



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0194

by Rep. Scott Drury

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 5/20-4.5 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. Effective immediately.

LRB099 02694 MGM 22701 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, 20-5, and 20-8 and by adding Sections 19-4.5 and 20-4.5
7 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~~
17 ~~required by this Article.~~

18 ~~(b) (Blank).~~

19 ~~(c) (Blank).~~

20 ~~(c.5) If that person has participated in the town~~
21 ~~political party caucus, under Section 45-50 of the~~
22 ~~Township Code, of another political party by signing an~~
23 ~~affidavit of voters attending the caucus within 45 days~~

1 ~~before the first day of the calendar month in which the~~
2 ~~primary is held.~~

3 ~~(d) (Blank).~~

4 In cities, villages and incorporated towns having a
5 board of election commissioners only voters registered as
6 provided by Article 6 of this Act shall be entitled to vote
7 at such primary.

8 No person shall be entitled to vote at a primary unless
9 he is registered under the provisions of Articles 4, 5 or 6
10 of this Act, when his registration is required by any of
11 said Articles to entitle him to vote at the election with
12 reference to which the primary is held.

13 A person (i) who filed a statement of candidacy for a
14 partisan office as a qualified primary voter of an established
15 political party or (ii) who voted the ballot of an established
16 political party at a general primary election may not file a
17 statement of candidacy as a candidate of a different
18 established political party or as an independent candidate for
19 a partisan office to be filled at the general election
20 immediately following the general primary for which the person
21 filed the statement or voted the ballot. A person may file a
22 statement of candidacy for a partisan office as a qualified
23 primary voter of an established political party regardless of
24 any prior filing of candidacy for a partisan office or voting
25 the ballot of an established political party at any prior
26 election.

1 (Source: P.A. 97-681, eff. 3-30-12; 98-463, eff. 8-16-13.)

2 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

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

4 (a) Any person desiring to vote at a primary shall state
5 his or her name and~~7~~ residence ~~and party affiliation~~ to the
6 primary judges, one of whom shall thereupon announce the same
7 in a distinct tone of voice, sufficiently loud to be heard by
8 all persons in the polling place. When article 4, 5 or 6 is
9 applicable the Certificate of Registered Voter therein
10 prescribed shall be made and signed and the official poll
11 record shall be made. If the person desiring to vote is not
12 challenged, one of the primary judges shall give to him or her
13 ~~one, and only one,~~ primary ballot of each of the established
14 political parties nominating candidates for office at the
15 primary election, but the voter may cast a ballot of only one
16 political party, except as otherwise provided in subsection (b)
17 ~~party with which he declares himself affiliated,~~ on the back of
18 which the ~~such~~ primary judge shall endorse his or her initials
19 in such manner that they may be seen when the primary ballot is
20 properly folded. If the person desiring to vote is challenged
21 he or she shall not receive a primary ballot from the primary
22 judges until he or she shall have established his or her right
23 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
24 ~~refuses to state his party affiliation shall be allowed to vote~~
25 ~~at a primary.~~

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

1 space, the judges of election shall count only the votes of the
2 political party in which the voter cast a vote for the office
3 nearest the top of the ballot.

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

22 Municipal and township clerks (or road district clerks) who
23 have regularly scheduled working hours at regularly designated
24 offices other than a place of residence and whose offices are
25 open for business during the same hours as the office of the

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

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

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

25 Within one day after a voter casts an in-person absentee
26 ballot, the appropriate election authority shall transmit by

1 electronic means pursuant to a process established by the State
2 Board of Elections the voter's name, street address, e-mail
3 address, and precinct, ward, township, and district numbers, as
4 the case may be, to the State Board of Elections, which shall
5 maintain those names and that information in an electronic
6 format on its website, arranged by county and accessible to
7 State and local political committees.

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

1 The sealed absentee ballots in their carrier envelope shall
2 be delivered by the respective clerks, or by the election
3 authority on behalf of a clerk if the clerk and the election
4 authority agree, to the election authority's central ballot
5 counting location before the close of the polls on the day of
6 the general primary, consolidated primary, consolidated, or
7 general election.

