



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5114

Introduced 2/10/2026, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. In provisions concerning the counting of vote by mail ballots and ballots cast by absent electors in military or naval service, provides that the counting of those ballots shall begin 7 calendar days before election day (rather than on election day after the closing of the polls). Provides that an election authority shall not release the results of any counting done under the provisions until after the closing of the polls on election day.

LRB104 19203 SPS 32648 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 19-8 and 20-8 as follows:

6 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

8 (a) (Blank). ~~(Blank.)~~

9 (b) Each vote by mail voter's ballot returned to an
10 election authority, by any means authorized by this Article,
11 and received by that election authority before the closing of
12 the polls on election day shall be endorsed by the receiving
13 election authority with the day and hour of receipt and may be
14 processed by the election authority beginning on the day it is
15 received by the election authority in the central ballot
16 counting location of the election authority, but the results
17 of the processing may not be counted until the day of the
18 election after 7:00 p.m., except as provided in subsections
19 (g) and (g-5).

20 (c) Each vote by mail voter's ballot that is mailed to an
21 election authority and postmarked no later than election day,
22 but that is received by the election authority after the polls
23 close on election day and before the close of the period for

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

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

20 If an election authority is using an intelligent mail
21 barcode tracking system, a ballot that is mailed to an
22 election authority absent a postmark may be counted if the
23 intelligent mail barcode tracking system verifies the envelope
24 was mailed no later than election day.

25 (d) Special write-in vote by mail voter's blank ballots
26 returned to an election authority, by any means authorized by

1 this Article, and received by the election authority at any
2 time before the closing of the polls on election day shall be
3 endorsed by the receiving election authority with the day and
4 hour of receipt and shall be counted at the central ballot
5 counting location of the election authority during the same
6 period provided for counting vote by mail voters' ballots
7 under subsections (b), (g), and (g-5). Special write-in vote
8 by mail voter's blank ballots that are mailed to an election
9 authority and postmarked no later than election day, but that
10 are received by the election authority after the polls close
11 on election day and before the closing of the period for
12 counting provisional ballots cast at that election, shall be
13 endorsed by the receiving authority with the day and hour of
14 receipt and shall be counted at the central ballot counting
15 location of the election authority during the same periods
16 provided for counting vote by mail voters' ballots under
17 subsection (c).

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

1 election.

2 (f) Counting required under this Section shall ~~to~~ begin 7
3 calendar days before ~~on~~ election day ~~after the closing of the~~
4 ~~polls shall commence no later than 8:00 p.m.~~ and shall be
5 conducted by a panel or panels of election judges appointed in
6 the manner provided by law. The counting shall continue until
7 all vote by mail voters' ballots and special write-in vote by
8 mail voter's blank ballots required to be counted on election
9 day have been counted. An election authority shall not release
10 the results of any counting done under this subsection until
11 after the closing of the polls on election day.

12 (g) The procedures set forth in Articles 17 and 18 of this
13 Code shall apply to all ballots counted under this Section. In
14 addition, within 2 days after a vote by mail ballot is
15 received, but in all cases before the close of the period for
16 counting provisional ballots, the election judge or official
17 shall compare the voter's signature on the certification
18 envelope of that vote by mail ballot with the voter's
19 signature on the application verified in accordance with
20 Section 19-4 or the signature of the voter on file in the
21 office of the election authority. If the election judge or
22 official determines that the 2 signatures match, and that the
23 vote by mail voter is otherwise qualified to cast a vote by
24 mail ballot, the election authority shall cast and count the
25 ballot on election day or the day the ballot is determined to
26 be valid, whichever is later, adding the results to the

1 precinct in which the voter is registered. If the election
2 judge or official determines that the signatures do not match,
3 or that the vote by mail voter is not qualified to cast a vote
4 by mail ballot, then without opening the certification
5 envelope, the judge or official shall mark across the face of
6 the certification envelope the word "Rejected" and shall not
7 cast or count the ballot.

8 In addition to the voter's signatures not matching, a vote
9 by mail ballot may be rejected by the election judge or
10 official:

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

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

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

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

18 If the election judge or official determines that any of
19 these reasons apply, the judge or official shall mark across
20 the face of the certification envelope the word "Rejected" and
21 shall not cast or count the ballot.

22 (g-5) If a vote by mail ballot is rejected by the election
23 judge or official for any reason, the election authority
24 shall, within 2 days after the rejection but in all cases
25 before the close of the period for counting provisional
26 ballots, notify the vote by mail voter that his or her ballot

1 was rejected. The notice shall inform the voter of the reason
2 or reasons the ballot was rejected and shall state that the
3 voter may appear before the election authority, on or before
4 the 14th day after the election, to show cause as to why the
5 ballot should not be rejected. The voter may present evidence
6 to the election authority supporting his or her contention
7 that the ballot should be counted. The election authority
8 shall appoint a panel of 3 election judges to review the
9 contested ballot, application, and certification envelope, as
10 well as any evidence submitted by the vote by mail voter. No
11 more than 2 election judges on the reviewing panel shall be of
12 the same political party. The reviewing panel of election
13 judges shall make a final determination as to the validity of
14 the contested vote by mail ballot. The judges' determination
15 shall not be reviewable either administratively or judicially.

16 A vote by mail ballot subject to this subsection that is
17 determined to be valid shall be counted before the close of the
18 period for counting provisional ballots.

19 If a vote by mail ballot is rejected for any reason, the
20 election authority shall, within one day after the rejection,
21 transmit to the State Board of Elections by electronic means
22 the voter's name, street address, email address, and precinct,
23 ward, township, and district numbers, as the case may be. If a
24 rejected vote by mail ballot is determined to be valid, the
25 election authority shall, within one day after the
26 determination, remove the name of the voter from the list

1 transmitted to the State Board of Elections. The State Board
2 of Elections shall maintain the names and information in an
3 electronic format on its website accessible to State and local
4 political committees.

