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09500HB5040ham001

LRB095 17335 JAM 48079 a

1 AMENDMENT TO HOUSE BILL 5040

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5040 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,  
6 20-3, 20-4, 20-5, and 20-8 and by adding Sections 19-4.5 and  
7 20-4.5 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6  
10 months and in the precinct 30 days next preceding any primary  
11 therein who shall be a citizen of the United States of the age  
12 of 18 or more years, shall be entitled to vote at such primary.

13 The following regulations shall be applicable to  
14 primaries:

15 ~~No person shall be entitled to vote at a primary:~~

16 ~~(a) Unless he declares his party affiliations as required~~

1 ~~by this Article.~~

2 ~~(b) (Blank.)~~

3 ~~(c) (Blank.)~~

4 ~~(c.5) If that person has participated in the town political~~  
5 ~~party caucus, under Section 45 50 of the Township Code, of~~  
6 ~~another political party by signing an affidavit of voters~~  
7 ~~attending the caucus within 45 days before the first day of the~~  
8 ~~calendar month in which the primary is held.~~

9 ~~(d) (Blank.)~~

10 (a) ~~(e)~~ In cities, villages and incorporated towns having a  
11 board of election commissioners only voters registered as  
12 provided by Article 6 of this Act shall be entitled to vote at  
13 such primary.

14 (b) ~~(f)~~ No person shall be entitled to vote at a primary  
15 unless he is registered under the provisions of Articles 4, 5  
16 or 6 of this Act, when his registration is required by any of  
17 said Articles to entitle him to vote at the election with  
18 reference to which the primary is held.

19 (Source: P.A. 95-699, eff. 11-9-07.)

20 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

21 Sec. 7-44. Voter choice of primary ballot. Any person  
22 desiring to vote at a primary shall state his or her name and  
23 residence ~~and party affiliation~~ to the primary judges, one of  
24 whom shall thereupon announce the same in a distinct tone of  
25 voice, sufficiently loud to be heard by all persons in the

1 polling place. When article 4, 5 or 6 is applicable the  
2 Certificate of Registered Voter therein prescribed shall be  
3 made and signed and the official poll record shall be made. If  
4 the person desiring to vote is not challenged, one of the  
5 primary judges shall give to him or her one, ~~and only one,~~  
6 primary ballot of each of the established political parties  
7 nominating candidates for office at the primary election, but  
8 the voter may cast a ballot of only one political party. The  
9 voter shall return all ballots to the election judge. On party  
10 ~~with which he declares himself affiliated, on~~ the back of the  
11 ballot cast by the voter, the ~~which such~~ primary judge shall  
12 endorse his or her initials in such manner that they may be  
13 seen when the primary ballot is properly folded. If the person  
14 desiring to vote is challenged he or she shall not receive a  
15 primary ballot from the primary judges until he or she shall  
16 have established his or her right to vote as ~~hereinafter~~  
17 provided in this Article. ~~No person who refuses to state his~~  
18 ~~party affiliation shall be allowed to vote at a primary.~~

19 ~~A person who declares his party affiliation with a~~  
20 ~~statewide established political party and requests a primary~~  
21 ~~ballot of such party may nonetheless also declare his~~  
22 ~~affiliation with a political party established only within a~~  
23 ~~political subdivision, and may also vote in the primary of such~~  
24 ~~local party on the same election day, provided that such voter~~  
25 ~~may not vote in both such party primaries with respect to~~  
26 ~~offices of the same political subdivision. However, no person~~

1 ~~declaring his affiliation with a statewide established~~  
2 ~~political party may vote in the primary of any other statewide~~  
3 ~~political party on the same election day.~~

4 (Source: P.A. 81-1535.)

5 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

6 Sec. 19-2.1. At the consolidated primary, general primary,  
7 consolidated, and general elections, electors entitled to vote  
8 by absentee ballot under the provisions of Section 19-1 may  
9 vote in person at the office of the municipal clerk, if the  
10 elector is a resident of a municipality not having a board of  
11 election commissioners, or at the office of the township clerk  
12 or, in counties not under township organization, at the office  
13 of the road district clerk if the elector is not a resident of  
14 a municipality; provided, in each case that the municipal,  
15 township or road district clerk, as the case may be, is  
16 authorized to conduct in-person absentee voting pursuant to  
17 this Section. Absentee voting in such municipal and township  
18 clerk's offices under this Section shall be conducted from the  
19 22nd day through the day before the election.

20 Municipal and township clerks (or road district clerks) who  
21 have regularly scheduled working hours at regularly designated  
22 offices other than a place of residence and whose offices are  
23 open for business during the same hours as the office of the  
24 election authority shall conduct in-person absentee voting for  
25 said elections. Municipal and township clerks (or road district

1 clerks) who have no regularly scheduled working hours but who  
2 have regularly designated offices other than a place of  
3 residence shall conduct in-person absentee voting for said  
4 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00  
5 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on  
6 Saturdays, but not during such hours as the office of the  
7 election authority is closed, unless the clerk files a written  
8 waiver with the election authority not later than July 1 of  
9 each year stating that he or she is unable to conduct such  
10 voting and the reasons therefor. Such clerks who conduct  
11 in-person absentee voting may extend their hours for that  
12 purpose to include any hours in which the election authority's  
13 office is open. Municipal and township clerks (or road district  
14 clerks) who have no regularly scheduled office hours and no  
15 regularly designated offices other than a place of residence  
16 may not conduct in-person absentee voting for said elections.  
17 The election authority may devise alternative methods for  
18 in-person absentee voting before said elections for those  
19 precincts located within the territorial area of a municipality  
20 or township (or road district) wherein the clerk of such  
21 municipality or township (or road district) has waived or is  
22 not entitled to conduct such voting. In addition, electors may  
23 vote by absentee ballot under the provisions of Section 19-1 at  
24 the office of the election authority having jurisdiction over  
25 their residence. Unless specifically authorized by the  
26 election authority, municipal, township, and road district

1 clerks shall not conduct in-person absentee voting. No less  
2 than 45 days before the date of an election, the election  
3 authority shall notify the municipal, township, and road  
4 district clerks within its jurisdiction if they are to conduct  
5 in-person absentee voting. Election authorities, however, may  
6 conduct in-person absentee voting in one or more designated  
7 appropriate public buildings from the fourth day before the  
8 election through the day before the election.