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

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

25 The clerks of all municipalities, townships and road
26 districts may distribute applications for absentee ballot for

1 the use of voters who wish to mail such applications to the
2 appropriate election authority. Any person may produce,
3 reproduce, distribute, or return to an election authority the
4 application for absentee ballot. Upon receipt, the appropriate
5 election authority shall accept and promptly process any
6 application for absentee ballot.

7 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

8 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

9 Sec. 19-3. The application for absentee ballot shall be
10 substantially in the following form:

11 APPLICATION FOR ABSENTEE BALLOT

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; and that I wish to vote by absentee
22 ballot.

23 I hereby make application for an official ballot or ballots
24 to be voted by me at such election, and I agree that I shall
25 return such ballot or ballots to the official issuing the same

1 prior to the closing of the polls on the date of the election
 2 or, if returned by mail, postmarked no later than midnight
 3 preceding election day, for counting no later than during the
 4 period for counting provisional ballots, the last day of which
 5 is the 14th day following election day.

6 I understand that this application is made for an official
 7 absentee ballot or ballots to be voted by me at the election
 8 specified in this application and that I must submit a separate
 9 application for an official absentee ballot or ballots to be
 10 voted by me at any subsequent 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).

16 Post office address to which ballot is mailed:
 17

18 ~~However, if application is made for a primary election~~
 19 ~~ballot, such application shall require the applicant to~~
 20 ~~designate the name of the political party with which the~~
 21 ~~applicant is affiliated.~~

22 If application is made electronically, the applicant shall
 23 mark the box associated with the above described statement
 24 included as part of the online application certifying that the
 25 statements set forth in this application are true and correct,
 26 and a signature is not required.

1 Any person may produce, reproduce, distribute, or return to
2 an election authority the application for absentee ballot. Upon
3 receipt, the appropriate election authority shall accept and
4 promptly process any application for absentee ballot submitted
5 in a form substantially similar to that required by this
6 Section, including any substantially similar production or
7 reproduction generated by the applicant.

8 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

9 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

10 Sec. 19-4. Mailing or delivery of ballots; time.
11 Immediately upon the receipt of such application either by mail
12 or electronic means, not more than 40 days nor less than 5 days
13 prior to such election, or by personal delivery not more than
14 40 days nor less than one day prior to such election, at the
15 office of such election authority, it shall be the duty of such
16 election authority to examine the records to ascertain whether
17 or not such applicant is lawfully entitled to vote as
18 requested, including a verification of the applicant's
19 signature by comparison with the signature on the official
20 registration record card, and if found so to be entitled to
21 vote, to post within one business day thereafter the name,
22 street address, ward and precinct number or township and
23 district number, as the case may be, of such applicant given on
24 a list, the pages of which are to be numbered consecutively to
25 be kept by such election authority for such purpose in a

1 conspicuous, open and public place accessible to the public at
2 the entrance of the office of such election authority, and in
3 such a manner that such list may be viewed without necessity of
4 requesting permission therefor. Within one day after posting
5 the name and other information of an applicant for an absentee
6 ballot, the election authority shall transmit by electronic
7 means pursuant to a process established by the State Board of
8 Elections that name and other posted information to the State
9 Board of Elections, which shall maintain those names and other
10 information in an electronic format on its website, arranged by
11 county and accessible to State and local political committees.
12 Within 2 business days after posting a name and other
13 information on the list within its office, the election
14 authority shall mail, postage prepaid, or deliver in person in
15 such office an official ballot or ballots if more than one are
16 to be voted at said election or if Section 19-4.5 applies. Mail
17 delivery of Temporarily Absent Student ballot applications
18 pursuant to Section 19-12.3 shall be by nonforwardable mail.
19 However, for the consolidated election, absentee ballots for
20 certain precincts may be delivered to applicants not less than
21 25 days before the election if so much time is required to have
22 prepared and printed the ballots containing the names of
23 persons nominated for offices at the consolidated primary. The
24 election authority shall enclose with each absentee ballot or
25 application written instructions on how voting assistance
26 shall be provided pursuant to Section 17-14 and a document,

