

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 19-8 and 20-8 as follows:

6 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

8 (a) Each absent voter's ballot returned to an election
9 authority, by any means authorized by this Article, and
10 received by that election authority in time to be delivered to
11 the polling place of the precinct where the elector resides and
12 to be counted by the judges of election at that polling place
13 shall be handled in accordance with this subsection. If ~~In case~~
14 an absent voter's ballot is received ~~by the election authority~~
15 prior to the delivery of the official ballots to the judges of
16 election of the precinct ~~where the in which said~~ elector
17 resides, ~~then the absent voter's~~ ~~such~~ ballot envelope and
18 application, sealed in the carrier envelope, shall be enclosed
19 in ~~the same~~ ~~such~~ package with the official ballots and
20 ~~therewith~~ delivered to the judges of ~~that~~ ~~such~~ precinct. If ~~In~~
21 ~~ease~~ the official ballots for ~~that~~ ~~such~~ precinct have already
22 been delivered to the judges of election ~~when at the time of~~
23 ~~the receipt by~~ the election authority receives the ~~of such~~
24 absent voter's ballot, ~~then the~~ ~~such~~ authority shall
25 immediately enclose ~~the said~~ envelope containing the absent
26 voter's ballot, together with the voter's ~~his~~ application
27 ~~therefor~~, in a larger or carrier envelope which shall be
28 securely sealed and addressed on the face to the judges of
29 election, giving the name or number of precinct, street and
30 number of polling place, city or town in which ~~the~~ ~~such~~ absent
31 voter is a qualified elector, and the words "This envelope
32 contains an absent voter's ballot and must be opened only on

1 election day at the polls immediately after the polls are
2 closed~~7~~". The election authority shall mail the ballot mailing
3 ~~the same~~, postage prepaid, to the ~~such~~ judges of election, or
4 if more convenient, the election authority ~~such officer~~ may
5 deliver the ~~such~~ absent voter's ballot to the judges of
6 election in person or by duly deputized agent, the authority
7 ~~said officer~~ to secure a ~~his~~ receipt for delivery of the ~~such~~
8 ballot or ballots. An absent voter's ballot delivered in error
9 to the wrong precinct polling place shall be returned to the
10 election authority and counted as provided in subsection (b).

11 (b) Each absent voter's ballot returned to an election
12 authority, by any means authorized by this Article, and
13 received by that election authority before the closing of the
14 polls on election day but too late to be delivered to and
15 counted at the proper precinct polling place shall be endorsed
16 by the receiving election authority with the day and hour of
17 receipt and shall be counted in the office of the election
18 authority on the day of the election after 7:00 p.m.

19 (c) Each absent voter's ballot that is mailed to an
20 election authority and postmarked by the midnight preceding the
21 opening of the polls on election day, but that is received by
22 the election authority after the polls close on election day
23 and before the close of the period for counting provisional
24 ballots cast at that election, shall be endorsed by the
25 receiving authority with the day and hour of receipt and shall
26 be counted at the office of the election authority during the
27 period for counting provisional ballots.

28 (d) Special write-in absentee voter's blank ballots
29 returned to an election authority, by any means authorized by
30 this Article, and received by the election authority at any
31 time before the closing of the polls on election day shall be
32 endorsed by the receiving election authority with the day and
33 hour of receipt and shall be counted at the office of the
34 election authority during the same period provided for counting
35 absent voters' ballots under subsection (b). Special write-in
36 absentee voter's blank ballots that are mailed to an election

1 authority and postmarked by the midnight preceding the opening
2 of the polls on election day, but that are received by the
3 election authority after the polls close on election day and
4 before the closing of the period for counting provisional
5 ballots cast at that election, shall be endorsed by the
6 receiving authority with the day and hour of receipt and shall
7 be counted at the office of the election authority during the
8 same periods provided for counting absent voters' ballots under
9 subsection (c).