9 In conducting in-person absentee voting under this  
10 Section, the respective clerks shall be required to verify the  
11 signature of the absentee voter by comparison with the  
12 signature on the official registration record card. The clerk  
13 also shall reasonably ascertain the identity of such applicant,  
14 shall verify that each such applicant is a registered voter,  
15 and shall verify the precinct in which he or she is registered  
16 and the proper ballots of the political subdivisions in which  
17 the applicant resides and is entitled to vote, prior to  
18 providing any absentee ballot to such applicant. The clerk  
19 shall verify the applicant's registration and from the most  
20 recent poll list provided by the county clerk, and if the  
21 applicant is not listed on that poll list then by telephoning  
22 the office of the county clerk.

23 Absentee voting procedures in the office of the municipal,  
24 township and road district clerks shall be subject to all of  
25 the applicable provisions of this Article 19, including,  
26 without limitation, those procedures relating to primary

1 ballots. Pollwatchers may be appointed to observe in-person  
2 absentee voting procedures and view all reasonably requested  
3 records relating to the conduct of the election, provided the  
4 secrecy of the ballot is not impinged, at the office of the  
5 municipal, township or road district clerks' offices where such  
6 absentee voting is conducted. Such pollwatchers shall qualify  
7 and be appointed in the same manner as provided in Sections  
8 7-34 and 17-23, except each candidate, political party or  
9 organization of citizens may appoint only one pollwatcher for  
10 each location where in-person absentee voting is conducted.  
11 Pollwatchers must be registered to vote in Illinois and possess  
12 valid pollwatcher credentials. All requirements in this  
13 Article applicable to election authorities shall apply to the  
14 respective local clerks, except where inconsistent with this  
15 Section.

16 The sealed absentee ballots in their carrier envelope shall  
17 be delivered by the respective clerks, or by the election  
18 authority on behalf of a clerk if the clerk and the election  
19 authority agree, to the election authority's central ballot  
20 counting location before the close of the polls on the day of  
21 the general primary, consolidated primary, consolidated, or  
22 general election.

23 Not more than 23 days before the general and consolidated  
24 elections, the county clerk shall make available to those  
25 municipal, township and road district clerks conducting  
26 in-person absentee voting within such county, a sufficient

1 number of applications, absentee ballots, envelopes, and  
2 printed voting instruction slips for use by absentee voters in  
3 the offices of such clerks. The respective clerks shall receipt  
4 for all ballots received, shall return all unused or spoiled  
5 ballots to the county clerk on the day of the election and  
6 shall strictly account for all ballots received.

7 The ballots delivered to the respective clerks shall  
8 include absentee ballots for each precinct in the municipality,  
9 township or road district, or shall include such separate  
10 ballots for each political subdivision conducting an election  
11 of officers or a referendum on that election day as will permit  
12 any resident of the municipality, township or road district to  
13 vote absentee in the office of the proper clerk.

14 The clerks of all municipalities, townships and road  
15 districts may distribute applications for absentee ballot for  
16 the use of voters who wish to mail such applications to the  
17 appropriate election authority. Such applications for absentee  
18 ballots shall be made on forms provided by the election  
19 authority. Duplication of such forms by the municipal, township  
20 or road district clerk is prohibited.

21 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
22 94-1000, eff. 7-3-06.)

23 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

24 Sec. 19-3. Application for such ballot shall be made on  
25 blanks to be furnished by the election authority and



1 duplication of such application for ballot is prohibited,  
2 except by the election authority. The application for ballot  
3 shall be substantially in the following form:

4 APPLICATION FOR BALLOT

5 BY ELECTOR WHO EXPECTS TO BE

6 ABSENT FROM COUNTY

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

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 .... month(s) last past; that I am lawfully  
15 entitled to vote in such precinct at the .... election to be  
16 held therein on ....; that I expect to be absent from the  
17 county of my residence on the date of holding such election,  
18 and that I will have no opportunity to vote in person on that  
19 day.

20 I hereby make application for an official ballot or ballots  
21 to be voted by me at such election if I am absent from the  
22 county of my residence, and I agree that I shall return such  
23 ballot or ballots to the official issuing the same prior to the  
24 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

1 statements set forth in this application are true and correct.

2 . . . .

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

4 Post office address to which ballot is mailed:

5 .....

6 ~~However, if application is made for a primary election~~  
7 ~~ballot, such application shall designate the name of the~~  
8 ~~political party with which the applicant is affiliated.~~

9 APPLICATION FOR BALLOT

10 BY ELECTOR WHO IS JUDGE OF ELECTION

11 IN A PRECINCT OTHER THAN THE PRECINCT

12 IN WHICH HE RESIDES

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

16 I state that I am affiliated with the .... party (to be  
17 used in primary elections) and that I am a resident of the ....  
18 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
19 \*.... ward in the city of .... residing at .... in such city or  
20 town in the county of .... and State of Illinois; that I have  
21 lived at such address for .... month(s) last past; that I am  
22 lawfully entitled to vote in such precinct at the .... election  
23 to be held therein on ....; that I am a judge of election in  
24 .... precinct or the (1) \*.... ward in the city of .... or (2)  
25 \*township of .... or (3) \*city, village or incorporated town of  
26 .... in such county and that I will have no opportunity of

1 voting in person on that day:

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

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

10 . . . .

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

12 Post office address to which ballot is mailed:

13 . . . .

14 APPLICATION FOR BALLOT

15 BY PHYSICALLY INCAPACITATED ELECTOR

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

19 I state ~~that I am affiliated with the . . . . party (to be~~  
20 ~~used in primary elections) and~~ that I am a resident of the . . . .  
21 precinct of the (1) \*township of . . . . (2) \*City of . . . . or (3)  
22 \* . . . . ward in the city of . . . . residing at . . . . in such city or  
23 town in the county of . . . . and State of Illinois; that I have  
24 lived at such address for . . . . month(s) last past; that I am  
25 lawfully entitled to vote in such precinct at the . . . . election  
26 to be held therein on . . . .; that I shall be physically

1 incapable of being present at the polls of such precinct on the  
2 date of holding such election for the following reasons:

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

16 BY CHILD SEX OFFENDER ELECTOR

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

20 I state ~~that I am affiliated with the .... party (to be~~  
21 ~~used in primary elections) and~~ that I am a resident of the ....  
22 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
23 \*.... ward in the city of .... residing at .... in such city or  
24 town in the county of .... and State of Illinois; that I have  
25 lived at such address for .... month(s) last past; that I am  
26 lawfully entitled to vote in such precinct at the .... election

1 to be held therein on ....; that my assigned precinct polling  
2 place is in a school and I will be unable to enter the polling  
3 place without violating Section 11-9.3 of the Criminal Code of  
4 1961.