1 written and approved by the State Board of Elections,
2 enumerating the circumstances under which a person is
3 authorized to vote by absentee ballot pursuant to this Article;
4 such document shall also include a statement informing the
5 applicant that if he or she falsifies or is solicited by
6 another to falsify his or her eligibility to cast an absentee
7 ballot, such applicant or other is subject to penalties
8 pursuant to Section 29-10 and Section 29-20 of the Election
9 Code. Each election authority shall maintain a list of the
10 name, street address, ward and precinct, or township and
11 district number, as the case may be, of all applicants who have
12 returned absentee ballots to such authority, and the name of
13 such absent voter shall be added to such list within one
14 business day from receipt of such ballot. If the absentee
15 ballot envelope indicates that the voter was assisted in
16 casting the ballot, the name of the person so assisting shall
17 be included on the list. The list, the pages of which are to be
18 numbered consecutively, shall be kept by each election
19 authority in a conspicuous, open, and public place accessible
20 to the public at the entrance of the office of the election
21 authority and in a manner that the list may be viewed without
22 necessity of requesting permission for viewing.

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

1 the polls on election day, the election authority shall deliver
2 to the judges of election in each precinct the list of
3 registered voters in that precinct to whom absentee ballots
4 have been issued by mail.

5 Each election authority shall maintain a list for each
6 election of voters to whom it has issued temporarily absent
7 student ballots. The list shall be maintained for each election
8 jurisdiction within which such voters temporarily abide.
9 Immediately after the close of the period during which
10 application may be made by mail or electronic means for
11 absentee ballots, each election authority shall mail to each
12 other election authority within the State a certified list of
13 all such voters temporarily abiding within the jurisdiction of
14 the other election authority.

15 In the event that the return address of an application for
16 ballot by a physically incapacitated elector is that of a
17 facility licensed or certified under the Nursing Home Care Act,
18 the Specialized Mental Health Rehabilitation Act of 2013, or
19 the ID/DD Community Care Act, within the jurisdiction of the
20 election authority, and the applicant is a registered voter in
21 the precinct in which such facility is located, the ballots
22 shall be prepared and transmitted to a responsible judge of
23 election no later than 9 a.m. on the Saturday, Sunday or Monday
24 immediately preceding the election as designated by the
25 election authority under Section 19-12.2. Such judge shall
26 deliver in person on the designated day the ballot to the

1 applicant on the premises of the facility from which
2 application was made. The election authority shall by mail
3 notify the applicant in such facility that the ballot will be
4 delivered by a judge of election on the designated day.

5 All applications for absentee ballots shall be available at
6 the office of the election authority for public inspection upon
7 request from the time of receipt thereof by the election
8 authority until 30 days after the election, except during the
9 time such applications are kept in the office of the election
10 authority pursuant to Section 19-7, and except during the time
11 such applications are in the possession of the judges of
12 election.

13 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
14 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
15 98-756, eff. 7-16-14.)

16 (10 ILCS 5/19-4.5 new)

17 Sec. 19-4.5. Primary ballots.

18 (a) A person entitled to vote by absentee ballot at a
19 primary shall not be required to declare his or her political
20 party affiliation and shall be provided with the ballots of all
21 established political parties nominating candidates for
22 offices for which the absentee voter is entitled to vote at
23 that primary. That absentee voter may mark, cast, and have
24 counted the primary ballot of only one established political
25 party, except that he or she may mark, cost, and have counted

1 the primary ballots of a statewide established political party
2 and a local political party established only within a political
3 subdivision as provided in subsection (b) of Section 7-44.

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

8 (c) When voting absentee at a primary by means other than
9 in-person absentee voting, the voter shall be instructed to
10 discard or otherwise destroy any ballots of political parties
11 that the voter does not intend to cast. Such a discarded or
12 destroyed ballot or ballots is not the ballot or ballots the
13 voter agreed in the absentee ballot application to return to
14 the election authority.

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

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

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

1 office address of the election authority, and upon the other
2 side a printed certification in substantially the following
3 form:

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 months last past; and that I am lawfully
9 entitled to vote in such precinct at the election to be
10 held on

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

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

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

18

19 If the ballot is to go to an elector who is physically
20 incapacitated and needs assistance marking the ballot, the
21 envelope shall bear upon the back thereof a certification in
22 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
25 the city of residing at in such 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 am physically incapable of personally marking the
 4 ballot for such election.

