



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0250

Introduced 2/7/2007, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-2.1	from Ch. 46, par. 19-2.1
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4	from Ch. 46, par. 20-4
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

LRB095 04726 JAM 24785 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 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~~
17 ~~by this Article.~~

18 ~~(b) Who shall have signed the petition for nomination of a~~
19 ~~candidate of any party with which he does not affiliate, when~~
20 ~~such candidate is to be voted for at the primary.~~

21 ~~(c) Who shall have signed the nominating papers of an~~
22 ~~independent candidate for any office for which office~~
23 ~~candidates for nomination are to be voted for at such primary.~~

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

6 ~~(d) If he has voted at a primary held under this Article 7~~
7 ~~of another political party within a period of 23 calendar~~
8 ~~months next preceding the calendar month in which such primary~~
9 ~~is held: Provided, participation by a primary elector in a~~
10 ~~primary of a political party which, under the provisions of~~
11 ~~Section 7-2 of this Article, is a political party within a~~
12 ~~city, village or incorporated town or town only and entitled~~
13 ~~hereunder to make nominations of candidates for city, village~~
14 ~~or incorporated town or town offices only, and for no other~~
15 ~~office or offices, shall not disqualify such primary elector~~
16 ~~from participating in other primaries of his party: And,~~
17 ~~provided, that no qualified voter shall be precluded from~~
18 ~~participating in the primary of any purely city, village or~~
19 ~~incorporated town or town political party under the provisions~~
20 ~~of Section 7-2 of this Article by reason of such voter having~~
21 ~~voted at the primary of another political party within a period~~
22 ~~of 23 calendar months next preceding the calendar month in~~
23 ~~which he seeks to participate is held.~~

24 (a) ~~(e)~~ In cities, villages and incorporated towns having
25 a board of election commissioners only voters registered as
26 provided by Article 6 of this Act shall be entitled to vote at

1 such primary.

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

7 (Source: P.A. 89-331, eff. 8-17-95.)

8 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

9 Sec. 7-44. Voter choice of primary ballot.

10 (a) Any person desiring to vote at a primary shall state
11 his or her name and, residence ~~and party affiliation~~ to the
12 primary judges, one of whom shall thereupon announce the same
13 in a distinct tone of voice, sufficiently loud to be heard by
14 all persons in the polling place. When article 4, 5 or 6 is
15 applicable the Certificate of Registered Voter therein
16 prescribed shall be made and signed and the official poll
17 record shall be made. If the person desiring to vote is not
18 challenged, one of the primary judges shall give to him or her
19 ~~one, and only one,~~ primary ballot of each of the established
20 political parties nominating candidates for office at the
21 primary election, but the voter may cast a ballot of only one
22 political party, except as otherwise provided in subsection (b)
23 ~~party with which he declares himself affiliated,~~ on the back of
24 which the ~~such~~ primary judge shall endorse his or her initials
25 in such manner that they may be seen when the primary ballot is

1 properly folded. If the person desiring to vote is challenged
2 he or she shall not receive a primary ballot from the primary
3 judges until he or she shall have established his or her right
4 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
5 ~~refuses to state his party affiliation shall be allowed to vote~~
6 ~~at a primary.~~

7 (b) A person who casts a ballot of ~~declares his party~~
8 ~~affiliation with~~ a statewide established political party ~~and~~
9 ~~requests a primary ballot of such party may nonetheless also~~
10 ~~declare his affiliation with a political party established only~~
11 ~~within a political subdivision, and~~ may also vote in the
12 primary of a ~~such~~ local political party established only within
13 a political subdivision on the same election day, provided that
14 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
15 respect to offices of the same political subdivision. However,
16 no person casting a ballot of ~~declaring his affiliation with~~ a
17 statewide established political party may vote in the primary
18 of any other statewide political party on the same election
19 day. Each party's primary ballot shall include a space for the
20 voter to mark, indicating that political party as the party for
21 which the voter cast his or her votes. The voter may mark the
22 space on the ballot of only one political party indicating that
23 party, except as otherwise provided in this Section. If the
24 voter desires to cast his or her ballot of a statewide
25 political party and a political party established only within a
26 political subdivision, the voter may indicate that choice by

1 marking the space provided on the ballot of the statewide
2 political party and by also marking the space provided on the
3 ballot of the political party established only within a
4 political subdivision. If the voter does not mark the space on
5 the primary ballot indicating the political party in which the
6 voter cast his or her ballot, or marks more than one such
7 space, the judges of election shall count only the votes of the
8 political party in which the voter cast a vote for the office
9 nearest the top of the ballot.