10 (e) Except as otherwise provided in this Section, absent
11 Absent voters' ballots and special write-in absentee voter's
12 blank ballots received by ~~returned by absentee voters to~~ the
13 election authority after the closing of the polls on an
14 election day shall be endorsed by the election authority
15 receiving them ~~the same~~ with the day and hour of receipt and
16 shall be safely kept unopened by the ~~such~~ election authority
17 for the period of time required for the preservation of ballots
18 used at the ~~such~~ election, and shall then, without being
19 opened, be destroyed in like manner as the used ballots of that
20 ~~such~~ election.

21 ~~All absent voters' ballots received by the election~~
22 ~~authority after 12:00 noon on election day or too late for~~
23 ~~delivery to the proper polling place before the closing of the~~
24 ~~polls on election day, and Special Write-In Absentee Voter's~~
25 ~~Blank Ballots, except ballots returned by mail postmarked after~~
26 ~~midnight preceding the opening of the polls on election day,~~
27 ~~shall be endorsed by the election authority receiving the same~~
28 ~~with the day and hour of receipt and shall be counted in the~~
29 ~~office of the election authority on the day of the election~~
30 ~~after 7:00 p.m. All absent voters' ballots delivered in error~~
31 ~~to the wrong precinct polling place shall be returned to the~~
32 ~~election authority and counted under this provision; however,~~
33 ~~all absentee ballots received by the election authority by the~~
34 ~~close of absentee voting in the office of the election~~
35 ~~authority on the day preceding the day of election shall be~~
36 ~~delivered to the proper precinct polling places in time to be~~

1 ~~counted by the judges of election.~~

2 (f) Counting required under this Section to begin on
3 election day after the closing of the polls ~~Such counting~~ shall
4 commence no later than 8:00 p.m. and shall be conducted by a
5 panel or panels of election judges appointed in the manner
6 provided by law. The ~~Such~~ counting shall continue until all
7 absent voters' ballots and special write-in absentee voter's
8 blank ballots required to be counted on election day ~~received~~
9 ~~as aforesaid~~ have been counted.

10 (g) The procedures set forth in Section 19-9 of this Act
11 and Articles 17 and 18 of this Code, shall apply to all ~~absent~~
12 ~~voters'~~ ballots counted under this Section ~~provision,~~
13 including comparing the signature on the ballot envelope with
14 the signature of the voter on the permanent voter registration
15 record card taken from the master file; except that votes shall
16 be recorded without regard to precinct designation, except for
17 precinct offices.

18 (h) Where ballots are counted in the office of the election
19 authority as provided in this Section, each political party,
20 candidate, and qualified civic organization shall be entitled
21 to have present one pollwatcher for each panel of election
22 judges therein assigned.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

25 Sec. 20-8. Time and place of counting ballots.

26 (a) Each absent voter's ballot returned to an election
27 authority, by any means authorized by this Article, and
28 received by that election authority in time to be delivered to
29 the polling place of the precinct where the absent voter is a
30 qualified elector and to be counted by the judges of election
31 of that polling place shall be handled in accordance with this
32 subsection. If the ~~In case any such~~ ballot is received by the
33 election authority prior to the delivery of the official
34 ballots to the judges of election of the precinct where the
35 absent voter is a qualified ~~in which said~~ elector ~~resides,~~ then

1 the absent voter's ~~such~~ ballot envelope and application, sealed
2 in the carrier envelope, shall be enclosed in the same package
3 with the ~~other~~ official ballots and ~~therewith~~ delivered to the
4 judges of that ~~such~~ precinct. If ~~In case~~ the official ballots
5 for the ~~such~~ precinct have already been delivered to the judges
6 of election when ~~at the time of the receipt by~~ the election
7 authority receives the ~~of such~~ absent voter's ballot, then the
8 election authority ~~it~~ shall immediately enclose the ~~said~~
9 envelope containing the absent voter's ballot, together with
10 the voter's ~~his~~ application ~~therefor~~, in a larger or carrier
11 envelope which shall be securely sealed and addressed on the
12 face to the judges of election, giving the name or number of
13 precinct, street and number of polling place, city or town in
14 which the ~~such~~ absent voter is a qualified elector, and the
15 words, "This envelope contains an absent voter's ballot and
16 must be opened only on election day at the polls immediately
17 after the polls are closed⁷". The election authority shall mail
18 the ballot ~~mailing the same~~, postage prepaid, to the ~~such~~
19 judges of election, or if more convenient then the election
20 authority ~~he or it~~ may deliver the ~~such~~ absent voter's ballot
21 to the judges of election in person or by duly deputized agent
22 and secure a his receipt for delivery of the ~~such~~ ballot or
23 ballots. An absent voter's ballot delivered in error to the
24 wrong precinct polling place shall be returned to the election
25 authority and counted as provided in subsection (b).