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

6 I further state that I marked the enclosed ballot in secret
 7 with the assistance of

8

9 (Individual rendering assistance)

10

11 (Residence Address)

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

16

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

25 In the case of a physically incapacitated voter, marking a
 26 ballot in secret includes marking a ballot with the assistance

1 of another individual, other than a candidate whose name
2 appears on the ballot (unless the voter is the spouse or a
3 parent, child, brother, or sister of the candidate), the
4 voter's employer, an agent of that employer, or an officer or
5 agent of the voter's union, when the voter's physical
6 incapacity necessitates such assistance.

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

10 In addition to the above, the election authority shall
11 provide printed slips giving full instructions regarding the
12 manner of marking and returning the ballot in order that the
13 same may be counted, and shall furnish one of such printed
14 slips to each of such applicants at the same time the ballot is
15 delivered to him. Such instructions shall include the following
16 statement: "In signing the certification on the absentee ballot
17 envelope, you are attesting that you personally marked this
18 absentee ballot in secret. If you are physically unable to mark
19 the ballot, a friend or relative may assist you after
20 completing the enclosed affidavit. Federal and State laws
21 prohibit a candidate whose name appears on the ballot (unless
22 you are the spouse or a parent, child, brother, or sister of
23 the candidate), your employer, your employer's agent or an
24 officer or agent of your union from assisting physically
25 disabled voters."

26 In addition to the above, if a ballot to be provided to an

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

10 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

11 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

13 (a) (Blank.)

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

22 (c) Each absent voter's ballot that is mailed to an
23 election authority and postmarked by the midnight preceding the
24 opening of the polls on election day, but that is received by
25 the election authority after the polls close on election day

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

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

20 (d) Special write-in absentee voter's blank ballots
21 returned to an election authority, by any means authorized by
22 this Article, and received by the election authority at any
23 time before the closing of the polls on election day shall be
24 endorsed by the receiving election authority with the day and
25 hour of receipt and shall be counted at the central ballot
26 counting location of the election authority during the same

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

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

22 (f) Counting required under this Section to begin on
23 election day after the closing of the polls shall commence no
24 later than 8:00 p.m. and shall be conducted by a panel or
25 panels of election judges appointed in the manner provided by
26 law. The counting shall continue until all absent voters'

1 ballots and special write-in absentee voter's blank ballots
2 required to be counted on election day have been counted.

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

24 In addition to the voter's signatures not matching, an
25 absentee ballot may be rejected by the election judge or
26 official:

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

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

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

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

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

12 (g-5) If an absentee ballot, other than an in-person
13 absentee ballot, is rejected by the election judge or official
14 for any reason, the election authority shall, within 2 days
15 after the rejection but in all cases before the close of the
16 period for counting provisional ballots, notify the absentee
17 voter that his or her ballot was rejected. The notice shall
18 inform the voter of the reason or reasons the ballot was
19 rejected and shall state that the voter may appear before the
20 election authority, on or before the 14th day after the
21 election, to show cause as to why the ballot should not be
22 rejected. The voter may present evidence to the election
23 authority supporting his or her contention that the ballot
24 should be counted. The election authority shall appoint a panel
25 of 3 election judges to review the contested ballot,
26 application, and certification envelope, as well as any

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

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

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

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

16 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
17 95-699, eff. 11-9-07.)

