

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 20-2.3, 20-4, 20-5, 20-6, 20-7, and 20-8 as follows:

6 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

7 Sec. 20-2.3. Members of the Armed Forces. Any member of  
8 the United States Armed Forces while on active duty,  
9 otherwise qualified to vote, who expects in the course of his  
10 or her duties to be absent from the county in which he or she  
11 resides on the day of holding any election, in addition to  
12 any other method of making application for an absentee ballot  
13 under this Article, may make application for an absentee  
14 ballot to the election authority having jurisdiction over his  
15 or her precinct of residence by a facsimile machine or  
16 electronic transmission not less than 10 days before the  
17 election.

18 Ballots under this Section shall be mailed by the  
19 election authority in the manner prescribed by Section 20-5  
20 of this Article and not otherwise, provided that until July  
21 1, 2003, the election authority may also transmit ballots by  
22 a facsimile machine or by electronic transmission. Ballots  
23 voted under this Section must be returned to the election  
24 authority before the closing of the polls on the day of  
25 election. Until July 1, 2003, an election authority may  
26 accept ballots voted under this Section that are returned via  
27 a facsimile machine, so long as the voter attaches in the  
28 transmission a completed statement consenting to a waiver of  
29 the voter's right to secrecy of the ballot, with the voter's  
30 signature affixed to and appearing on the facsimile  
31 statement. Election authorities permitting the use of

1 facsimile or electronic transmission of absentee ballot  
2 materials for active duty members of the United States Armed  
3 Forces shall comply, to the extent practicable, with all  
4 other procedures set forth in this Article 20.

5 (Source: P.A. 87-1052.)

6 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

7 Sec. 20-4. Immediately upon the receipt of the official  
8 postcard or an application as provided in Section 20-3 within  
9 the times heretofore prescribed, the election authority shall  
10 ascertain whether or not such applicant is legally entitled  
11 to vote as requested. If the election authority ascertains  
12 that the applicant is lawfully entitled to vote, it shall  
13 enter the name, street address, ward and precinct number of  
14 such applicant on a list to be posted in his or its office in  
15 a place accessible to the public. As soon as the official  
16 ballot is prepared the election authority shall immediately  
17 deliver the same to the applicant in person, ~~or~~ by mail, in  
18 the manner prescribed in Section 20-5, or, until July 1,  
19 2003, by use of a facsimile machine or electronic  
20 transmission, in the manner prescribed in Section 20-2.3.

21 If any such election authority receives a second or  
22 additional application which it believes is from the same  
23 person, he or it shall submit it to the chief judge of the  
24 circuit court or any judge of that court designated by the  
25 chief judge. If the chief judge or his designate determines  
26 that the application submitted to him is a second or  
27 additional one, he shall so notify the election authority who  
28 shall disregard the second or additional application.

29 The election authority shall maintain a list for each  
30 election of the voters to whom it has issued absentee  
31 ballots. The list shall be maintained for each precinct  
32 within the jurisdiction of the election authority. Prior to  
33 the opening of the polls on election day, the election

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

4 Until July 1, 2003, election authorities may transmit a  
5 ballot simultaneously with transmitting an application for  
6 absentee ballot to any member of the United States Armed  
7 Forces while on active duty. However, no such ballot shall  
8 be counted unless an application has been completed by the  
9 voter and its authenticity verified prior to or  
10 simultaneously with receipt of the completed ballot by the  
11 election authority.

12 (Source: P.A. 81-0155; 81-0953; 81-1509.)

13 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

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

23 "CERTIFICATION

24 I state that I am a resident/former resident of the  
25 ..... precinct of the city/village/township of  
26 ....., (Designation to be made by Election Authority)  
27 or of the .... ward in the city of ..... (Designation  
28 to be made by Election Authority) residing at  
29 ..... in said city/village/township in the county  
30 of ..... and State of Illinois; that I am a

- 31 1. ( ) member of the United States Service  
32 2. ( ) citizen of the United States temporarily  
33 residing outside the territorial limits of the United States

1           3. ( ) nonresident civilian citizen  
 2 and desire to cast the enclosed ballot pursuant to Article 20  
 3 of The Election Code; that I am lawfully entitled to vote in  
 4 such precinct at the ..... election to be held on  
 5 .....

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

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

12 .....(Name)  
 13 .....  
 14 (Service Address)"  
 15 .....  
 16 .....  
 17 .....

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

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

29           In addition to the above, if a ballot to be provided to  
 30 an elector pursuant to this Section contains a public  
 31 question described in subsection (b) of Section 28-6 and the  
 32 territory concerning which the question is to be submitted is  
 33 not described on the ballot due to the space limitations of  
 34 such ballot, the election authority shall provide a printed

1 copy of a notice of the public question, which shall include  
2 a description of the territory in the manner required by  
3 Section 16-7. The notice shall be furnished to the elector  
4 at the same time the ballot is delivered to the elector.

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

19 Until July 1, 2003, election authorities transmitting  
20 ballots by facsimile machines or electronic transmission in  
21 the manner prescribed by Section 20-2.3 shall, to the extent  
22 practicable provide the voter by facsimile machine or  
23 electronic transmission with the same instructions,  
24 certification, and other materials as are required to be  
25 provided to voters by mail.

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

27 (10 ILCS 5/20-6) (from Ch. 46, par. 20-6)

28 Sec. 20-6. Such absent voter shall make and subscribe to  
29 the certifications provided for in the application and on the  
30 return envelope for the ballot, and such ballot or ballots  
31 shall then be folded by such voter in the manner required to  
32 be folded before depositing the same in the ballot box, and  
33 be deposited in such envelope and the envelope securely

1 sealed. Such envelope shall be mailed by such voter, to the  
2 officer issuing the ballot or, if more convenient, it may be  
3 delivered in person.