5 I hereby make application for an official ballot or ballots  
6 to be voted by me at such election because my assigned precinct  
7 polling place is in a school and I will be unable to enter the  
8 polling place without violating Section 11-9.3 of the Criminal  
9 Code of 1961, and I agree that I shall return such ballot or  
10 ballots to the official issuing the same prior to the closing  
11 of the polls on the date of election.

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

15 .....

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

17 Post office address to which ballot is mailed:

18 .....

19 APPLICATION FOR BALLOT

20 BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

21 To be voted at the .... election in the county of ....  
22 State of Illinois, in the .... precinct (1) \*township of ....  
23 (2) \*City of .... or (3) \*.... ward in the City of ....

24 I state ~~that I am affiliated with the .... party (to be~~  
25 ~~used in primary elections)~~ and that I am a resident of the ....  
26 precinct of the (1) \*township of .... (2) \*City of .... or (3)

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

9 I hereby make application for an official ballot or ballots  
 10 to be voted by me at such election if I am so unable to be  
 11 present at the polls of such precinct on the date of the  
 12 election because of the tenets of my religion in the observance  
 13 of a religious holiday, and I agree that I shall return the  
 14 ballot or ballots to the official issuing the same prior to the  
 15 closing of the polls on the date of the election.

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

19 .....

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

21 Post office address to which ballot is mailed:

22 .....

23 APPLICATION FOR BALLOT  
 24 BY ELECTOR WHO IS AN ELECTION EMPLOYEE  
 25 OF STATE'S ATTORNEY, COUNTY CLERK OR  
 26 BOARD OF ELECTION COMMISSIONERS

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 employed in the office of the  
11 (State's Attorney of .... County) (County Clerk of .... County)  
12 (Board of Election Commissioners of the (City) (County) of ....  
13 and that because of election duties on the date of holding such  
14 election 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, and I agree that I shall  
18 return such ballot or ballots to the official issuing the same  
19 prior to the closing of the polls on the date of the election.

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

23 .....

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

25 Post office address to which ballot is mailed:

26 .....

1 ~~Provided, that if application be made for a primary~~  
2 ~~election ballot, such application shall designate the name of~~  
3 ~~the political party with which the applicant is affiliated.~~

4 APPLICATION FOR

5 TEMPORARILY ABSENT STUDENT BALLOT

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 temporarily abiding outside  
16 such precinct in the (1) \*township of .... (2) \*City of .... in  
17 the county of .... and State of .... due to the fact I am a  
18 student attending an institution of higher education, and for  
19 that reason do not expect to have an opportunity to vote in  
20 person on that day.

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

26 Under penalties as provided by law pursuant to Section



1 29-10 of The Election Code, the undersigned certifies that the  
2 statements set forth in this application are true and correct.

3 .....

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

5 Post office address to which ballot is mailed:

6 .....

7 ~~However, if application is made for a primary election~~  
8 ~~ballot, such application shall designate the name of the~~  
9 ~~political party with which the applicant is affiliated.~~

10 In lieu of the separate application blanks heretofore  
11 prescribed, the election authority may adopt a standard  
12 application blank in substantially the following form for all  
13 categories of absentee voters:

14 APPLICATION FOR  
15 ABSENT VOTER'S BALLOT

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

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

1 unable to vote in person at the polls of such precinct for the  
2 following reasons:

3 (Check One)

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

5 I expect to be temporarily absent from the country.

6 I shall be serving as a judge of election in the  
7 ..... precinct which is not my precinct of  
8 residence.

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

11 I shall be performing official election duties  
12 for an Election Authority .....,  
13 (election authority)

14 ..... or the State Board of  
15 Elections.

16 (location)

17 I shall be performing election law enforcement  
18 duties in the employment of .....,  
19 (law enforcement agency)

20 .....  
21 (location)

22 I am temporarily abiding in the (1) \*township of ....  
23 (2) \*city of .... in the county of .... and State of .... due to  
24 the fact I am a student attending an institution of higher  
25 education.

26 I am physically incapacitated.

1 Reason(s) :

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

3 .....

4 (court jurisdiction)

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

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

14 .....

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

17 .....

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

21 (Source: P.A. 95-440, eff. 8-27-07.)

22 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

23 Sec. 19-4. Mailing or delivery of ballots - Time.)  
24 Immediately upon the receipt of such application either by  
25 mail, not more than 40 days nor less than 5 days prior to such

1 election, or by personal delivery not more than 40 days nor  
2 less than one day prior to such election, at the office of such  
3 election authority, it shall be the duty of such election  
4 authority to examine the records to ascertain whether or not  
5 such applicant is lawfully entitled to vote as requested,  
6 including a verification of the applicant's signature by  
7 comparison with the signature on the official registration  
8 record card, and if found so to be entitled to vote, to post  
9 within one business day thereafter the name, street address,  
10 ward and precinct number or township and district number, as  
11 the case may be, of such applicant given on a list, the pages  
12 of which are to be numbered consecutively to be kept by such  
13 election authority for such purpose in a conspicuous, open and  
14 public place accessible to the public at the entrance of the  
15 office of such election authority, and in such a manner that  
16 such list may be viewed without necessity of requesting  
17 permission therefor. Within one day after posting the name and  
18 other information of an applicant for an absentee ballot, the  
19 election authority shall transmit that name and other posted  
20 information to the State Board of Elections, which shall  
21 maintain those names and other information in an electronic  
22 format on its website, arranged by county and accessible to  
23 State and local political committees. Within 2 business days  
24 after posting a name and other information on the list within  
25 its office, the election authority shall mail, postage prepaid,  
26 or deliver in person in such office an official ballot or