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

11 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

12 Sec. 19-2.1. At the consolidated primary, general primary,
13 consolidated, and general elections, electors entitled to vote
14 by absentee ballot under the provisions of Section 19-1 may
15 vote in person at the office of the municipal clerk, if the
16 elector is a resident of a municipality not having a board of
17 election commissioners, or at the office of the township clerk
18 or, in counties not under township organization, at the office
19 of the road district clerk if the elector is not a resident of
20 a municipality; provided, in each case that the municipal,
21 township or road district clerk, as the case may be, is
22 authorized to conduct in-person absentee voting pursuant to
23 this Section. Absentee voting in such municipal and township
24 clerk's offices under this Section shall be conducted from the
25 22nd day through the day before the election.

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

1 municipality or township (or road district) has waived or is
2 not entitled to conduct such voting. In addition, electors may
3 vote by absentee ballot under the provisions of Section 19-1 at
4 the office of the election authority having jurisdiction over
5 their residence. Unless specifically authorized by the
6 election authority, municipal, township, and road district
7 clerks shall not conduct in-person absentee voting. No less
8 than 45 days before the date of an election, the election
9 authority shall notify the municipal, township, and road
10 district clerks within its jurisdiction if they are to conduct
11 in-person absentee voting. Election authorities, however, may
12 conduct in-person absentee voting in one or more designated
13 appropriate public buildings from the fourth day before the
14 election through the day before the election.

15 In conducting in-person absentee voting under this
16 Section, the respective clerks shall be required to verify the
17 signature of the absentee voter by comparison with the
18 signature on the official registration record card. The clerk
19 also shall reasonably ascertain the identity of such applicant,
20 shall verify that each such applicant is a registered voter,
21 and shall verify the precinct in which he or she is registered
22 and the proper ballots of the political subdivisions in which
23 the applicant resides and is entitled to vote, prior to
24 providing any absentee ballot to such applicant. The clerk
25 shall verify the applicant's registration and from the most
26 recent poll list provided by the county clerk, and if the

1 applicant is not listed on that poll list then by telephoning
2 the office of the county clerk.

3 Absentee voting procedures in the office of the municipal,
4 township and road district clerks shall be subject to all of
5 the applicable provisions of this Article 19, including,
6 without limitation, those procedures relating to primary
7 ballots. Pollwatchers may be appointed to observe in-person
8 absentee voting procedures and view all reasonably requested
9 records relating to the conduct of the election, provided the
10 secrecy of the ballot is not impinged, at the office of the
11 municipal, township or road district clerks' offices where such
12 absentee voting is conducted. Such pollwatchers shall qualify
13 and be appointed in the same manner as provided in Sections
14 7-34 and 17-23, except each candidate, political party or
15 organization of citizens may appoint only one pollwatcher for
16 each location where in-person absentee voting is conducted.
17 Pollwatchers must be registered to vote in Illinois and possess
18 valid pollwatcher credentials. All requirements in this
19 Article applicable to election authorities shall apply to the
20 respective local clerks, except where inconsistent with this
21 Section.

22 The sealed absentee ballots in their carrier envelope shall
23 be delivered by the respective clerks, or by the election
24 authority on behalf of a clerk if the clerk and the election
25 authority agree, to the election authority's central ballot
26 counting location before the close of the polls on the day of

1 the general primary, consolidated primary, consolidated, or
2 general election.

3 Not more than 23 days before the general and consolidated
4 elections, the county clerk shall make available to those
5 municipal, township and road district clerks conducting
6 in-person absentee voting within such county, a sufficient
7 number of applications, absentee ballots, envelopes, and
8 printed voting instruction slips for use by absentee voters in
9 the offices of such clerks. The respective clerks shall receipt
10 for all ballots received, shall return all unused or spoiled
11 ballots to the county clerk on the day of the election and
12 shall strictly account for all ballots received.