18 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

19 Sec. 19-12.1. Any qualified elector who has secured an
20 Illinois Person with a Disability Identification Card in
21 accordance with the Illinois Identification Card Act,
22 indicating that the person named thereon has a Class 1A or
23 Class 2 disability or any qualified voter who has a permanent
24 physical incapacity of such a nature as to make it improbable
25 that he will be able to be present at the polls at any future

1 election, or any voter who is a resident of (i) a federally
2 operated veterans' home, hospital, or facility located in
3 Illinois or (ii) a facility licensed or certified pursuant to
4 the Nursing Home Care Act, the Specialized Mental Health
5 Rehabilitation Act of 2013, or the ID/DD Community Care Act and
6 has a condition or disability of such a nature as to make it
7 improbable that he will be able to be present at the polls at
8 any future election, may secure a disabled voter's or nursing
9 home resident's identification card, which will enable him to
10 vote under this Article as a physically incapacitated or
11 nursing home voter. For the purposes of this Section,
12 "federally operated veterans' home, hospital, or facility"
13 means the long-term care facilities at the Jesse Brown VA
14 Medical Center, Illiana Health Care System, Edward Hines, Jr.
15 VA Hospital, Marion VA Medical Center, and Captain James A.
16 Lovell Federal Health Care Center.

17 Application for a disabled voter's or nursing home
18 resident's identification card shall be made either: (a) in
19 writing, with voter's sworn affidavit, to the county clerk or
20 board of election commissioners, as the case may be, and shall
21 be accompanied by the affidavit of the attending physician
22 specifically describing the nature of the physical incapacity
23 or the fact that the voter is a nursing home resident and is
24 physically unable to be present at the polls on election days;
25 or (b) by presenting, in writing or otherwise, to the county
26 clerk or board of election commissioners, as the case may be,

1 proof that the applicant has secured an Illinois Person with a
2 Disability Identification Card indicating that the person
3 named thereon has a Class 1A or Class 2 disability. Upon the
4 receipt of either the sworn-to application and the physician's
5 affidavit or proof that the applicant has secured an Illinois
6 Person with a Disability Identification Card indicating that
7 the person named thereon has a Class 1A or Class 2 disability,
8 the county clerk or board of election commissioners shall issue
9 a disabled voter's or nursing home resident's identification
10 card. Such identification cards shall be issued for a period of
11 5 years, upon the expiration of which time the voter may secure
12 a new card by making application in the same manner as is
13 prescribed for the issuance of an original card, accompanied by
14 a new affidavit of the attending physician. The date of
15 expiration of such five-year period shall be made known to any
16 interested person by the election authority upon the request of
17 such person. Applications for the renewal of the identification
18 cards shall be mailed to the voters holding such cards not less
19 than 3 months prior to the date of expiration of the cards.

20 Each disabled voter's or nursing home resident's
21 identification card shall bear an identification number, which
22 shall be clearly noted on the voter's original and duplicate
23 registration record cards. In the event the holder becomes
24 physically capable of resuming normal voting, he must surrender
25 his disabled voter's or nursing home resident's identification
26 card to the county clerk or board of election commissioners

1 before the next election.

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

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

24 For the purposes of this Section, "nursing home resident"
25 includes a resident of (i) a federally operated veterans' home,
26 hospital, or facility located in Illinois or (ii) a facility

1 licensed under the ID/DD Community Care Act or the Specialized
2 Mental Health Rehabilitation Act of 2013. For the purposes of
3 this Section, "federally operated veterans' home, hospital, or
4 facility" means the long-term care facilities at the Jesse
5 Brown VA Medical Center, Illiana Health Care System, Edward
6 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
7 James A. Lovell Federal Health Care Center.

8 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
9 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;
10 98-104, eff. 7-22-13.)

11 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

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

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

23 "APPLICATION FOR BALLOT

24 To be voted at the..... election in the precinct in
25 which is located my residence at....., in the

1 city/village/township of(insert home address)
2 County of..... and State of Illinois.

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

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

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

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

17 I hereby make application for an official ballot or ballots
18 to be voted by me at such election if I am absent from the said
19 county of my residence, and I agree that I shall return said
20 ballot or ballots to the election authority postmarked no later
21 than midnight preceding election day, for counting no later
22 than during the period for counting provisional ballots, the
23 last day of which is the 14th day following election day or
24 shall destroy said ballot or ballots.

25 (Check below only if category 2 or 3 and not previously
26 registered)

1 () I hereby make application to become registered as a
2 voter and agree to return the forms and affidavits for
3 registration to the election authority not later than 30 days
4 before the election.

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

8

9 Post office address or service address to which
10 registration materials or ballot should be mailed

11

12

13

14"

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

18 Such applications may be obtained from the election
19 authority having jurisdiction over the person's precinct of
20 residence.

