



Rep. Sara Feigenholtz

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09400HB0114ham001

LRB094 03774 JAM 39356 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114 by replacing
3 everything after the enacting clause with the following:

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.)

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

2 Sec. 19-1. Any qualified elector of the State of Illinois
3 having duly registered where such registration is required who
4 expects to be absent from the county in which he is a qualified
5 elector or who because of being appointed a judge of election
6 in a precinct other than the precinct in which he resides or
7 who because of physical incapacity or the tenets of his
8 religion in the observance of a religious holiday or who
9 because of election duties for the office of an Election
10 Authority or the State Board of Elections or who because of
11 election duties for a law enforcement agency, including but not
12 limited to the offices of the Attorney General, a State's
13 Attorney, a United States Attorney, or a State, county, or
14 municipal police department, or who, because he 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 or who is serving as a sequestered juror on a
18 State or federal jury, or who because of his or her confinement
19 or detention in a jail pending acquittal or conviction of a
20 crime, will be unable to be present at the polls on the day of
21 holding any special, general or primary election at which any
22 presidential preference is indicated or any candidates are
23 chosen or elected, for any congressional, State, district,
24 county, town, city, village, precinct or judicial offices or at
25 which questions of public policy are submitted, may vote at
26 such election as hereinafter in this Article provided.

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

31 For purposes of this Article 19, a physically incapacitated
32 voter marks his or her ballot "personally" when the voter
33 exercises his or her physical abilities to their reasonable
34 limit in marking the ballot, and marking personally may include

1 instructing the person assisting the incapacitated voter when
2 giving such instruction represents the reasonable limit of the
3 physical abilities.

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

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

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

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

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

1 the county on the day of the election a printed certification
2 in substantially the following form:

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

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 physically
20 incapacitated the envelope shall bear upon the back thereof a
21 certification in substantially the following form:

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

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

32 I further state that I personally marked the enclosed
33 ballot in secret. If I received assistance in casting my
34 ballot, I further attest that, due to physical incapacity, I

1 marked the enclosed ballot in secret with the assistance of
 2
 3 (Individual rendering assistance)
 4
 5 (Residence Address)

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

10

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

19 If the ballot is to go to an elector who is unable to be
 20 present at the polls on the date of the election because of the
 21 observance of a religious holiday, the envelope shall bear upon
 22 the back thereof a certification in substantially the following
 23 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 said 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; that I shall be unable to be present at the polls of such
 31 precinct on the date of holding such election because of the
 32 tenets of my religion in the observance of a religious holiday.
 33 *fill in either (1), (2) or (3).

34 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 unable to be
8 present at the polls on the date of the election because he or
9 she is confined or detained in jail pending acquittal or
10 conviction of a crime, the envelope shall bear upon the back
11 thereof a certification in 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 in the
14 city of residing at in that city or town in the
15 county of and State of Illinois, that I have lived at such
16 address for months last past; that I am lawfully entitled
17 to vote in such precinct at the election to be held on
18; that I shall be unable to be present at the polls of such
19 precinct on the date of holding such election because of my
20 confinement or detention in jail pending acquittal or
21 conviction of a crime.

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

23 I further state that I personally marked the enclosed
24 ballot in secret.

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

29

30 If the ballot is to go to an elector who is temporarily
31 abiding outside the precinct in which he is registered to vote
32 due to the fact he is a student attending an institution of
33 higher education the envelope shall bear upon the back thereof
34 a certification in substantially the following form:

1 I state that I am a resident of the precinct of the
 2 (1) *township of (2) *City of or (3) *.... ward in
 3 the city of residing at in such city or town in the
 4 county of and State of Illinois, that I have lived at such
 5 address for months last past; that I am lawfully entitled
 6 to vote in such precinct at the election to be held on
 7; and I expect to be absent from the precinct of my
 8 residence on the date of such election because I am temporarily
 9 abiding outside such precinct in the (1) *township of (2)
 10 *city of in the county of and State of due to the
 11 fact I am a student attending an institution of higher
 12 education.

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

14 I further state that I personally marked the enclosed
 15 ballot in secret.

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

20

21 If the election authority adopts the standard absentee
 22 ballot application blank provided in Section 19-3, the printed
 23 certification on the absentee ballot envelope shall be in
 24 substantially the following form:

25 I state that I am a resident of the precinct of the
 26 (1) *township of..... (2) *City of or (3) *..... ward
 27 in the city of residing at in said city or town
 28 in the county of and State of Illinois, that I have
 29 lived at such address for months last past; that I shall
 30 be unable to be present at the polls of such precinct on the
 31 date of holding such election for the reason indicated on the
 32 application for ballot enclosed herein.

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

34 I further state that I personally marked the enclosed

1 ballot in secret. If I received assistance in casting my
2 ballot, I further attest that, due to physical incapacity, I
3 marked the enclosed ballot in secret with the assistance of

4
5 (Individual rendering assistance)
6
7 (Residence Address)

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

12

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

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

24 In addition to the above, the election authority shall
25 provide printed slips giving full instructions regarding the
26 manner of marking and returning the ballot in order that the
27 same may be counted, and shall furnish one of such printed
28 slips to each of such applicants at the same time the ballot is
29 delivered to him. Such instructions shall include the following
30 statement: "In signing the certification on the absentee ballot
31 envelope, you are attesting that you personally marked this
32 absentee ballot in secret. If you are physically unable to mark
33 the ballot, a friend or relative may assist you after
34 completing the enclosed affidavit. Federal and State laws

1 prohibit a candidate whose name appears on the ballot (unless
2 you are the spouse or a parent, child, brother, or sister of
3 the candidate), your employer, your employer's agent or an
4 officer or agent of your union from assisting physically
5 disabled voters."

6 In addition to the above, if a ballot to be provided to an
7 elector pursuant to this Section contains a public question
8 described in subsection (b) of Section 28-6 and the territory
9 concerning which the question is to be submitted is not
10 described on the ballot due to the space limitations of such
11 ballot, the election authority shall provide a printed copy of
12 a notice of the public question, which shall include a
13 description of the territory in the manner required by Section
14 16-7. The notice shall be furnished to the elector at the same
15 time the ballot is delivered to the elector.

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