13 The ballots delivered to the respective clerks shall
14 include absentee ballots for each precinct in the municipality,
15 township or road district, or shall include such separate
16 ballots for each political subdivision conducting an election
17 of officers or a referendum on that election day as will permit
18 any resident of the municipality, township or road district to
19 vote absentee in the office of the proper clerk.

20 The clerks of all municipalities, townships and road
21 districts may distribute applications for absentee ballot for
22 the use of voters who wish to mail such applications to the
23 appropriate election authority. Such applications for absentee
24 ballots shall be made on forms provided by the election
25 authority. Duplication of such forms by the municipal, township
26 or road district clerk is prohibited.

1 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
2 94-1000, eff. 7-3-06.)

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

4 Sec. 19-3. Application for such ballot shall be made on
5 blanks to be furnished by the election authority and
6 duplication of such application for ballot is prohibited,
7 except by the election authority. The application for ballot
8 shall be substantially in the following form:

9 APPLICATION FOR BALLOT

10 BY ELECTOR WHO EXPECTS TO BE

11 ABSENT FROM COUNTY

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

15 I state that I am a resident of the precinct of the
16 (1) *township of (2) *City of or (3) *.... ward in
17 the city of residing at in such city or town in the
18 county of and State of Illinois; that I have lived at such
19 address for month(s) last past; that I am lawfully
20 entitled to vote in such precinct at the election to be
21 held therein on; that I expect to be absent from the
22 county of my residence on the date of holding such election,
23 and that I will have no opportunity to vote in person on that
24 day.

25 I hereby make application for an official ballot or ballots

1 to be voted by me at such election if I am absent from the
2 county of my residence, and I agree that I shall return such
3 ballot or ballots to the official issuing the same prior to the
4 closing of the polls on the date of the election.

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

8

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

10 Post office address to which ballot is mailed:

11

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

15 APPLICATION FOR BALLOT

16 BY ELECTOR WHO IS JUDGE OF ELECTION

17 IN A PRECINCT OTHER THAN THE PRECINCT

18 IN WHICH HE RESIDES

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

22 I state that I am affiliated with the party (to be
23 used in primary elections) and that I am a resident of the
24 precinct of the (1) *township of (2) *City of or (3)
25 *.... ward in the city of residing at in such city or
26 town in the county of and State of Illinois; that I have

1 lived at such address for month(s) last past; that I am
2 lawfully entitled to vote in such precinct at the election
3 to be held therein on; that I am a judge of election in
4 precinct or the (1) *.... ward in the city of or (2)
5 *township of or (3) *city, village or incorporated town of
6 in such county and that I will have no opportunity of
7 voting in person on that day:

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

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

16

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

18 Post office address to which ballot is mailed:

19

20 APPLICATION FOR BALLOT

21 BY PHYSICALLY INCAPACITATED ELECTOR

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

25 I state ~~that I am affiliated with the party (to be~~
26 ~~used in primary elections) and~~ that I am a resident of the

1 precinct of the (1) *township of (2) *City of or (3)
 2 *.... ward in the city of residing at in such city or
 3 town in the county of and State of Illinois; that I have
 4 lived at such address for month(s) last past; that I am
 5 lawfully entitled to vote in such precinct at the election
 6 to be held therein on; that I shall be physically
 7 incapable of being present at the polls of such precinct on the
 8 date of holding such election for the following reasons:

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

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

17

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

19 Post office address to which ballot is mailed:

20

21 APPLICATION FOR BALLOT

22 BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

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

26 I state ~~that I am affiliated with the party (to be~~

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

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

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

21

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

23 Post office address to which ballot is mailed:

24

25 APPLICATION FOR BALLOT

26 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

1 OF STATE'S ATTORNEY, COUNTY CLERK OR

2 BOARD OF ELECTION COMMISSIONERS

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

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

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

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

25

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

1 Post office address to which ballot is mailed:

2

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

6 APPLICATION FOR
7 TEMPORARILY ABSENT STUDENT BALLOT

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

11 I state that I am a resident of the precinct of the
12 (1) *township of (2) *City of or (3) *.... ward in
13 the city of residing at in such city or town in the
14 county of and State of Illinois; that I have lived at such
15 address for month(s) last past; that I am lawfully
16 entitled to vote in such precinct at the election to be
17 held therein on; that I am temporarily abiding outside
18 such precinct in the (1) *township of (2) *City of in
19 the county of and State of due to the fact I am a
20 student attending an institution of higher education, and for
21 that reason do not expect to have an opportunity to vote in
22 person on that day.

