



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2800

Introduced 2/6/2025, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

10 ILCS 5/18A-15	
10 ILCS 5/18A-218.30	
10 ILCS 5/20-2	from Ch. 46, par. 20-2
10 ILCS 5/20-2.1	from Ch. 46, par. 20-2.1
10 ILCS 5/20-2.2	from Ch. 46, par. 20-2.2
10 ILCS 5/20-2.3	from Ch. 46, par. 20-2.3

Amends the Election Code. Provides that the county clerk or board of election commissioners shall complete the validation and counting of provisional ballots within 7 calendar days (currently, 14 calendar days) of the day of the election. Makes conforming changes.

LRB104 08174 SPS 18223 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 18A-15, 18A-218.30, 20-2, 20-2.1, 20-2.2, and 20-2.3
6 as follows:

7 (10 ILCS 5/18A-15)

8 Sec. 18A-15. Validating and counting provisional ballots.

9 (a) The county clerk or board of election commissioners
10 shall complete the validation and counting of provisional
11 ballots within 7 ~~14~~ calendar days of the day of the election.
12 The county clerk or board of election commissioners shall have
13 7 calendar days from the completion of the validation and
14 counting of provisional ballots to conduct its final canvass.
15 The State Board of Elections shall complete within 31 calendar
16 days of the election or sooner if all the returns are received,
17 its final canvass of the vote for all public offices.

18 (b) If a county clerk or board of election commissioners
19 determines that all of the following apply, then a provisional
20 ballot is valid and shall be counted as a vote:

21 (1) the provisional voter cast the provisional ballot
22 in the correct precinct based on the address provided by
23 the provisional voter. The provisional voter's affidavit

1 shall serve as a change of address request by that voter
2 for registration purposes for the next ensuing election if
3 it bears an address different from that in the records of
4 the election authority. Votes for federal and statewide
5 offices on a provisional ballot cast in the incorrect
6 precinct that meet the other requirements of this
7 subsection shall be valid and counted in accordance with
8 this Article. As used in this item, "federal office" is
9 defined as provided in Section 20-1 and "statewide office"
10 means the Governor, Attorney General, Secretary of State,
11 Comptroller, and Treasurer. Votes for General Assembly,
12 countywide, citywide, or township office on a provisional
13 ballot cast in the incorrect precinct but in the correct
14 legislative district, representative district, county,
15 municipality, or township, as the case may be, shall be
16 valid and counted in accordance with this Article. As used
17 in this item, "citywide office" means an office elected by
18 the electors of an entire municipality. As used in this
19 item, "township office" means an office elected by the
20 electors of an entire township;

21 (2) the affidavit executed by the provisional voter
22 pursuant to subsection (b) (2) of Section 18A-5 contains,
23 at a minimum, the provisional voter's first and last name,
24 house number and street name, and signature or mark;

25 (3) except as permitted by item (5) of subsection (b)
26 of this Section, the provisional voter is a registered

1 voter based on information available to the county clerk
2 or board of election commissioners provided by or obtained
3 from any of the following:

4 i. the provisional voter;

5 ii. an election judge;

6 iii. the statewide voter registration database
7 maintained by the State Board of Elections;

8 iv. the records of the county clerk or board of
9 election commissioners' database; or

10 v. the records of the Secretary of State; and

11 (4) for a provisional ballot cast under item (6) of
12 subsection (a) of Section 18A-5, the voter did not vote by
13 mail ballot in the election at which the provisional
14 ballot was cast; or

15 (5) for a provisional ballot cast under item (7) of
16 subsection (a) of Section 18A-5, the voter provides the
17 election authority with the necessary documentation within
18 7 days of election day.