26 (b) Each absent voter's ballot returned to an election
27 authority, by any means authorized by this Article, and
28 received by that election authority before the closing of the
29 polls on election day but too late to be delivered to and
30 counted at the proper precinct polling place shall be endorsed
31 by the receiving election authority with the day and hour of
32 receipt and shall be counted in the office of the election
33 authority on the day of the election after 7:00 p.m.

34 (c) Each absent voter's ballot that is mailed to an
35 election authority and postmarked by the midnight preceding the
36 opening of the polls on election day, but that is received by

1 the election authority after the polls close on election day
2 and before the close of the period for counting provisional
3 ballots cast at that election, shall be endorsed by the
4 receiving authority with the day and hour of receipt and shall
5 be counted at the office of the election authority during the
6 period for counting provisional ballots.

7 (d) Special write-in absentee 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 office of the
13 election authority during the same period provided for counting
14 absent voters' ballots under subsection (b). Special write-in
15 absentee voter's blank ballot that are mailed to an election
16 authority and postmarked by midnight preceding the opening of
17 the polls on election day, but that are received by the
18 election authority after the polls close on election day and
19 before the closing of the period for counting provisional
20 ballots cast at that election, shall be endorsed by the
21 receiving authority with the day and hour of receipt and shall
22 be counted at the office of the election authority during the
23 same periods provided for counting absent voters' ballots under
24 subsection (c).

25 (e) Except as otherwise provided in this Section, absent
26 voters' ballots and special write-in absentee voter's blank
27 ballots received by ~~Absent voter's ballots postmarked after~~
28 ~~11:59 p.m. of the day immediately preceding the election~~
29 ~~returned to the election authority after too late to be~~
30 ~~delivered to the proper polling place before~~ the closing of the
31 polls on the day of election shall be endorsed by the person
32 receiving the ballots ~~same~~ with the day and hour of receipt and
33 shall be safely kept unopened by the election authority for the
34 period of time required for the preservation of ballots used at
35 the ~~such~~ election, and shall then, without being opened, be
36 destroyed in like manner as the used ballots of that ~~such~~

1 election.

2 ~~All absent voters' ballots received by the election~~
3 ~~authority after 12:00 noon on election day or too late for~~
4 ~~delivery to the proper polling place before the closing of the~~
5 ~~polls on election day, except ballots returned by mail~~
6 ~~postmarked after midnight preceding the opening of the polls on~~
7 ~~election day, shall be counted in the office of the election~~
8 ~~authority on the day of the election after 7:00 p.m. All absent~~
9 ~~voters' ballots delivered in error to the wrong precinct~~
10 ~~polling place shall be returned to the election authority and~~
11 ~~counted under this provision.~~

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

20 (g) The procedures set forth in Section 19-9 of this Act
21 and Articles 17 and 18 of this Code, shall apply to all ~~absent~~
22 ~~voters'~~ ballots counted under this Section ~~provision~~; except
23 that votes shall be recorded without regard to precinct
24 designation.

25 (h) Where ~~certain absent voters'~~ ballots are counted in the
26 office of the election authority as provided in this Section,
27 each political party, candidate, and qualified civic
28 organization shall be entitled to have present one pollwatcher
29 for each panel of election judges therein assigned.

30 (Source: P.A. 84-861.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.