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

1 closing of the polls on the date of the election.

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

5

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

7 Post office address to which ballot is mailed:

8

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

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

16 APPLICATION FOR
17 ABSENT VOTER'S BALLOT

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

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

1 am lawfully entitled to vote in such precinct at a
2 election to be held therein on; and that I will be
3 unable to vote in person at the polls of such precinct for the
4 following reasons:

5 (Check One)

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

7 I expect to be temporarily absent from the country.

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

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

13 I shall be performing official election duties
14 for an Election Authority,

15 (election authority)

16 or the State Board of

17 Elections.

18 (location)

19 I shall be performing election law enforcement
20 duties in the employment of,

21 (law enforcement agency)

22

23 (location)

24 I am temporarily abiding in the (1) *township
25 of (2) *city ofin the county of
26 and State of due to the fact I am a

1 student attending an institution of higher education.

2 I am physically incapacitated.

3 Reason(s):

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

5

6 (court jurisdiction)

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

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

16

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

19

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

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

24 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

25 Sec. 19-4. Mailing or delivery of ballots - Time.)

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

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

1 business day from receipt of such ballot. If the absentee
2 ballot envelope indicates that the voter was assisted in
3 casting the ballot, the name of the person so assisting shall
4 be included on the list. The list, the pages of which are to be
5 numbered consecutively, shall be kept by each election
6 authority in a conspicuous, open, and public place accessible
7 to the public at the entrance of the office of the election
8 authority and in a manner that the list may be viewed without
9 necessity of requesting permission for viewing.

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

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

1 election authority.

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

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

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

1 (10 ILCS 5/19-4.5 new)

2 Sec. 19-4.5. Primary ballots.

3 (a) A person entitled to vote by absentee ballot at a
4 primary shall not be required to declare his or her political
5 party affiliation and shall be provided with the ballots of all
6 established political parties nominating candidates for
7 offices for which the absentee voter is entitled to vote at
8 that primary. That absentee voter may mark, cast, and have
9 counted the primary ballot of only one established political
10 party, except that he or she may mark, cost, and have counted
11 the primary ballots of a statewide established political party
12 and a local political party established only within a political
13 subdivision as provided in subsection (b) of Section 7-44.

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

18 (c) When voting absentee at a primary by means other than
19 in-person absentee voting, the voter shall be instructed to
20 discard or otherwise destroy any ballots of political parties
21 that the voter does not intend to cast. Such a discarded or
22 destroyed ballot or ballots is not the ballot or ballots the
23 voter agreed in the absentee ballot application to return to
24 the election authority.

25 If a voter subject to this subsection returns to the
26 election authority the ballot of more than one established

1 political party, the judges of election shall determine which
2 votes to count as provided in subsection (b) of Section 7-44.

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

4 Sec. 19-5. It shall be the duty of the election authority
5 to fold the ballot or ballots in the manner specified by the
6 statute for folding ballots prior to their deposit in the
7 ballot box, and to enclose such ballot or ballots in an
8 envelope unsealed to be furnished by him, which envelope shall
9 bear upon the face thereof the name, official title and post
10 office address of the election authority, and upon the other
11 side if the ballot is to go to an elector who is to be out of
12 the county on the day of the election a printed certification
13 in substantially the following form:

14 I state that I am a resident of the precinct of the
15 (1) *township of (2) *City of or (3) *.... ward in
16 the city of residing at in such city or town in the
17 county of and State of Illinois, that I have lived at such
18 address for months last past; that I am lawfully entitled
19 to vote in such precinct at the election to be held on
20; and I expect to be absent from the county of my residence
21 on the date of such election.