19 (c) With respect to subsection (b) (3) of this Section, the
20 county clerk or board of election commissioners shall
21 investigate and record whether or not the specified
22 information is available from each of the 5 identified
23 sources. If the information is available from one or more of
24 the identified sources, then the county clerk or board of
25 election commissioners shall seek to obtain the information
26 from each of those sources until satisfied, with information

1 from at least one of those sources, that the provisional voter
2 is registered and entitled to vote. The county clerk or board
3 of election commissioners shall use any information it obtains
4 as the basis for determining the voter registration status of
5 the provisional voter. If a conflict exists among the
6 information available to the county clerk or board of election
7 commissioners as to the registration status of the provisional
8 voter, then the county clerk or board of election
9 commissioners shall make a determination based on the totality
10 of the circumstances. In a case where the above information
11 equally supports or opposes the registration status of the
12 voter, the county clerk or board of election commissioners
13 shall decide in favor of the provisional voter as being duly
14 registered to vote. If the statewide voter registration
15 database maintained by the State Board of Elections indicates
16 that the provisional voter is registered to vote, but the
17 county clerk's or board of election commissioners' voter
18 registration database indicates that the provisional voter is
19 not registered to vote, then the information found in the
20 statewide voter registration database shall control the matter
21 and the provisional voter shall be deemed to be registered to
22 vote. If the records of the county clerk or board of election
23 commissioners indicates that the provisional voter is
24 registered to vote, but the statewide voter registration
25 database maintained by the State Board of Elections indicates
26 that the provisional voter is not registered to vote, then the

1 information found in the records of the county clerk or board
2 of election commissioners shall control the matter and the
3 provisional voter shall be deemed to be registered to vote. If
4 the provisional voter's signature on his or her provisional
5 ballot request varies from the signature on an otherwise valid
6 registration application solely because of the substitution of
7 initials for the first or middle name, the election authority
8 may not reject the provisional ballot.

9 (d) In validating the registration status of a person
10 casting a provisional ballot, the county clerk or board of
11 election commissioners shall not require a provisional voter
12 to complete any form other than the affidavit executed by the
13 provisional voter under subsection (b) (2) of Section 18A-5. In
14 addition, the county clerk or board of election commissioners
15 shall not require all provisional voters or any particular
16 class or group of provisional voters to appear personally
17 before the county clerk or board of election commissioners or
18 as a matter of policy require provisional voters to submit
19 additional information to verify or otherwise support the
20 information already submitted by the provisional voter. Within
21 2 calendar days after the election, the election authority
22 shall transmit by electronic means pursuant to a process
23 established by the State Board of Elections the name, street
24 address, e-mail address, and precinct, ward, township, and
25 district numbers, as the case may be, of each person casting a
26 provisional ballot to the State Board of Elections, which

1 shall maintain those names and that information in an
2 electronic format on its website, arranged by county and
3 accessible to State and local political committees. The
4 provisional voter may, within 7 calendar days after the
5 election, submit additional information to the county clerk or
6 board of election commissioners. This information must be
7 received by the county clerk or board of election
8 commissioners within the 7-calendar-day period.

9 (e) If the county clerk or board of election commissioners
10 determines that subsection (b) (1), (b) (2), or (b) (3) does not
11 apply, then the provisional ballot is not valid and may not be
12 counted. The provisional ballot envelope containing the ballot
13 cast by the provisional voter may not be opened. The county
14 clerk or board of election commissioners shall write on the
15 provisional ballot envelope the following: "Provisional ballot
16 determined invalid."

17 (f) If the county clerk or board of election commissioners
18 determines that a provisional ballot is valid under this
19 Section, then the provisional ballot envelope shall be opened.
20 The outside of each provisional ballot envelope shall also be
21 marked to identify the precinct and the date of the election.

22 (g) Provisional ballots determined to be valid shall be
23 counted at the election authority's central ballot counting
24 location and shall not be counted in precincts. The
25 provisional ballots determined to be valid shall be added to
26 the vote totals for the precincts from which they were cast in

1 the order in which the ballots were opened. The validation and
2 counting of provisional ballots shall be subject to the
3 provisions of this Code that apply to pollwatchers. If the
4 provisional ballots are a ballot of a punch card voting
5 system, then the provisional ballot shall be counted in a
6 manner consistent with Article 24A. If the provisional ballots
7 are a ballot of optical scan or other type of approved
8 electronic voting system, then the provisional ballots shall
9 be counted in a manner consistent with Article 24B.