1 ballots if more than one are to be voted at said election or if  
2 Section 19-4.5 applies. Mail delivery of Temporarily Absent  
3 Student ballot applications pursuant to Section 19-12.3 shall  
4 be by nonforwardable mail. However, for the consolidated  
5 election, absentee ballots for certain precincts may be  
6 delivered to applicants not less than 25 days before the  
7 election if so much time is required to have prepared and  
8 printed the ballots containing the names of persons nominated  
9 for offices at the consolidated primary. The election authority  
10 shall enclose with each absentee ballot or application written  
11 instructions on how voting assistance shall be provided  
12 pursuant to Section 17-14 and a document, written and approved  
13 by the State Board of Elections, enumerating the circumstances  
14 under which a person is authorized to vote by absentee ballot  
15 pursuant to this Article; such document shall also include a  
16 statement informing the applicant that if he or she falsifies  
17 or is solicited by another to falsify his or her eligibility to  
18 cast an absentee ballot, such applicant or other is subject to  
19 penalties pursuant to Section 29-10 and Section 29-20 of the  
20 Election Code. Each election authority shall maintain a list of  
21 the name, street address, ward and precinct, or township and  
22 district number, as the case may be, of all applicants who have  
23 returned absentee ballots to such authority, and the name of  
24 such absent voter shall be added to such list within one  
25 business day from receipt of such ballot. If the absentee  
26 ballot envelope indicates that the voter was assisted in

1 casting the ballot, the name of the person so assisting shall  
2 be included on the list. The list, the pages of which are to be  
3 numbered consecutively, shall be kept by each election  
4 authority in a conspicuous, open, and public place accessible  
5 to the public at the entrance of the office of the election  
6 authority and in a manner that the list may be viewed without  
7 necessity of requesting permission for viewing.

8 Each election authority shall maintain a list for each  
9 election of the voters to whom it has issued absentee ballots.  
10 The list shall be maintained for each precinct within the  
11 jurisdiction of the election authority. Prior to the opening of  
12 the polls on election day, the election authority shall deliver  
13 to the judges of election in each precinct the list of  
14 registered voters in that precinct to whom absentee ballots  
15 have been issued by mail.

16 Each election authority shall maintain a list for each  
17 election of voters to whom it has issued temporarily absent  
18 student ballots. The list shall be maintained for each election  
19 jurisdiction within which such voters temporarily abide.  
20 Immediately after the close of the period during which  
21 application may be made by mail for absentee ballots, each  
22 election authority shall mail to each other election authority  
23 within the State a certified list of all such voters  
24 temporarily abiding within the jurisdiction of the other  
25 election authority.

26 In the event that the return address of an application for

1 ballot by a physically incapacitated elector is that of a  
2 facility licensed or certified under the Nursing Home Care Act,  
3 within the jurisdiction of the election authority, and the  
4 applicant is a registered voter in the precinct in which such  
5 facility is located, the ballots shall be prepared and  
6 transmitted to a responsible judge of election no later than 9  
7 a.m. on the Saturday, Sunday or Monday immediately preceding  
8 the election as designated by the election authority under  
9 Section 19-12.2. Such judge shall deliver in person on the  
10 designated day the ballot to the applicant on the premises of  
11 the facility from which application was made. The election  
12 authority shall by mail notify the applicant in such facility  
13 that the ballot will be delivered by a judge of election on the  
14 designated day.

15 All applications for absentee ballots shall be available at  
16 the office of the election authority for public inspection upon  
17 request from the time of receipt thereof by the election  
18 authority until 30 days after the election, except during the  
19 time such applications are kept in the office of the election  
20 authority pursuant to Section 19-7, and except during the time  
21 such applications are in the possession of the judges of  
22 election.

23 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

24 (10 ILCS 5/19-4.5 new)

25 Sec. 19-4.5. Primary ballots.

1       (a) A person entitled to vote by absentee ballot at a  
2 primary shall not be required to declare his or her political  
3 party affiliation and shall be provided with the ballots of all  
4 established political parties nominating candidates for  
5 offices for which the absentee voter is entitled to vote at  
6 that primary. That absentee voter may mark, cast, and have  
7 counted the primary ballot of only one established political  
8 party.

9       (b) With respect to the marking, casting, and counting of  
10 primary ballots, absentee voting shall be conducted in  
11 accordance with Sections 7-43 and 7-44 of this Code as well as  
12 the provisions of this Article.

13       (c) When voting absentee at a primary by means other than  
14 in-person absentee voting, the voter shall be instructed to  
15 return all ballots to the election authority.

16       (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

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



1 in substantially the following 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 such 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 ....; and I expect to be absent from the county of my residence  
9 on the date of such election.

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

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

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

17 .....

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

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

1 ....; that I shall be physically incapable of being present at  
2 the polls of such precinct on the date of holding such  
3 election.

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

5 I further state that I personally marked the enclosed  
6 ballot in secret. If I received assistance in casting my  
7 ballot, I further attest that, due to physical incapacity, I  
8 marked the enclosed ballot in secret with the assistance of

9 .....

10 (Individual rendering assistance)

11 .....

12 (Residence Address)

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

17 .....

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

26 If the ballot is to go to an elector who will be unable to

1 enter his or her precinct polling place without violating  
2 Section 11-9.3 of the Criminal Code of 1961, the envelope shall  
3 bear upon the back thereof a certification in substantially the  
4 following form:

5 I state that I am a resident of the .... precinct of the  
6 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
7 the city of .... residing at .... in said city or town in the  
8 county of .... and State of Illinois, that I have lived at such  
9 address for .... months last past; that I am lawfully entitled  
10 to vote in such precinct at the .... election to be held on  
11 ....; that my assigned precinct polling place is in a school  
12 and I will be unable to enter the polling place without  
13 violating Section 11-9.3 of the Criminal Code of 1961.

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

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

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

21 .....

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

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

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

17 .....

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

23 I state that I am a resident of the .... precinct of the  
 24 (1) \*township of .... (2) \*City of.... or (3) \*.... ward in the  
 25 city of .... residing at .... in that city or town in the  
 26 county of .... and State of Illinois, that I have lived at such

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

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

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

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

14 .....

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

20 I state that I am a resident of the .... precinct of the  
21 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
22 the city of .... residing at .... in such city or town in the  
23 county of .... and State of Illinois, that I have lived at such  
24 address for .... months last past; that I am lawfully entitled  
25 to vote in such precinct at the .... election to be held on  
26 ....; and I expect to be absent from the precinct of my

1 residence on the date of such election because I am temporarily  
 2 abiding outside such precinct in the (1) \*township of .... (2)  
 3 \*city of .... in the county of .... and State of .... due to the  
 4 fact I am a student attending an institution of higher  
 5 education.

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 election authority adopts the standard absentee  
 15 ballot application blank provided in Section 19-3, the printed  
 16 certification on the absentee ballot envelope shall be in  
 17 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  
 20 in the city of ..... residing at ..... in said city or town  
 21 in the county of ..... and State of Illinois, that I have  
 22 lived at such address for .... months last past; that I shall  
 23 be unable to be present at the polls of such precinct on the  
 24 date of holding such election for the reason indicated on the  
 25 application for ballot enclosed herein.