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

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

25 Under penalties of perjury as provided by law pursuant to

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

4

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

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

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

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

22

23 (Individual rendering assistance)

24

25 (Residence Address)

26 Under penalties of perjury as provided by law pursuant to

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

4
 5

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

14 If the ballot is to go to an elector who is unable to be
 15 present at the polls on the date of the election because of the
 16 observance of a religious holiday, the envelope shall bear upon
 17 the back thereof a certification in substantially the following
 18 form:

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

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

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

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

8

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

14 I state that I am a resident of the precinct of the
15 (1) *township of (2) *City of.... or (3) *.... ward in the
16 city of residing at in that city or town in the
17 county of and State of Illinois, that I have lived at such
18 address for months last past; that I am lawfully entitled
19 to vote in such precinct at the election to be held on
20; that I shall be unable to be present at the polls of such
21 precinct on the date of holding such election because of my
22 confinement or detention in jail pending acquittal or
23 conviction of a crime.

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

25 I further state that I personally marked the enclosed
26 ballot in secret.

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

5

6 If the ballot is to go to an elector who is temporarily
 7 abiding outside the precinct in which he is registered to vote
 8 due to the fact he is a student attending an institution of
 9 higher education the envelope shall bear upon the back thereof
 10 a certification in substantially the following form:

11 I state that I am a resident of the precinct of the
 12 (1) *township of (2) *City of or (3) *.... ward in
 13 the city of residing at in such city or town in the
 14 county of and State of Illinois, that I have lived at such
 15 address for months last past; that I am lawfully entitled
 16 to vote in such precinct at the election to be held on
 17; and I expect to be absent from the precinct of my
 18 residence on the date of such election because I am temporarily
 19 abiding outside such precinct in the (1) *township of (2)
 20 *city of in the county of and State of due to the
 21 fact I am a student attending an institution of higher
 22 education.

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

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

26 Under penalties of perjury as provided by law pursuant to

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

4

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

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

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

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

22

23 (Individual rendering assistance)

24

25 (Residence Address)

26 Under penalties of perjury provided by law pursuant to

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

4
 5

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

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

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

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

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

16 (Source: P.A. 94-637, eff. 1-1-06.)

17 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

19 (a) (Blank.)

20 (b) Each absent voter's ballot returned to an election
21 authority, by any means authorized by this Article, and
22 received by that election authority before the closing of the
23 polls on election day shall be endorsed by the receiving
24 election authority with the day and hour of receipt and shall
25 be counted in the central ballot counting location of the

1 election authority on the day of the election after 7:00 p.m.,
2 except as provided in subsections (g) and (g-5).

3 (c) Each absent voter's ballot that is mailed to an
4 election authority and postmarked by the midnight preceding the
5 opening of the polls on election day, but that is received by
6 the election authority after the polls close on election day
7 and before the close of the period for counting provisional
8 ballots cast at that election, shall be endorsed by the
9 receiving authority with the day and hour of receipt and shall
10 be counted at the central ballot counting location of the
11 election authority during the period for counting provisional
12 ballots.

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

1 that election, shall be endorsed by the receiving authority
2 with the day and hour of receipt and shall be counted at the
3 central ballot counting location of the election authority
4 during the same periods provided for counting absent voters'
5 ballots under subsection (c).

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

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

22 (g) The procedures set forth in Articles 17 and 18 and,
23 with respect to primaries, in Section 19-4.5 of this Code shall
24 apply to all ballots counted under this Section. In addition,
25 within 2 days after an absentee ballot, other than an in-person
26 absentee ballot, is received, but in all cases before the close

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

17 In addition to the voter's signatures not matching, an
18 absentee ballot may be rejected by the election judge or
19 official:

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

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

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

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

1 If the election judge or official determines that any of
2 these reasons apply, the judge or official shall mark across
3 the face of the certification envelope the word "Rejected" and
4 shall not cast or count the ballot.

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

26 An absentee ballot subject to this subsection that is

1 determined to be valid shall be counted before the close of the
2 period for counting provisional ballots.

3 (g-10) All absentee ballots determined to be valid shall be
4 added to the vote totals for the precincts for which they were
5 cast in the order in which the ballots were opened.