10 (h) As soon as the ballots have been counted, the election
11 judges or election officials shall, in the presence of the
12 county clerk or board of election commissioners, place each of
13 the following items in a separate envelope or bag: (1) all
14 provisional ballots, voted or spoiled; (2) all provisional
15 ballot envelopes of provisional ballots voted or spoiled; and
16 (3) all executed affidavits of the provisional ballots voted
17 or spoiled. All provisional ballot envelopes for provisional
18 voters who have been determined not to be registered to vote
19 shall remain sealed. The county clerk or board of election
20 commissioners shall treat the provisional ballot envelope
21 containing the written affidavit as a voter registration
22 application for that person for the next election and process
23 that application. The election judges or election officials
24 shall then securely seal each envelope or bag, initial the
25 envelope or bag, and plainly mark on the outside of the
26 envelope or bag in ink the precinct in which the provisional

1 ballots were cast. The election judges or election officials
2 shall then place each sealed envelope or bag into a box, secure
3 and seal it in the same manner as described in item (6) of
4 subsection (b) of Section 18A-5. Each election judge or
5 election official shall take and subscribe an oath before the
6 county clerk or board of election commissioners that the
7 election judge or election official securely kept the ballots
8 and papers in the box, did not permit any person to open the
9 box or otherwise touch or tamper with the ballots and papers in
10 the box, and has no knowledge of any other person opening the
11 box. For purposes of this Section, the term "election
12 official" means the county clerk, a member of the board of
13 election commissioners, as the case may be, and their
14 respective employees.

15 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
16 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

17 (10 ILCS 5/18A-218.30)

18 Sec. 18A-218.30. Counting procedures for provisional
19 ballots cast in an incorrect precinct within a different
20 election authority's jurisdiction.

21 (a) The election authority having possession of the
22 provisional ballot shall first notify the election authority
23 having jurisdiction over the provisional voter that the voter
24 cast a provisional ballot in its jurisdiction and provide
25 whatever information is needed for the election authority to

1 comply with the notification requirements set forth in
2 subsection (d) of Section 18A-15 of this Code. For purpose of
3 determining which election authority has jurisdiction over the
4 provisional voter, the election authority having possession of
5 the provisional ballot shall use the address listed on the
6 provisional ballot affidavit that was provided by the voter.
7 If that address is different from the address at which the
8 voter is registered, the ballot shall be rejected; however,
9 the affidavit shall serve as a request to register at that
10 address. If a voter cast a provisional ballot in an incorrect
11 precinct located in the jurisdiction of an election authority
12 other than the election authority having jurisdiction over the
13 voter's correct precinct, but where the precinct is located
14 within the same county as the 2 election authorities (e.g., a
15 voter is registered in the City of Chicago, but casts a
16 provisional ballot in suburban Cook County), the election
17 authority in whose territory the provisional ballot was cast
18 shall, after receipt of the provisional ballot, transmit it,
19 along with the provisional voter's affidavit and any other
20 documentation provided to the election judges, to the office
21 of the election authority having jurisdiction over the voter's
22 correct precinct. The ballot shall be sealed in a secure
23 envelope or other suitable container and transmitted within 8
24 business days after the election at which it was cast. If the
25 locations of the election authorities' offices are such that
26 it is feasible to hand deliver the ballot, the ballot shall be

1 sealed in a secure envelope and transmitted in that manner by 2
2 election judges (or election officials), one from each of the
3 2 leading political parties. If the locations of the 2
4 election authorities are such that it is not feasible to hand
5 deliver the ballot, the election authority having jurisdiction
6 over the incorrect precinct shall cause the ballot to be
7 sealed in a secure envelope and transmitted via express mail
8 within 8 business days after the election at which the ballot
9 was cast, with a delivery date no later than the second
10 business day following the mailing date. Upon receipt of the
11 ballot by the election authority having jurisdiction over the
12 correct precinct, the election authority shall proceed to
13 remake, and count the votes on, the provisional ballot in
14 accordance with the procedures described in Section
15 18A-218.20, including the determination of eligibility to cast
16 a provisional ballot. Any information provided to the election
17 authority within the 7 day period provided for in Section
18 18A-15 of this Code shall be sealed in a secure envelope and
19 transmitted to the office of the election authority having
20 jurisdiction over the voter's correct precinct, along with the
21 provisional ballot of that voter.