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

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

5 .....  
 6 (Individual rendering assistance)  
 7 .....  
 8 (Residence Address)

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

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

25 In addition to the above, the election authority shall  
 26 provide printed slips giving full instructions regarding the

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

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

25 (Source: P.A. 94-637, eff. 1-1-06; 95-440, eff. 8-27-07.)



1 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

3 (a) (Blank.)

4 (b) Each absent voter's ballot returned to an election  
5 authority, by any means authorized by this Article, and  
6 received by that election authority before the closing of the  
7 polls on election day shall be endorsed by the receiving  
8 election authority with the day and hour of receipt and shall  
9 be counted in the central ballot counting location of the  
10 election authority on the day of the election after 7:00 p.m.,  
11 except as provided in subsections (g) and (g-5).

12 (c) Each absent voter's ballot that is mailed to an  
13 election authority and postmarked by the midnight preceding the  
14 opening of the polls on election day, but that is received by  
15 the election authority after the polls close on election day  
16 and before the close of the period for counting provisional  
17 ballots cast at that election, shall be endorsed by the  
18 receiving authority with the day and hour of receipt and shall  
19 be counted at the central ballot counting location of the  
20 election authority during the period for counting provisional  
21 ballots.

22 Each absent voter's ballot that is mailed to an election  
23 authority absent a postmark, but that is received by the  
24 election authority after the polls close on election day and  
25 before the close of the period for counting provisional ballots  
26 cast at that election, shall be endorsed by the receiving

1 authority with the day and hour of receipt, opened to inspect  
2 the date inserted on the certification, and, if the  
3 certification date is a date preceding the election day and the  
4 ballot is otherwise found to be valid under the requirements of  
5 this Section, counted at the central ballot counting location  
6 of the election authority during the period for counting  
7 provisional ballots. Absent a date on the certification, the  
8 ballot shall not be counted.

9 (d) Special write-in absentee voter's blank ballots  
10 returned to an election authority, by any means authorized by  
11 this Article, and received by the election authority at any  
12 time before the closing of the polls on election day shall be  
13 endorsed by the receiving election authority with the day and  
14 hour of receipt and shall be counted at the central ballot  
15 counting location of the election authority during the same  
16 period provided for counting absent voters' ballots under  
17 subsections (b), (g), and (g-5). Special write-in absentee  
18 voter's blank ballots that are mailed to an election authority  
19 and postmarked by the midnight preceding the opening of the  
20 polls on election day, but that are received by the election  
21 authority after the polls close on election day and before the  
22 closing of the period for counting provisional ballots cast at  
23 that election, shall be endorsed by the receiving authority  
24 with the day and hour of receipt and shall be counted at the  
25 central ballot counting location of the election authority  
26 during the same periods provided for counting absent voters'

1 ballots under subsection (c).

2 (e) Except as otherwise provided in this Section, absent  
3 voters' ballots and special write-in absentee voter's blank  
4 ballots received by the election authority after the closing of  
5 the polls on an election day shall be endorsed by the election  
6 authority receiving them with the day and hour of receipt and  
7 shall be safely kept unopened by the election authority for the  
8 period of time required for the preservation of ballots used at  
9 the election, and shall then, without being opened, be  
10 destroyed in like manner as the used ballots of that election.

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

18 (g) The procedures set forth in Articles 17 and 18 and,  
19 with respect to primaries, in Section 19-4.5 of this Code shall  
20 apply to all ballots counted under this Section. In addition,  
21 within 2 days after an absentee ballot, other than an in-person  
22 absentee ballot, is received, but in all cases before the close  
23 of the period for counting provisional ballots, the election  
24 judge or official shall compare the voter's signature on the  
25 certification envelope of that absentee ballot with the  
26 signature of the voter on file in the office of the election

1 authority. If the election judge or official determines that  
2 the 2 signatures match, and that the absentee voter is  
3 otherwise qualified to cast an absentee ballot, the election  
4 authority shall cast and count the ballot on election day or  
5 the day the ballot is determined to be valid, whichever is  
6 later, adding the results to the precinct in which the voter is  
7 registered. If the election judge or official determines that  
8 the signatures do not match, or that the absentee voter is not  
9 qualified to cast an absentee ballot, then without opening the  
10 certification envelope, the judge or official shall mark across  
11 the face of the certification envelope the word "Rejected" and  
12 shall not cast or count the ballot.

13 In addition to the voter's signatures not matching, an  
14 absentee ballot may be rejected by the election judge or  
15 official:

16 (1) if the ballot envelope is open or has been opened  
17 and resealed;

18 (2) if the voter has already cast an early or grace  
19 period ballot;

20 (3) if the voter voted in person on election day or the  
21 voter is not a duly registered voter in the precinct; or

22 (4) on any other basis set forth in this Code.

23 If the election judge or official determines that any of  
24 these reasons apply, the judge or official shall mark across  
25 the face of the certification envelope the word "Rejected" and  
26 shall not cast or count the ballot.

1 (g-5) If an absentee ballot, other than an in-person  
2 absentee ballot, is rejected by the election judge or official  
3 for any reason, the election authority shall, within 2 days  
4 after the rejection but in all cases before the close of the  
5 period for counting provisional ballots, notify the absentee  
6 voter that his or her ballot was rejected. The notice shall  
7 inform the voter of the reason or reasons the ballot was  
8 rejected and shall state that the voter may appear before the  
9 election authority, on or before the 14th day after the  
10 election, to show cause as to why the ballot should not be  
11 rejected. The voter may present evidence to the election  
12 authority supporting his or her contention that the ballot  
13 should be counted. The election authority shall appoint a panel  
14 of 3 election judges to review the contested ballot,  
15 application, and certification envelope, as well as any  
16 evidence submitted by the absentee voter. No more than 2  
17 election judges on the reviewing panel shall be of the same  
18 political party. The reviewing panel of election judges shall  
19 make a final determination as to the validity of the contested  
20 absentee ballot. The judges' determination shall not be  
21 reviewable either administratively or judicially.

22 An absentee ballot subject to this subsection that is  
23 determined to be valid shall be counted before the close of the  
24 period for counting provisional ballots.

25 (g-10) All absentee ballots determined to be valid shall be  
26 added to the vote totals for the precincts for which they were

1 cast in the order in which the ballots were opened.