5 Upon request by the State or local political committee,
6 each election authority shall, within one day after the
7 request, provide the following information about all rejected
8 vote by mail ballots: voter's name, street address, email
9 address, and precinct, ward, township, and district numbers,
10 as the case may be.

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

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

17 (Source: P.A. 102-1126, eff. 2-10-23; 103-467, eff. 8-4-23;
18 revised 6-24-25.)

19 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)
20 Sec. 20-8. Time and place of counting ballots.

21 (a) (Blank.)

22 (b) Each vote by mail voter's ballot returned to an
23 election authority, by any means authorized by this Article,
24 and received by that election authority may be processed by
25 the election authority beginning on the day it is received by

1 the election authority in the central ballot counting location
2 of the election authority, but the results of the processing
3 may not be counted until the day of the election after 7:00
4 p.m., except as provided in subsections (g) and (g-5).

5 (c) Each vote by mail voter's ballot that is mailed to an
6 election authority and postmarked no later than election day,
7 but that is received by the election authority after the polls
8 close on election day and before the close of the period for
9 counting provisional ballots cast at that election, shall be
10 endorsed by the receiving authority with the day and hour of
11 receipt and shall be counted at the central ballot counting
12 location of the election authority during the period for
13 counting provisional ballots.

14 Each vote by mail voter's ballot that is mailed to an
15 election authority absent a postmark or a barcode usable with
16 an intelligent mail barcode tracking system, but that is
17 received by the election authority after the polls close on
18 election day and before the close of the period for counting
19 provisional ballots cast at that election, shall be endorsed
20 by the receiving authority with the day and hour of receipt,
21 opened to inspect the date inserted on the certification, and,
22 if the certification date is election day or earlier and the
23 ballot is otherwise found to be valid under the requirements
24 of this Section, counted at the central ballot counting
25 location of the election authority during the period for
26 counting provisional ballots. Absent a date on the

1 certification, the ballot shall not be counted.

2 If an election authority is using an intelligent mail
3 barcode tracking system, a ballot that is mailed to an
4 election authority absent a postmark may be counted if the
5 intelligent mail barcode tracking system verifies the envelope
6 was mailed no later than election day.

7 (d) Special write-in vote by mail voter's blank ballots
8 returned to an election authority, by any means authorized by
9 this Article, and received by the election authority at any
10 time before the closing of the polls on election day shall be
11 endorsed by the receiving election authority with the day and
12 hour of receipt and shall be counted at the central ballot
13 counting location of the election authority during the same
14 period provided for counting vote by mail voters' ballots
15 under subsections (b), (g), and (g-5). Special write-in vote
16 by mail voter's blank ballot that are mailed to an election
17 authority and postmarked no later than election day, but that
18 are received by the election authority after the polls close
19 on election day and before the closing of the period for
20 counting provisional ballots cast at that election, shall be
21 endorsed by the receiving authority with the day and hour of
22 receipt and shall be counted at the central ballot counting
23 location of the election authority during the same periods
24 provided for counting vote by mail voters' ballots under
25 subsection (c).

26 (e) Except as otherwise provided in this Section, vote by

1 mail voters' ballots and special write-in vote by mail voter's
2 blank ballots received by the election authority after the
3 closing of the polls on the day of election shall be endorsed
4 by the person receiving the ballots with the day and hour of
5 receipt and shall be safely kept unopened by the election
6 authority for the period of time required for the preservation
7 of ballots used at the election, and shall then, without being
8 opened, be destroyed in like manner as the used ballots of that
9 election.

10 (f) Counting required under this Section shall ~~to~~ begin 7
11 calendar days before ~~on~~ election day ~~after the closing of the~~
12 ~~polls shall commence no later than 8:00 p.m.~~ and shall be
13 conducted by a panel or panels of election judges appointed in
14 the manner provided by law. The counting shall continue until
15 all vote by mail voters' ballots and special write-in vote by
16 mail voter's blank ballots required to be counted on election
17 day have been counted. An election authority shall not release
18 the results of any counting done under this subsection until
19 after the closing of the polls on election day.

20 (g) The procedures set forth in Articles 17 and 18 of this
21 Code shall apply to all ballots counted under this Section. In
22 addition, within 2 days after a ballot subject to this Article
23 is received, but in all cases before the close of the period
24 for counting provisional ballots, the election judge or
25 official shall compare the voter's signature on the
26 certification envelope of that ballot with the signature of

1 the voter on file in the office of the election authority. If
2 the election judge or official determines that the 2
3 signatures match, and that the voter is otherwise qualified to
4 cast a ballot under this Article, the election authority shall
5 cast and count the ballot on election day or the day the ballot
6 is determined to be valid, whichever is later, adding the
7 results to the precinct in which the voter is registered. If
8 the election judge or official determines that the signatures
9 do not match, or that the voter is not qualified to cast a
10 ballot under this Article, then without opening the
11 certification envelope, the judge or official shall mark
12 across the face of the certification envelope the word
13 "Rejected" and shall not cast or count the ballot.

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

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

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

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

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

24 If the election judge or official determines that any of
25 these reasons apply, the judge or official shall mark across
26 the face of the certification envelope the word "Rejected" and

1 shall not cast or count the ballot.

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

22 A ballot subject to this subsection that is determined to
23 be valid shall be counted before the close of the period for
24 counting provisional ballots.

25 (g-10) All ballots determined to be valid shall be added
26 to the vote totals for the precincts for which they were cast

1 in the order in which the ballots were opened.

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

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