22 (b) Incorrect precinct is located in a different county
23 from the county where the voter is registered, but is located
24 in the same municipality or legislative district as the one in
25 which the voter is registered:

26 (1) The election authority having possession of the

1 provisional ballot shall first notify the election
2 authority having jurisdiction over the provisional voter
3 that the voter cast a provisional ballot in its
4 jurisdiction and provide whatever information is needed
5 for the election authority to comply with the notification
6 requirements set forth in subsection (d) of Section 18A-15
7 of this Code. For purposes of determining which election
8 authority has jurisdiction over the provisional voter, the
9 election authority having possession of the provisional
10 ballot shall use the address listed on the provisional
11 ballot affidavit that was provided by the voter. If that
12 address is different from the address at which the voter
13 is registered, the ballot shall be rejected; however, the
14 affidavit shall serve as a request to register at that
15 address. The election authority shall then cause the
16 ballot, along with the provisional voter's affidavit and
17 any other documentation provided to the election judges,
18 to be transmitted via express mail within 8 business days
19 after the election at which the ballot was cast, with a
20 delivery date no later than the second business day
21 following the mailing date. Upon receipt of the ballot by
22 the election authority having jurisdiction over the
23 correct precinct, that election authority shall proceed to
24 remake and count the votes on the provisional ballot in
25 accordance with the procedures described in Section
26 18A-218.20, including the determination of eligibility to

1 cast a provisional ballot. Any information provided to the
2 election authority within the 7 day period provided for in
3 Section 18A-15 of this Code shall be transmitted to the
4 office of the election authority having jurisdiction over
5 the voter's correct precinct, along with the provisional
6 ballot of that voter.

7 (2) If a voter casts a provisional ballot in a
8 precinct outside of the county in which he or she is
9 registered and outside of the municipality, representative
10 district, or legislative district in which he or she is
11 registered (if applicable), the ballot shall not be
12 counted. It shall, however, be transmitted via the U.S.
13 Postal Service to the election authority having
14 jurisdiction over the voter's correct precinct within 7 ~~14~~
15 days after the election and shall be kept for 2 months, the
16 same length of time as is required for other voted
17 ballots.

18 For purposes of determining which election authority has
19 jurisdiction over the provisional voter, the election
20 authority having possession of the provisional ballot shall
21 use the address listed on the provisional ballot affidavit
22 that was provided by the voter. If such address is different
23 from the address at which the voter is registered, the ballot
24 shall be rejected, however the affidavit shall serve as a
25 request to register at such address.

26 (Source: P.A. 98-1171, eff. 6-1-15.)

1 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

2 Sec. 20-2. Any member of the United States Service,
3 otherwise qualified to vote, who expects in the course of his
4 duties to be absent from the county in which he resides on the
5 day of holding any election may make application for a vote by
6 mail ballot to the election authority having jurisdiction over
7 his precinct of residence on the official postcard or on a form
8 furnished by the election authority as prescribed by Section
9 20-3 of this Article not less than 10 days before the election.
10 A request pursuant to this Section shall entitle the applicant
11 to a vote by mail ballot for every election in one calendar
12 year. The original application for ballot shall be kept in the
13 office of the election authority for one year as authorization
14 to send a ballot to the voter for each election to be held
15 within that calendar year. A certified copy of such
16 application for ballot shall be sent each election with the
17 vote by mail ballot to the election authority's central ballot
18 counting location to be used in lieu of the original
19 application for ballot. No registration shall be required in
20 order to vote pursuant to this Section.