2 (h) Each political party, candidate, and qualified civic  
3 organization shall be entitled to have present one pollwatcher  
4 for each panel of election judges therein assigned.

5 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
6 95-699, eff. 11-9-07.)

7 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

8 Sec. 19-12.1. Any qualified elector who has secured an  
9 Illinois Disabled Person Identification Card in accordance  
10 with The Illinois Identification Card Act, indicating that the  
11 person named thereon has a Class 1A or Class 2 disability or  
12 any qualified voter who has a permanent physical incapacity of  
13 such a nature as to make it improbable that he will be able to  
14 be present at the polls at any future election, or any voter  
15 who is a resident of a facility licensed or certified pursuant  
16 to the Nursing Home Care Act and has a condition or disability  
17 of such a nature as to make it improbable that he will be able  
18 to be present at the polls at any future election, may secure a  
19 disabled voter's or nursing home resident's identification  
20 card, which will enable him to vote under this Article as a  
21 physically incapacitated or nursing home voter.

22 Application for a disabled voter's or nursing home  
23 resident's identification card shall be made either: (a) in  
24 writing, with voter's sworn affidavit, to the county clerk or  
25 board of election commissioners, as the case may be, and shall

1 be accompanied by the affidavit of the attending physician  
2 specifically describing the nature of the physical incapacity  
3 or the fact that the voter is a nursing home resident and is  
4 physically unable to be present at the polls on election days;  
5 or (b) by presenting, in writing or otherwise, to the county  
6 clerk or board of election commissioners, as the case may be,  
7 proof that the applicant has secured an Illinois Disabled  
8 Person Identification Card indicating that the person named  
9 thereon has a Class 1A or Class 2 disability. Upon the receipt  
10 of either the sworn-to application and the physician's  
11 affidavit or proof that the applicant has secured an Illinois  
12 Disabled Person Identification Card indicating that the person  
13 named thereon has a Class 1A or Class 2 disability, the county  
14 clerk or board of election commissioners shall issue a disabled  
15 voter's or nursing home resident's identification card. Such  
16 identification cards shall be issued for a period of 5 years,  
17 upon the expiration of which time the voter may secure a new  
18 card by making application in the same manner as is prescribed  
19 for the issuance of an original card, accompanied by a new  
20 affidavit of the attending physician. The date of expiration of  
21 such five-year period shall be made known to any interested  
22 person by the election authority upon the request of such  
23 person. Applications for the renewal of the identification  
24 cards shall be mailed to the voters holding such cards not less  
25 than 3 months prior to the date of expiration of the cards.

26 Each disabled voter's or nursing home resident's

1 identification card shall bear an identification number, which  
2 shall be clearly noted on the voter's original and duplicate  
3 registration record cards. In the event the holder becomes  
4 physically capable of resuming normal voting, he must surrender  
5 his disabled voter's or nursing home resident's identification  
6 card to the county clerk or board of election commissioners  
7 before the next election.

8 The holder of a disabled voter's or nursing home resident's  
9 identification card may make application by mail for an  
10 official ballot within the time prescribed by Section 19-2.  
11 Such application shall contain the same information as is  
12 included in the form of application for ballot by a physically  
13 incapacitated elector prescribed in Section 19-3 except that it  
14 shall also include the applicant's disabled voter's  
15 identification card number and except that it need not be sworn  
16 to. If an examination of the records discloses that the  
17 applicant is lawfully entitled to vote, he shall be mailed a  
18 ballot or ballots as provided in Section 19-4 and, if  
19 applicable, in Section 19-4.5. The ballot envelope shall be the  
20 same as that prescribed in Section 19-5 for physically disabled  
21 voters, and the manner of voting and returning the ballot shall  
22 be the same as that provided in this Article for other absentee  
23 ballots, except that a statement to be subscribed to by the  
24 voter but which need not be sworn to shall be placed on the  
25 ballot envelope in lieu of the affidavit prescribed by Section  
26 19-5.



1 Any person who knowingly subscribes to a false statement in  
2 connection with voting under this Section shall be guilty of a  
3 Class A misdemeanor.

4 (Source: P.A. 86-820; 86-875; 86-1028.)

5 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

6 Sec. 20-3. The election authority shall furnish the  
7 following applications for absentee registration or absentee  
8 ballot which shall be considered a method of application in  
9 lieu of the official postcard.

10 1. Members of the United States Service, citizens of the  
11 United States temporarily residing outside the territorial  
12 limits of the United States, and certified program participants  
13 under the Address Confidentiality for Victims of Domestic  
14 Violence Act may make application within the periods prescribed  
15 in Sections 20-2 or 20-2.1, as the case may be. Such  
16 application shall be substantially in the following form:

17 "APPLICATION FOR BALLOT

18 To be voted at the..... election in the precinct in  
19 which is located my residence at....., in the  
20 city/village/township of .....(insert home address)  
21 County of..... and State of Illinois.

22 I state that I am a citizen of the United States; that on  
23 (insert date of election) I shall have resided in the State of  
24 Illinois and in the election precinct for 30 days; that on the  
25 above date I shall be the age of 18 years or above; that I am

1 lawfully entitled to vote in such precinct at that election;  
2 that I am (check category 1, 2, or 3 below):

3 1. ( ) a member of the United States Service,

4 2. ( ) a citizen of the United States temporarily residing  
5 outside the territorial limits of the United States and that I  
6 expect to be absent from the said county of my residence on the  
7 date of holding such election, and that I will have no  
8 opportunity to vote in person on that day.

9 3. ( ) a certified program participant under the Address  
10 Confidentiality for Victims of Domestic Violence Act.

11 I hereby make application for an official ballot or ballots  
12 to be voted by me at such election if I am absent from the said  
13 county of my residence, and I agree that I shall return said  
14 ballot or ballots to the election authority prior to the  
15 closing of the polls on the date of the election or shall  
16 destroy said ballot or ballots.

17 (Check below only if category 2 or 3 and not previously  
18 registered)

19 ( ) I hereby make application to become registered as a  
20 voter and agree to return the forms and affidavits for  
21 registration to the election authority not later than 30 days  
22 before the election.

23 Under penalties as provided by law pursuant to Article 29  
24 of The Election Code, the undersigned certifies that the  
25 statements set forth in this application are true and correct.

26 .....

1 Post office address or service address to which  
 2 registration materials or ballot should be mailed  
 3 .....  
 4 .....  
 5 .....  
 6 ....."

