

AN ACT concerning elections.

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

Section 5. The Election Code is amended by changing Sections 3-5, 19-1, 19-2, and 19-5 as follows:

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

Sec. 3-5. No person who has been legally convicted, in this or another State or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any section of this Act and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement.

Confinement for purposes of this Section shall include any person convicted and imprisoned but granted a furlough as provided by Section 3-11-1 of the "Unified Code of Corrections", or admitted to a work release program as provided by Section 3-13-2 of the "Unified Code of Corrections". Confinement shall not include any person convicted and imprisoned but released on parole.

Confinement or detention in a jail pending acquittal or conviction of a crime is not a disqualification for voting.

(Source: P.A. 80-699.)

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

Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who

because of election duties for the office of an Election Authority or the State Board of Elections or who because of election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education or who is serving as a sequestered juror on a State or federal jury, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.

For purposes of this Article 19, a physically incapacitated voter marks his or her ballot "personally" when the voter exercises his or her physical abilities to their reasonable limit in marking the ballot, and marking personally may include instructing the person assisting the incapacitated voter when giving such instruction represents the reasonable limit of the physical abilities.

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

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who

because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of such election may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 84-808.)

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

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

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

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

I further state that I personally marked the enclosed

ballot in secret.

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

.....

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

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

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

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

.....

(Individual rendering assistance)

.....

(Residence Address)

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

.....

In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless

the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

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

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

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

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

.....

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

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

to vote in such precinct at the election to be held on
....; that I shall be unable to be present at the polls of such
precinct on the date of holding such election because of my
confinement or detention in jail pending acquittal or
conviction of a crime.

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

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

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

.....

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

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

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

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

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

and correct.

.....

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

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

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

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

.....

(Individual rendering assistance)

.....

(Residence Address)

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

.....

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

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

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

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

(Source: P.A. 89-653, eff. 8-14-96.)