21 Ballots under this Section shall be mailed by the election
22 authority in the manner prescribed by Section 20-5 of this
23 Article and not otherwise. Ballots voted under this Section
24 must be returned postmarked no later than election day and
25 received for counting at the central ballot counting location

1 of the election authority during the period for counting
2 provisional ballots, the last day of which is the 7th ~~14th~~ day
3 following election day.

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

5 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

6 Sec. 20-2.1. Citizens of the United States temporarily
7 residing outside the territorial limits of the United States
8 who are not registered but otherwise qualified to vote and who
9 expect to be absent from their county of residence during the
10 periods of voter registration provided for in Articles 4, 5 or
11 6 of this Code and on the day of holding any election, may make
12 simultaneous application to the election authority having
13 jurisdiction over their precinct of residence for registration
14 by mail and vote by mail ballot not less than 30 days before
15 the election. Such application may be made on the official
16 postcard or on a form furnished by the election authority as
17 prescribed by Section 20-3 of this Article or by facsimile or
18 electronic transmission. A request pursuant to this Section
19 shall entitle the applicant to a vote by mail ballot for every
20 election in one calendar year. The original application for
21 ballot shall be kept in the office of the election authority
22 for one year as authorization to send a ballot to the voter for
23 each election to be held within that calendar year. A
24 certified copy of such application for ballot shall be sent
25 each election with the vote by mail ballot to the election

1 authority's central ballot counting location to be used in
2 lieu of the original application for ballot.

3 Registration shall be required in order to vote pursuant
4 to this Section. However, if the election authority receives
5 one of such applications after 30 days but not less than 10
6 days before a Federal election, said applicant shall be sent a
7 ballot containing the Federal offices only and registration
8 for that election shall be waived.

9 Ballots under this Section shall be delivered by the
10 election authority in the manner prescribed by Section 20-5 of
11 this Article in person, by mail, or, if requested by the
12 applicant and the election authority has the capability, by
13 facsimile transmission or by electronic transmission.

14 Ballots voted under this Section must be returned
15 postmarked no later than election day and received for
16 counting at the central ballot counting location of the
17 election authority during the period for counting provisional
18 ballots, the last day of which is the 7th ~~14th~~ day following
19 election day.

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

21 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

22 Sec. 20-2.2. Any non-resident civilian citizen, otherwise
23 qualified to vote, may make application to the election
24 authority having jurisdiction over his precinct of former
25 residence for a vote by mail ballot containing the Federal

1 offices only not less than 10 days before a Federal election.
2 Such application may be made on the official postcard or by
3 facsimile or electronic transmission. A request pursuant to
4 this Section shall entitle the applicant to a vote by mail
5 ballot for every election in one calendar year at which
6 Federal offices are filled. The original application for
7 ballot shall be kept in the office of the election authority
8 for one year as authorization to send a ballot to the voter for
9 each election to be held within that calendar year at which
10 Federal offices are filled. A certified copy of such
11 application for ballot shall be sent each election with the
12 vote by mail ballot to the election authority's central ballot
13 counting location to be used in lieu of the original
14 application for ballot. No registration shall be required in
15 order to vote pursuant to this Section. Ballots under this
16 Section shall be delivered by the election authority in the
17 manner prescribed by Section 20-5 of this Article in person,
18 by mail, or, if requested by the applicant and the election
19 authority has the capability, by facsimile transmission or by
20 electronic transmission. Ballots voted under this Section must
21 be returned postmarked no later than election day and received
22 for counting at the central ballot counting location of the
23 election authority during the period for counting provisional
24 ballots, the last day of which is the 7th ~~14th~~ day following
25 election day.

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

1 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

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

14 Ballots under this Section shall be delivered by the
15 election authority in the manner prescribed by Section 20-5 of
16 this Article in person, by mail, or, if requested by the
17 applicant and the election authority has the capability, by
18 facsimile transmission or by electronic transmission. Ballots
19 voted under this Section must be returned postmarked no later
20 than election day and received for counting at the central
21 ballot counting location of the election authority during the
22 period for counting provisional ballots, the last day of which
23 is the 7th ~~14th~~ day following election day.

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