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

9 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

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

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

25 Application for a disabled voter's or nursing home

1 resident's identification card shall be made either: (a) in
2 writing, with voter's sworn affidavit, to the county clerk or
3 board of election commissioners, as the case may be, and shall
4 be accompanied by the affidavit of the attending physician
5 specifically describing the nature of the physical incapacity
6 or the fact that the voter is a nursing home resident and is
7 physically unable to be present at the polls on election days;
8 or (b) by presenting, in writing or otherwise, to the county
9 clerk or board of election commissioners, as the case may be,
10 proof that the applicant has secured an Illinois Disabled
11 Person Identification Card indicating that the person named
12 thereon has a Class 1A or Class 2 disability. Upon the receipt
13 of either the sworn-to application and the physician's
14 affidavit or proof that the applicant has secured an Illinois
15 Disabled Person Identification Card indicating that the person
16 named thereon has a Class 1A or Class 2 disability, the county
17 clerk or board of election commissioners shall issue a disabled
18 voter's or nursing home resident's identification card. Such
19 identification cards shall be issued for a period of 5 years,
20 upon the expiration of which time the voter may secure a new
21 card by making application in the same manner as is prescribed
22 for the issuance of an original card, accompanied by a new
23 affidavit of the attending physician. The date of expiration of
24 such five-year period shall be made known to any interested
25 person by the election authority upon the request of such
26 person. Applications for the renewal of the identification

1 cards shall be mailed to the voters holding such cards not less
2 than 3 months prior to the date of expiration of the cards.

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

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

1 voter but which need not be sworn to shall be placed on the
2 ballot envelope in lieu of the affidavit prescribed by Section
3 19-5.

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

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

8 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

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

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

20 "APPLICATION FOR BALLOT

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

25 I state that I am a citizen of the United States; that on

1 (insert date of election) I shall have resided in the State of
2 Illinois and in the election precinct for 30 days; that on the
3 above date I shall be the age of 18 years or above; that I am
4 lawfully entitled to vote in such precinct at that election;
5 that I am (check category 1, 2, or 3 below):

6 1. a member of the United States Service,

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

12 3. a certified program participant under the Address
13 Confidentiality for Victims of Domestic Violence Act.

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

20 (Check below only if category 2 or 3 and not previously
21 registered)

22 I hereby make application to become registered as a
23 voter and agree to return the forms and affidavits for
24 registration to the election authority not later than 30 days
25 before the election.

26 Under penalties as provided by law pursuant to Article 29

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

3

4 Post office address or service address to which
5 registration materials or ballot should be mailed

6

7

8

9"

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

13 Such applications may be obtained from the election
14 authority having jurisdiction over the person's precinct of
15 residence.

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

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

1 I certify that the following named person.....
2 (insert name of person) is a member of the United States
3 Service.

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

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

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

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

1 Name of applicant

2 Residence address

3 City/village/township.....

4 Service address to which ballot should be mailed:

5

6

7

8"

9 ~~If application is made for a primary election ballot, such~~
10 ~~application shall designate the name of the political party~~
11 ~~with which the person for whom application is made is~~
12 ~~affiliated.~~

13 Such applications may be obtained from the election
14 authority having jurisdiction over the voting precinct in which
15 the person for whom application is made is entitled to vote.

16 (Source: P.A. 91-494, eff. 1-1-00.)

17 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

18 Sec. 20-4. Immediately upon the receipt of the official
19 postcard or an application as provided in Section 20-3 within
20 the times heretofore prescribed, the election authority shall
21 ascertain whether or not such applicant is legally entitled to
22 vote as requested, including verification of the applicant's
23 signature by comparison with the signature on the official
24 registration record card, if any. If the election authority
25 ascertains that the applicant is lawfully entitled to vote, it

1 shall enter the name, street address, ward and precinct number
2 of such applicant on a list to be posted in his or its office in
3 a place accessible to the public. Within one day after posting
4 the name and other information of an applicant for a ballot,
5 the election authority shall transmit that name and posted
6 information to the State Board of Elections, which shall
7 maintain the names and other information in an electronic
8 format on its website, arranged by county and accessible to
9 State and local political committees. As soon as the official
10 ballot is prepared the election authority shall immediately
11 deliver the same to the applicant in person or by mail, in the
12 manner prescribed in Section 20-4.5, when applicable, and
13 Section 20-5.