4 Until July 1, 2003, when the election authority accepts  
5 ballots voted under Section 20-2.3 via facsimile machine, the  
6 voter may complete the ballot and transmit it by facsimile  
7 machine to the election authority, accompanied by a completed  
8 statement consenting to a waiver of the voter's right to  
9 secrecy of the ballot, with the voter's signature affixed to  
10 and appearing on the facsimile statement. The election  
11 authority shall adopt procedures to limit, to the extent  
12 practicable, access to voted ballots received by facsimile  
13 machine. Completed ballots may not be returned to the  
14 election authority by other means of electronic  
15 transmissions.

16 If the absent voter wishes to return a marked ballot that  
17 the voter received from the election authority by facsimile  
18 machine or electronic transmission, the voter may use 2 plain  
19 envelopes, marking one as the security envelope into which  
20 the voter shall insert the marked ballot and marking the  
21 other as the return envelope for mailing.

22 (Source: P.A. 81-155.)

23 (10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

24 Sec. 20-7. Upon receipt of such absent voter's ballot,  
25 the officer or officers above described shall forthwith  
26 enclose the same unopened, together with the application made  
27 by said absent voter in a large or carrier envelope which  
28 shall be securely sealed and endorsed with the name and  
29 official title of such officer and the words, "This envelope  
30 contains an absent voter's ballot and must be opened on  
31 election day," together with the number and description of  
32 the precinct in which said ballot is to be voted, and such  
33 officer shall thereafter safely keep the same in his office

1 until counted by him as provided in the next section.

2 Until July 1, 2003, when the election authority permits  
3 the use of facsimile machines for transmissions in the  
4 manner prescribed by Section 20-2.3, the election authority  
5 shall forthwith take such necessary steps so as to prepare  
6 the ballot for counting, either in the office of the election  
7 authority or in the precinct, in a manner reasonably  
8 consistent with the procedure required in this Section for  
9 the counting of other absentee ballots.

10 (Source: P.A. 81-155.)

11 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

12 Sec. 20-8. In case any such ballot is received by the  
13 election authority prior to the delivery of the official  
14 ballots to the judges of election of the precinct in which  
15 said elector resides, such ballot envelope and application,  
16 sealed in the carrier envelope, shall be enclosed in the same  
17 package with the other official ballots and therewith  
18 delivered to the judges of such precinct. In case the  
19 official ballots for such precinct have been delivered to the  
20 judges of election at the time of the receipt by the election  
21 authority of such absent voter's ballot, it shall immediately  
22 enclose said envelope containing the absent voter's ballot,  
23 together with his application therefor, in a larger or  
24 carrier envelope which shall be securely sealed and addressed  
25 on the face to the judges of election, giving the name or  
26 number of precinct, street and number of polling place, city  
27 or town in which such absent voter is a qualified elector,  
28 and the words, "This envelope contains an absent voter's  
29 ballot and must be opened only on election day at the polls  
30 immediately after the polls are closed," mailing the same,  
31 postage prepaid, to such judges of election, or if more  
32 convenient he or it may deliver such absent voter's ballot to  
33 the judges of election in person or by duly deputized agent

1 and secure his receipt for delivery of such ballot or  
2 ballots. Absent voter's ballots postmarked after 11:59 p.m.  
3 of the day immediately preceding the election returned to the  
4 election authority too late to be delivered to the proper  
5 polling place before the closing of the polls on the day of  
6 election shall be endorsed by the person receiving the same  
7 with the day and hour of receipt and shall be safely kept  
8 unopened by the election authority for the period of time  
9 required for the preservation of ballots used at such  
10 election, and shall then, without being opened, be destroyed  
11 in like manner as the used ballots of such election.

12 Until July 1, 2003, if the election authority receives  
13 from the same voter both a marked absent voter's ballot  
14 returned by mail and a marked absent voter's ballot returned  
15 by facsimile machine, the election authority shall count the  
16 ballot returned by mail. The ballot returned by facsimile  
17 machine shall not be counted but shall be marked "Rejected  
18 Duplicate FAX Ballot" and preserved with other unopened,  
19 uncounted ballots.

20 All absent voters' ballots received by the election  
21 authority after 12:00 noon on election day or too late for  
22 delivery to the proper polling place before the closing of  
23 the polls on election day, except ballots returned by mail  
24 postmarked after midnight preceding the opening of the polls  
25 on election day, shall be counted in the office of the  
26 election authority on the day of the election after 7:00 p.m.  
27 All absent voters' ballots delivered in error to the wrong  
28 precinct polling place shall be returned to the election  
29 authority and counted under this provision. Until July 1,  
30 2003, absent voters' ballots voted under Section 20-2.3 and  
31 transmitted by the voter to the election authority via  
32 facsimile machine may be counted in the office of the  
33 election authority under this provision or they may be  
34 delivered to the judges of election in the appropriate



1 precinct for counting as provided in Section 20-9.

2       Such counting shall commence no later than 8:00 p.m. and  
3 shall be conducted by a panel or panels of election judges  
4 appointed in the manner provided by law. Such counting shall  
5 continue until all absent voters' ballots received as  
6 aforesaid have been counted.

7       The procedures set forth in Section 19-9 of this Act and  
8 Articles 17 and 18 of this Code, shall apply to all absent  
9 voters' ballots counted under this provision; except that  
10 votes shall be recorded without regard to precinct  
11 designation.

12       Where certain absent voters' ballots are counted in the  
13 office of the election authority as provided in this Section,  
14 each political party, candidate and qualified civic  
15 organization shall be entitled to have present one  
16 pollwatcher for each panel of election judges therein  
17 assigned.

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

19       Section 99. Effective date. This Act takes effect upon  
20 becoming law.