



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0288

by Rep. David S. Olsen

SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-5
10 ILCS 5/29-10

from Ch. 46, par. 29-5
from Ch. 46, par. 29-10

Amends the Election Code. Provides that any person who knowingly files an application to vote, accepts a ballot, or enters a voting machine on more than one occasion on the same election day where the ballot or machine lists any of the same candidates and issues (except to legally give assistance, to replace a spoiled or rejected ballot, or at the direction of a judge of elections), shall be guilty of a Class 3 felony. Provides that any person who knowingly makes a false statement, material to the issue or point in question, in any affidavit, certificate or sworn oral declaration required by any provision of the Code shall be guilty of a Class 3 felony. Provides that an indictment or information for perjury alleging that the offender has knowingly made contradictory statements, material to the issue or point in question, in affidavits, certificates, or sworn oral declarations required by any provision of the Code, need not specify which statement is false. Provides that at the trial, the prosecution need not establish which statement is false. Effective immediately.

LRB100 05284 MLM 15295 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 29-5 and 29-10 as follows:

6 (10 ILCS 5/29-5) (from Ch. 46, par. 29-5)

7 Sec. 29-5. Voting more than once. Any person who, ~~having~~
8 ~~voted once,~~ knowingly files an application to vote, accepts a
9 ballot, or enters a voting machine on more than one occasion
10 during any election where the ballot or machine lists any of
11 the same candidates and issues ~~listed on the ballot or machine~~
12 ~~previously used for voting by that person,~~ (a) ~~files an~~
13 ~~application to vote in the same or another polling place, or~~
14 ~~(b) accepts a ballot or enters a voting machine~~ (except to
15 legally give assistance, to replace a spoiled or rejected
16 ballot, or at the direction of a judge of elections pursuant to
17 the provisions of this Code), shall be guilty of a Class 3
18 felony; however, if a person has delivered a ballot or ballots
19 to an election authority as a vote by mail voter and due to a
20 change of circumstances is able to and does vote in the
21 precinct of his residence on election day, shall not be deemed
22 to be in violation of this Code. A violation of this Section
23 may be prosecuted in any county where an element of the offense

1 was committed.

2 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

3 (10 ILCS 5/29-10) (from Ch. 46, par. 29-10)

4 Sec. 29-10. Perjury.

5 (a) Any person who knowingly makes a false statement,
6 material to the issue or point in question, ~~which he does not~~
7 ~~believe to be true,~~ in any affidavit, certificate or sworn oral
8 declaration required by any provision of this Code shall be
9 guilty of a Class 3 felony.

10 (b) Any person who is convicted of violating this Section
11 shall be ineligible for public employment for a period of 5
12 years immediately following the completion of his sentence. For
13 the purpose of this subsection, "public employment" shall mean
14 any elected or appointed office created by the Constitution or
15 laws of this State, or any ordinance of a unit of local
16 government. "Public employment" shall also include any
17 position as an employee of the State of Illinois, or a unit of
18 local government or school district.

19 (c) An indictment or information for perjury under this
20 Section alleging that the offender has knowingly made
21 contradictory statements, material to the issue or point in
22 question, in affidavits, certificates, or sworn oral
23 declarations required by any provision of this Code, need not
24 specify which statement is false. At the trial, the prosecution
25 need not establish which statement is false.

1 (Source: P.A. 83-1097.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.