7 ~~If application is made for a primary election ballot, such~~  
 8 ~~application shall designate the name of the political party~~  
 9 ~~with which the applicant is affiliated.~~

10 Such applications may be obtained from the election  
 11 authority having jurisdiction over the person's precinct of  
 12 residence.

13 2. A spouse or dependent of a member of the United States  
 14 Service, said spouse or dependent being a registered voter in  
 15 the county, may make application on behalf of said person in  
 16 the office of the election authority within the periods  
 17 prescribed in Section 20-2 which shall be substantially in the  
 18 following form:

19 "APPLICATION FOR BALLOT to be voted at the..... election  
 20 in the precinct in which is located the residence of the person  
 21 for whom this application is made at.....(insert  
 22 residence address) in the city/village/township of.....  
 23 County of..... and State of Illinois.

24 I certify that the following named person.....  
 25 (insert name of person) is a member of the United States  
 26 Service.

1 I state that said person is a citizen of the United States;  
 2 that on (insert date of election) said person shall have  
 3 resided in the State of Illinois and in the election precinct  
 4 for which this application is made for 30 days; that on the  
 5 above date said person shall be the age of 18 years or above;  
 6 that said person is lawfully entitled to vote in such precinct  
 7 at that election; that said person is a member of the United  
 8 States Service, and that in the course of his duties said  
 9 person expects to be absent from his county of residence on the  
 10 date of holding such election, and that said person will have  
 11 no opportunity to vote in person on that day.

12 I hereby make application for an official ballot or ballots  
 13 to be voted by said person at such election and said person  
 14 agrees that he shall return said ballot or ballots to the  
 15 election authority prior to the closing of the polls on the day  
 16 of the election, or shall destroy said ballot or ballots.

17 I hereby certify that I am the (mother, father, sister,  
 18 brother, husband or wife) of the said elector, and that I am a  
 19 registered voter in the election precinct for which this  
 20 application is made. (Strike all but one that is applicable.)

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

24 Name of applicant .....

25 Residence address .....

26 City/village/township.....



1 the name and other information of an applicant for a ballot,  
2 the election authority shall transmit that name and posted  
3 information to the State Board of Elections, which shall  
4 maintain the names and other information in an electronic  
5 format on its website, arranged by county and accessible to  
6 State and local political committees. As soon as the official  
7 ballot is prepared the election authority shall immediately  
8 deliver the same to the applicant in person or by mail, in the  
9 manner prescribed in Section 20-4.5, when applicable, and  
10 Section 20-5.

11 If any such election authority receives a second or  
12 additional application which it believes is from the same  
13 person, he or it shall submit it to the chief judge of the  
14 circuit court or any judge of that court designated by the  
15 chief judge. If the chief judge or his designate determines  
16 that the application submitted to him is a second or additional  
17 one, he shall so notify the election authority who shall  
18 disregard the second or additional application.

19 The election authority shall maintain a list for each  
20 election of the voters to whom it has issued absentee ballots.  
21 The list shall be maintained for each precinct within the  
22 jurisdiction of the election authority. Prior to the opening of  
23 the polls on election day, the election authority shall deliver  
24 to the judges of election in each precinct the list of  
25 registered voters in that precinct to whom absentee ballots  
26 have been issued.

1 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

2 (10 ILCS 5/20-4.5 new)

3 Sec. 20-4.5. Primary ballots.

4 (a) A person entitled to vote by absentee ballot at a  
5 primary shall not be required to declare his or her political  
6 party affiliation and shall be provided with the ballots of all  
7 established political parties nominating candidates for  
8 offices for which the absentee voter is entitled to vote at  
9 that primary. That absentee voter may mark, cast, and have  
10 counted the primary ballot of only one established political  
11 party.

12 (b) With respect to the marking, casting, and counting of  
13 primary ballots, absentee voting shall be conducted in  
14 accordance with Sections 7-43 and 7-44 of this Code as well as  
15 the provisions of this Article.

16 (c) When voting absentee at a primary, the voter shall be  
17 instructed to return all ballots to the election authority.

18 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

19 Sec. 20-5. The election authority shall fold the ballot or  
20 ballots in the manner specified by the statute for folding  
21 ballots prior to their deposit in the ballot box and shall  
22 enclose such ballot in an envelope unsealed to be furnished by  
23 it, which envelope shall bear upon the face thereof the name,  
24 official title and post office address of the election

1 authority, and upon the other side of such envelope there shall  
2 be printed a certification in substantially the following form:

3 "CERTIFICATION

4 I state that I am a resident/former resident of the .....  
5 precinct of the city/village/township of .....,  
6 (Designation to be made by Election Authority) or of the ....  
7 ward in the city of ..... (Designation to be made by  
8 Election Authority) residing at ..... in said  
9 city/village/township in the county of ..... and State of  
10 Illinois; that I am a

- 11 1. ( ) member of the United States Service
- 12 2. ( ) citizen of the United States temporarily residing  
13 outside the territorial limits of the United States
- 14 3. ( ) nonresident civilian citizen

15 and desire to cast the enclosed ballot pursuant to Article 20  
16 of The Election Code; that I am lawfully entitled to vote in  
17 such precinct at the ..... election to be held on  
18 .....

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

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

25 ..... (Name)  
26 .....



1 (Service Address)"  
 2 .....  
 3 .....  
 4 .....

5 ~~If the ballot enclosed is to be voted at a primary~~  
 6 ~~election, the certification shall designate the name of the~~  
 7 ~~political party with which the voter is affiliated.~~

8 In addition to the above, the election authority shall  
 9 provide printed slips giving full instructions regarding the  
 10 manner of completing the forms and affidavits for absentee  
 11 registration or the manner of marking and returning the ballot  
 12 in order that the same may be counted, and shall furnish one of  
 13 the printed slips to each of the applicants at the same time  
 14 the registration materials or ballot is delivered to him.

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

25 The envelope in which such registration or such ballot is  
 26 mailed to the voter as well as the envelope in which the

1 registration materials or the ballot is returned by the voter  
2 shall have printed across the face thereof two parallel  
3 horizontal red bars, each one-quarter inch wide, extending from  
4 one side of the envelope to the other side, with an intervening  
5 space of one-quarter inch, the top bar to be one and  
6 one-quarter inches from the top of the envelope, and with the  
7 words "Official Election Balloting Material-VIA AIR MAIL"  
8 between the bars. In the upper right corner of such envelope in  
9 a box, there shall be printed the words: "U.S. Postage Paid 42  
10 USC 1973". All printing on the face of such envelopes shall be  
11 in red, including an appropriate inscription or blank in the  
12 upper left corner of return address of sender.

