



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5709

Introduced 2/9/2010, by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-20 new

10 ILCS 5/17-9

from Ch. 46, par. 17-9

Amends the Election Code. Requires that an otherwise valid ballot be counted, regardless of the absence of the initials of a judge of elections.

LRB096 18797 JAM 34182 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 Section
5 17-9 and by adding Section 1-20 as follows:

6 (10 ILCS 5/1-20 new)

7 Sec. 1-20. Absence of judge's initials on ballot.
8 Notwithstanding any provision of this Code to the contrary, an
9 otherwise valid vote on a ballot, ballot card, or ballot sheet
10 that has not been initialed by a judge of elections is not
11 rendered invalid by the absence of those initials and shall be
12 counted as though the ballot, ballot card, or ballot sheet were
13 initialed.

14 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

15 Sec. 17-9. Any person desiring to vote shall give his name
16 and, if required to do so, his residence to the judges of
17 election, one of whom shall thereupon announce the same in a
18 loud and distinct tone of voice, clear, and audible; the judges
19 of elections shall check each application for ballot against
20 the list of voters registered in that precinct to whom grace
21 period, absentee, or early ballots have been issued for that
22 election, which shall be provided by the election authority and

1 which list shall be available for inspection by pollwatchers. A
2 voter applying to vote in the precinct on election day whose
3 name appears on the list as having been issued a grace period,
4 absentee, or early ballot shall not be permitted to vote in the
5 precinct, except that a voter to whom an absentee ballot was
6 issued may vote in the precinct if the voter submits to the
7 election judges that absentee ballot for cancellation. If the
8 voter is unable to submit the absentee ballot, it shall be
9 sufficient for the voter to submit to the election judges (i) a
10 portion of the absentee ballot if the absentee ballot was torn
11 or mutilated or (ii) an affidavit executed before the election
12 judges specifying that (A) the voter never received an absentee
13 ballot or (B) the voter completed and returned an absentee
14 ballot and was informed that the election authority did not
15 receive that absentee ballot. All applicable provisions of
16 Articles 4, 5 or 6 shall be complied with and if such name is
17 found on the register of voters by the officer having charge
18 thereof, he shall likewise repeat said name, and the voter
19 shall be allowed to enter within the proximity of the voting
20 booths, as above provided. One of the judges shall give the
21 voter one, and only one of each ballot to be voted at the
22 election, on the back of which ballots such judge shall indorse
23 his initials in such manner that they may be seen when each
24 such ballot is properly folded, and the voter's name shall be
25 immediately checked on the register list. In those election
26 jurisdictions where perforated ballot cards are utilized of the

1 type on which write-in votes can be cast above the perforation,
2 the election authority shall provide a space both above and
3 below the perforation for the judge's initials, and the judge
4 shall endorse his or her initials in both spaces.
5 Notwithstanding the provisions of this Section, the failure of
6 the judge to initial the ballot or ballot card does not alone
7 preclude the ballot or ballot card from being voted and
8 counted. Whenever a proposal for a constitutional amendment or
9 for the calling of a constitutional convention is to be voted
10 upon at the election, the separate blue ballot or ballots
11 pertaining thereto shall, when being handed to the voter, be
12 placed on top of the other ballots to be voted at the election
13 in such manner that the legend appearing on the back thereof,
14 as prescribed in Section 16-6 of this Act, shall be plainly
15 visible to the voter. At all elections, when a registry may be
16 required, if the name of any person so desiring to vote at such
17 election is not found on the register of voters, he or she
18 shall not receive a ballot until he or she shall have complied
19 with the law prescribing the manner and conditions of voting by
20 unregistered voters. If any person desiring to vote at any
21 election shall be challenged, he or she shall not receive a
22 ballot until he or she shall have established his right to vote
23 in the manner provided hereinafter; and if he or she shall be
24 challenged after he has received his ballot, he shall not be
25 permitted to vote until he or she has fully complied with such
26 requirements of the law upon being challenged. Besides the

1 election officer, not more than 2 voters in excess of the whole
 2 number of voting booths provided shall be allowed within the
 3 proximity of the voting booths at one time. The provisions of
 4 this Act, so far as they require the registration of voters as
 5 a condition to their being allowed to vote shall not apply to
 6 persons otherwise entitled to vote, who are, at the time of the
 7 election, or at any time within 60 days prior to such election
 8 have been engaged in the military or naval service of the
 9 United States, and who appear personally at the polling place
 10 on election day and produce to the judges of election
 11 satisfactory evidence thereof, but such persons, if otherwise
 12 qualified to vote, shall be permitted to vote at such election
 13 without previous registration.

14 All such persons shall also make an affidavit which shall
 15 be in substantially the following form:

16 State of Illinois,)

17) ss.

18 County of)

19 Precinct Ward

20 I,, do solemnly swear (or affirm) that I am a citizen
 21 of the United States, of the age of 18 years or over, and that
 22 within the past 60 days prior to the date of this election at
 23 which I am applying to vote, I have been engaged in the
 24 (military or naval) service of the United States; and I am
 25 qualified to vote under and by virtue of the Constitution and
 26 laws of the State of Illinois, and that I am a legally

1 qualified voter of this precinct and ward except that I have,
 2 because of such service, been unable to register as a voter;
 3 that I now reside at (insert street and number, if any) in
 4 this precinct and ward; that I have maintained a legal
 5 residence in this precinct and ward for 30 days and in this
 6 State 30 days next preceding this election.

7

8 Subscribed and sworn to before me on (insert date).

9

10 Judge of Election.

11 The affidavit of any such person shall be supported by the
 12 affidavit of a resident and qualified voter of any such
 13 precinct and ward, which affidavit shall be in substantially
 14 the following form:

15 State of Illinois,)

16) ss.

17 County of)

18 Precinct Ward

19 I,, do solemnly swear (or affirm), that I am a
 20 resident of this precinct and ward and entitled to vote at this
 21 election; that I am acquainted with (name of the
 22 applicant); that I verily believe him to be an actual bona fide
 23 resident of this precinct and ward and that I verily believe
 24 that he or she has maintained a legal residence therein 30 days
 25 and in this State 30 days next preceding this election.

1
2

Subscribed and sworn to before me on (insert date).

3
4

Judge of Election.

5 All affidavits made under the provisions of this Section
6 shall be enclosed in a separate envelope securely sealed, and
7 shall be transmitted with the returns of the elections to the
8 county clerk or to the board of election commissioners, who
9 shall preserve the said affidavits for the period of 6 months,
10 during which period such affidavits shall be deemed public
11 records and shall be freely open to examination as such.

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