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

1 "APPLICATION FOR BALLOT to be voted at the..... election
2 in the precinct in which is located the residence of the person
3 for whom this application is made at.....(insert
4 residence address) in the city/village/township of.....
5 County of..... and State of Illinois.

6 I certify that the following named person.....
7 (insert name of person) is a member of the United States
8 Service.

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

20 I hereby make application for an official ballot or ballots
21 to be voted by said person at such election and said person
22 agrees that he shall return said ballot or ballots to the
23 election authority postmarked no later than midnight preceding
24 election day, for counting no later than during the period for
25 counting provisional ballots, the last day of which is the 14th
26 day following election day, or shall destroy said ballot or

1 ballots.

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

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

9 Name of applicant

10 Residence address

11 City/village/township.....

12 Service address to which ballot should be mailed:

13

14

15

16"

17 ~~If application is made for a primary election ballot, such~~
18 ~~application shall designate the name of the political party~~
19 ~~with which the person for whom application is made is~~
20 ~~affiliated.~~

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

24 (Source: P.A. 96-312, eff. 1-1-10.)

25 (10 ILCS 5/20-4.5 new)

1 Sec. 20-4.5. Primary ballots.

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

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

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

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

1 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

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

10 "CERTIFICATION

11 I state that I am a resident/former resident of the
12 precinct of the city/village/township of,
13 (Designation to be made by Election Authority) or of the
14 ward in the city of (Designation to be made by
15 Election Authority) residing at in said
16 city/village/township in the county of and State of
17 Illinois; that I am a

- 18 1. () member of the United States Service
- 19 2. () citizen of the United States temporarily residing
- 20 outside the territorial limits of the United States
- 21 3. () nonresident civilian citizen

22 and desire to cast the enclosed ballot pursuant to Article 20
23 of The Election Code; that I am lawfully entitled to vote in
24 such precinct at the election to be held on
25

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

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

7 (Name)

8

9 (Service Address)"

10

11

12

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

16 In addition to the above, the election authority shall
17 provide printed slips giving full instructions regarding the
18 manner of completing the forms and affidavits for absentee
19 registration or the manner of marking and returning the ballot
20 in order that the same may be counted, and shall furnish one of
21 the printed slips to each of the applicants at the same time
22 the registration materials or ballot is delivered to him.

23 In addition to the above, if a ballot to be provided to an
24 elector pursuant to this Section contains a public question
25 described in subsection (b) of Section 28-6 and the territory
26 concerning which the question is to be submitted is not

1 described on the ballot due to the space limitations of such
2 ballot, the election authority shall provide a printed copy of
3 a notice of the public question, which shall include a
4 description of the territory in the manner required by Section
5 16-7. The notice shall be furnished to the elector at the same
6 time the ballot is delivered to the elector.

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

21 The envelope in which the ballot is returned to the
22 election authority may be delivered (i) by mail, postage paid,
23 (ii) in person, by the spouse, parent, child, brother, or
24 sister of the voter, or (iii) by a company engaged in the
25 business of making deliveries of property and licensed as a
26 motor carrier of property by the Illinois Commerce Commission

1 under the Illinois Commercial Transportation Law.

2 Election authorities transmitting ballots by facsimile or
3 electronic transmission shall, to the extent possible, provide
4 those applicants with the same instructions, certification,
5 and other materials required when sending by mail.

6 (Source: P.A. 96-512, eff. 1-1-10; 96-1004, eff. 1-1-11.)

7 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

9 (a) (Blank.)

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

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

1 election authority during the period for counting provisional
2 ballots.

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

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

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

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

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

25 (g) The procedures set forth in Articles 17 and 18 and,
26 with respect to primaries, in Section 20-4.5 of this Code shall

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

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

- 23 (1) if the ballot envelope is open or has been opened
24 and resealed;
- 25 (2) if the voter has already cast an early or grace
26 period ballot;

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

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

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

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

1 either administratively or judicially.

2 A ballot subject to this subsection that is determined to
3 be valid shall be counted before the close of the period for
4 counting provisional ballots.

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

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.