13 (Source: P.A. 84-1467.)

14 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

16 (a) (Blank.)

17 (b) Each absent voter's ballot returned to an election  
18 authority, by any means authorized by this Article, and  
19 received by that election authority before the closing of the  
20 polls on election day shall be endorsed by the receiving  
21 election authority with the day and hour of receipt and shall  
22 be counted in the central ballot counting location of the  
23 election authority on the day of the election after 7:00 p.m.,  
24 except as provided in subsections (g) and (g-5).

25 (c) Each absent voter's ballot that is mailed to an

1 election authority and postmarked by the midnight preceding the  
2 opening of the polls on election day, but that is received by  
3 the election authority after the polls close on election day  
4 and before the close 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 central ballot counting location of the  
8 election authority during the period for counting provisional  
9 ballots.

10 Each absent voter's ballot that is mailed to an election  
11 authority absent a postmark, but that is received by the  
12 election authority after the polls close on election day and  
13 before the close of the period for counting provisional ballots  
14 cast at that election, shall be endorsed by the receiving  
15 authority with the day and hour of receipt, opened to inspect  
16 the date inserted on the certification, and, if the  
17 certification date is a date preceding the election day and the  
18 ballot is otherwise found to be valid under the requirements of  
19 this Section, counted at the central ballot counting location  
20 of the election authority during the period for counting  
21 provisional ballots. Absent a date on the certification, the  
22 ballot shall not be counted.

23 (d) Special write-in absentee voter's blank ballots  
24 returned to an election authority, by any means authorized by  
25 this Article, and received by the election authority at any  
26 time before the closing of the polls on election day shall be

1 endorsed by the receiving election authority with the day and  
2 hour of receipt and shall be counted at the central ballot  
3 counting location of the election authority during the same  
4 period provided for counting absent voters' ballots under  
5 subsections (b), (g), and (g-5). Special write-in absentee  
6 voter's blank ballot that are mailed to an election authority  
7 and postmarked by midnight preceding the opening of the polls  
8 on election day, but that are received by the election  
9 authority after the polls close on election day and before the  
10 closing of the period for counting provisional ballots cast at  
11 that election, shall be endorsed by the receiving authority  
12 with the day and hour of receipt and shall be counted at the  
13 central ballot counting location of the election authority  
14 during the same periods provided for counting absent voters'  
15 ballots under subsection (c).

16 (e) Except as otherwise provided in this Section, absent  
17 voters' ballots and special write-in absentee voter's blank  
18 ballots received by the election authority after the closing of  
19 the polls on the day of election shall be endorsed by the  
20 person receiving the ballots with the day and hour of receipt  
21 and shall be safely kept unopened by the election authority for  
22 the period of time required for the preservation of ballots  
23 used at the election, and shall then, without being opened, be  
24 destroyed in like manner as the used ballots of that election.

25 (f) Counting required under this Section to begin on  
26 election day after the closing of the polls shall commence no

1 later than 8:00 p.m. and shall be conducted by a panel or  
2 panels of election judges appointed in the manner provided by  
3 law. The counting shall continue until all absent voters'  
4 ballots and special write-in absentee voter's blank ballots  
5 required to be counted on election day have been counted.

6 (g) The procedures set forth in Articles 17 and 18 and,  
7 with respect to primaries, in Section 20-4.5 of this Code shall  
8 apply to all ballots counted under this Section. In addition,  
9 within 2 days after a ballot subject to this Article is  
10 received, but in all cases before the close of the period for  
11 counting provisional ballots, the election judge or official  
12 shall compare the voter's signature on the certification  
13 envelope of that ballot with the signature of the voter on file  
14 in the office of the election authority. If the election judge  
15 or official determines that the 2 signatures match, and that  
16 the voter is otherwise qualified to cast a ballot under this  
17 Article, the election authority shall cast and count the ballot  
18 on election day or the day the ballot is determined to be  
19 valid, whichever is later, adding the results to the precinct  
20 in which the voter is registered. If the election judge or  
21 official determines that the signatures do not match, or that  
22 the voter is not qualified to cast a ballot under this Article,  
23 then without opening the certification envelope, the judge or  
24 official shall mark across the face of the certification  
25 envelope the word "Rejected" and shall not cast or count the  
26 ballot.

1           In addition to the voter's signatures not matching, a  
2 ballot subject to this Article may be rejected by the election  
3 judge or official:

4           (1) if the ballot envelope is open or has been opened  
5 and resealed;

6           (2) if the voter has already cast an early or grace  
7 period ballot;

8           (3) if the voter voted in person on election day or the  
9 voter is not a duly registered voter in the precinct; or

10           (4) on any other basis set forth in this Code.

11           If the election judge or official determines that any of  
12 these reasons apply, the judge or official shall mark across  
13 the face of the certification envelope the word "Rejected" and  
14 shall not cast or count the ballot.

15           (g-5) If a ballot subject to this Article is rejected by  
16 the election judge or official for any reason, the election  
17 authority shall, within 2 days after the rejection but in all  
18 cases before the close of the period for counting provisional  
19 ballots, notify the voter that his or her ballot was rejected.  
20 The notice shall inform the voter of the reason or reasons the  
21 ballot was rejected and shall state that the voter may appear  
22 before the election authority, on or before the 14th day after  
23 the election, to show cause as to why the ballot should not be  
24 rejected. The voter may present evidence to the election  
25 authority supporting his or her contention that the ballot  
26 should be counted. The election authority shall appoint a panel

1 of 3 election judges to review the contested ballot,  
2 application, and certification envelope, as well as any  
3 evidence submitted by the absentee voter. No more than 2  
4 election judges on the reviewing panel shall be of the same  
5 political party. The reviewing panel of election judges shall  
6 make a final determination as to the validity of the contested  
7 ballot. The judges' determination shall not be reviewable  
8 either administratively or judicially.

9 A ballot subject to this subsection that is determined to  
10 be valid shall be counted before the close of the period for  
11 counting provisional ballots.

12 (g-10) All ballots determined to be valid shall be added to  
13 the vote totals for the precincts for which they were cast in  
14 the order in which the ballots were opened.

15 (h) Each political party, candidate, and qualified civic  
16 organization shall be entitled to have present one pollwatcher  
17 for each panel of election judges therein assigned.

18 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
19 95-699, eff. 11-9-07.)".