.

19 Each Election Authority, law enforcement agency, and the
20 State Board of Elections shall compile and keep current a list
21 of his or its officers or employees who are eligible to vote
22 under this Article by reason of election duties.

23 For purposes of this Article 19, a physically incapacitated
24 voter marks his or her ballot "personally" when the voter
25 exercises his or her physical abilities to their reasonable
26 limit in marking the ballot, and marking personally may include
27 instructing the person assisting the incapacitated voter when
28 giving such instruction represents the reasonable limit of the
29 physical abilities.

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

31 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

32 Sec. 19-2. Any elector as defined in Section 19-1 expecting
33 to be absent from the county of his residence or any such
34 elector who because of being appointed a judge of election in a
35 precinct other than the precinct in which he resides or who

1 because of physical incapacity or the tenets of his religion in
2 the observance of a religious holiday or who because of
3 election duties for the office of an Election Authority, the
4 State Board of Elections, or a law enforcement agency, or who
5 because of his or her confinement or detention in a jail
6 pending acquittal or conviction of a crime, will be unable to
7 be present at the polls on the day of such election may by
8 mail, not more than 40 nor less than 5 days prior to the date of
9 such election, or by personal delivery not more than 40 nor
10 less than one day prior to the date of such election, make
11 application to the county clerk or to the Board of Election
12 Commissioners for an official ballot for the voter's precinct
13 to be voted at such election.

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

15 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

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

26 I state that I am a resident of the precinct of the
27 (1) *township of (2) *City of or (3) *.... ward in
28 the city of residing at in such city or town in the
29 county of and State of Illinois, that I have lived at such
30 address for months last past; that I am lawfully entitled
31 to vote in such precinct at the election to be held on
32; and I expect to be absent from the county of my residence
33 on the date of such election.

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

35 I further state that I personally marked the enclosed

1 ballot in secret.

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

6

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

10 I state that I am a resident of the precinct of the
11 (1) *township of (2) *City of or (3) *.... ward in
12 the city of residing at in such city or town in the
13 county of and State of Illinois, that I have lived at such
14 address for months last past; that I am lawfully entitled
15 to vote in such precinct at the election to be held on
16; that I shall be physically incapable of being present at
17 the polls of such precinct on the date of holding such
18 election.

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

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

24

25 (Individual rendering assistance)

26

27 (Residence Address)

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

32

33 In the case of a voter who is voting absentee by reason of
34 physical incapacity, marking a ballot in secret includes
35 marking a ballot with the assistance of another individual,
36 other than a candidate whose name appears on the ballot (unless

1 the voter is the spouse or a parent, child, brother, or sister
2 of the candidate), the voter's employer, an agent of that
3 employer or an officer or agent of the voter's union, when the
4 voter's physical incapacity necessitates such assistance.

5 If the ballot is to go to an elector who is unable to be
6 present at the polls on the date of the election because of the
7 observance of a religious holiday, the envelope shall bear upon
8 the back thereof a certification in substantially the following
9 form:

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

20 I further state that I personally marked the enclosed
21 ballot in secret.

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

26

27 If the ballot is to go to an elector who is unable to be
28 present at the polls on the date of the election because he or
29 she is confined or detained in jail pending acquittal or
30 conviction of a crime, the envelope shall bear upon the back
31 thereof a certification in substantially the following form:

32 I state that I am a resident of the precinct of the
33 (1) *township of (2) *City of.... or (3) *.... ward in the
34 city of residing at in that city or town in the
35 county of and State of Illinois, that I have lived at such
36 address for months last past; that I am lawfully entitled

1 to vote in such precinct at the election to be held on
2; that I shall be unable to be present at the polls of such
3 precinct on the date of holding such election because of my
4 confinement or detention in jail pending acquittal or
5 conviction of a crime.

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

7 I further state that I personally marked the enclosed
8 ballot in secret.

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

13

14 If the ballot is to go to an elector who is temporarily
15 abiding outside the precinct in which he is registered to vote
16 due to the fact he is a student attending an institution of
17 higher education the envelope shall bear upon the back thereof
18 a 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; and I expect to be absent from the precinct of my
26 residence on the date of such election because I am temporarily
27 abiding outside such precinct in the (1) *township of (2)
28 *city of in the county of and State of due to the
29 fact I am a student attending an institution of higher
30 education.

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

32 I further state that I personally marked the enclosed
33 ballot in secret.

34 Under penalties of perjury as provided by law pursuant to
35 Section 29-10 of The Election Code, the undersigned certifies
36 that the statements set forth in this certification are true

1 and correct.

2

3 If the election authority adopts the standard absentee
4 ballot application blank provided in Section 19-3, the printed
5 certification on the absentee ballot envelope shall be in
6 substantially the following form:

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

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

16 I further state that I personally marked the enclosed
17 ballot in secret. If I received assistance in casting my
18 ballot, I further attest that, due to physical incapacity, I
19 marked the enclosed ballot in secret with the assistance of

20

21 (Individual rendering assistance)

22

23 (Residence Address)

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

28

29 In the case of a voter who is voting absentee by reason of
30 physical incapacity, marking a ballot in secret includes
31 marking a ballot with the assistance of another individual,
32 other than a candidate whose name appears on the ballot (unless
33 the voter is the spouse or a parent, child, brother, or sister
34 of the candidate), the voter's employer, an agent of that
35 employer, or an officer or agent of the voter's union, when the
36 voter's physical incapacity necessitates such assistance.

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

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

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

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