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

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

1 to the judges of election in each precinct the list of
2 registered voters in that precinct to whom absentee ballots
3 have been issued.

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

5 (10 ILCS 5/20-4.5 new)

6 Sec. 20-4.5. Primary ballots.

7 (a) A person entitled to vote by absentee ballot at a
8 primary shall not be required to declare his or her political
9 party affiliation and shall be provided with the ballots of all
10 established political parties nominating candidates for
11 offices for which the absentee voter is entitled to vote at
12 that primary. That absentee voter may mark, cast, and have
13 counted the primary ballot of only one established political
14 party, except that he or she may mark, cost, and have counted
15 the primary ballots of a statewide established political party
16 and a local political party established only within a political
17 subdivision as provided in subsection (b) of Section 7-44.

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

22 (c) When voting absentee at a primary, the voter shall be
23 instructed to discard or otherwise destroy any ballots of
24 political parties that the voter does not intend to cast. Such
25 a discarded or destroyed ballot or ballots is not the ballot or

1 ballots the voter agreed in the absentee ballot application to
2 return to the election authority.

3 If a voter subject to this subsection returns to the
4 election authority the ballot of more than one established
5 political party, the judges of election shall determine which
6 votes to count as provided in subsection (b) of Section 7-44.

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

8 Sec. 20-5. The election authority shall fold the ballot or
9 ballots in the manner specified by the statute for folding
10 ballots prior to their deposit in the ballot box and shall
11 enclose such ballot in an envelope unsealed to be furnished by
12 it, which envelope shall bear upon the face thereof the name,
13 official title and post office address of the election
14 authority, and upon the other side of such envelope there shall
15 be printed a certification in substantially the following form:

16 "CERTIFICATION

17 I state that I am a resident/former resident of the
18 precinct of the city/village/township of,
19 (Designation to be made by Election Authority) or of the
20 ward in the city of (Designation to be made by
21 Election Authority) residing at in said
22 city/village/township in the county of and State of
23 Illinois; that I am a

- 24 1. () member of the United States Service
25 2. () citizen of the United States temporarily residing

1 outside the territorial limits of the United States

2 3. () nonresident civilian citizen

3 and desire to cast the enclosed ballot pursuant to Article 20
4 of The Election Code; that I am lawfully entitled to vote in
5 such precinct at the election to be held on
6

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

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

13 (Name)

14

15 (Service Address)"

16

17

18

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

22 In addition to the above, the election authority shall
23 provide printed slips giving full instructions regarding the
24 manner of completing the forms and affidavits for absentee
25 registration or the manner of marking and returning the ballot
26 in order that the same may be counted, and shall furnish one of

1 the printed slips to each of the applicants at the same time
2 the registration materials or ballot is delivered to him.

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

13 The envelope in which such registration or such ballot is
14 mailed to the voter as well as the envelope in which the
15 registration materials or the ballot is returned by the voter
16 shall have printed across the face thereof two parallel
17 horizontal red bars, each one-quarter inch wide, extending from
18 one side of the envelope to the other side, with an intervening
19 space of one-quarter inch, the top bar to be one and
20 one-quarter inches from the top of the envelope, and with the
21 words "Official Election Balloting Material-VIA AIR MAIL"
22 between the bars. In the upper right corner of such envelope in
23 a box, there shall be printed the words: "U.S. Postage Paid 42
24 USC 1973". All printing on the face of such envelopes shall be
25 in red, including an appropriate inscription or blank in the
26 upper left corner of return address of sender.

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

2 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

4 (a) (Blank.)

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

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

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

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

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

26 (f) Counting required under this Section to begin on

1 election day after the closing of the polls shall commence no
2 later than 8:00 p.m. and shall be conducted by a panel or
3 panels of election judges appointed in the manner provided by
4 law. The counting shall continue until all absent voters'
5 ballots and special write-in absentee voter's blank ballots
6 required to be counted on election day have been counted.

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

1 ballot.

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

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

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

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

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

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

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

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

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

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

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

19 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)