



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5126

Introduced 2/10/2026, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9	from Ch. 46, par. 17-9
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/19A-35	

Amends the Election Code. Provides that, if a voter is unable to submit a vote by mail ballot, it shall be sufficient for the voter to submit to the election judges an affidavit executed before the election judges specifying that the voter received a vote by mail ballot, but the vote by mail ballot was misplaced or destroyed, and was unable to bring the vote by mail ballot to the polling place. Makes conforming changes.

LRB104 18502 SPS 31944 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 17-9, 18-5, and 19A-35 as follows:

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall give his name
8 and, if required to do so, his residence to the judges of
9 election, one of whom shall thereupon announce the same in a
10 loud and distinct tone of voice, clear, and audible; the
11 judges of elections shall check each application for ballot
12 against the list of voters registered in that precinct to whom
13 grace period, vote by mail, or early ballots have been issued
14 for that election, which shall be provided by the election
15 authority and which list shall be available for inspection by
16 pollwatchers. A voter applying to vote in the precinct on
17 election day whose name appears on the list as having been
18 issued a grace period, vote by mail, or early ballot shall not
19 be permitted to vote in the precinct, except that a voter to
20 whom a vote by mail ballot was issued may vote in the precinct
21 if the voter submits to the election judges that vote by mail
22 ballot for cancellation. If the voter is unable to submit the
23 vote by mail ballot, it shall be sufficient for the voter to

1 submit to the election judges (i) a portion of the vote by mail
2 ballot if the vote by mail ballot was torn or mutilated or (ii)
3 an affidavit executed before the election judges specifying
4 that (A) the voter never received a vote by mail ballot, ~~or~~ (B)
5 the voter completed and returned a vote by mail ballot and was
6 informed that the election authority did not receive that vote
7 by mail ballot, or (C) the voter received a vote by mail
8 ballot, but the vote by mail ballot was misplaced or
9 destroyed, and was unable to bring the vote by mail ballot to
10 the polling place. All applicable provisions of Articles 4, 5
11 or 6 shall be complied with and if such name is found on the
12 register of voters by the officer having charge thereof, he
13 shall likewise repeat said name, and the voter shall be
14 allowed to enter within the proximity of the voting booths, as
15 above provided. One of the judges shall give the voter one, and
16 only one of each ballot to be voted at the election, on the
17 back of which ballots such judge shall indorse his initials in
18 such manner that they may be seen when each such ballot is
19 properly folded, and the voter's name shall be immediately
20 checked on the register list. In those election jurisdictions
21 where perforated ballot cards are utilized of the type on
22 which write-in votes can be cast above the perforation, the
23 election authority shall provide a space both above and below
24 the perforation for the judge's initials, and the judge shall
25 endorse his or her initials in both spaces. Whenever a
26 proposal for a constitutional amendment or for the calling of

1 a constitutional convention is to be voted upon at the
2 election, the separate blue ballot or ballots pertaining
3 thereto shall, when being handed to the voter, be placed on top
4 of the other ballots to be voted at the election in such manner
5 that the legend appearing on the back thereof, as prescribed
6 in Section 16-6 of this Act, shall be plainly visible to the
7 voter. At all elections, when a registry may be required, if
8 the name of any person so desiring to vote at such election is
9 not found on the register of voters, he or she shall not
10 receive a ballot until he or she shall have complied with the
11 law prescribing the manner and conditions of voting by
12 unregistered voters. If any person desiring to vote at any
13 election shall be challenged, he or she shall not receive a
14 ballot until he or she shall have established his right to vote
15 in the manner provided hereinafter; and if he or she shall be
16 challenged after he has received his ballot, he shall not be
17 permitted to vote until he or she has fully complied with such
18 requirements of the law upon being challenged. Besides the
19 election officer, not more than 2 voters in excess of the whole
20 number of voting booths provided shall be allowed within the
21 proximity of the voting booths at one time. The provisions of
22 this Act, so far as they require the registration of voters as
23 a condition to their being allowed to vote shall not apply to
24 persons otherwise entitled to vote, who are, at the time of the
25 election, or at any time within 60 days prior to such election
26 have been engaged in the military or naval service of the

1 United States, and who appear personally at the polling place
 2 on election day and produce to the judges of election
 3 satisfactory evidence thereof, but such persons, if otherwise
 4 qualified to vote, shall be permitted to vote at such election
 5 without previous registration.

6 All such persons shall also make an affidavit which shall
 7 be in substantially the following form:

8 State of Illinois,)

9) ss.

10 County of)

11 Precinct Ward

12 I,, do solemnly swear (or affirm) that I am a citizen
 13 of the United States, of the age of 18 years or over, and that
 14 within the past 60 days prior to the date of this election at
 15 which I am applying to vote, I have been engaged in the
 16 (military or naval) service of the United States; and I am
 17 qualified to vote under and by virtue of the Constitution and
 18 laws of the State of Illinois, and that I am a legally
 19 qualified voter of this precinct and ward except that I have,
 20 because of such service, been unable to register as a voter;
 21 that I now reside at (insert street and number, if any) in
 22 this precinct and ward; that I have maintained a legal
 23 residence in this precinct and ward for 30 days and in this
 24 State 30 days next preceding this election.

25

26 Subscribed and sworn to before me on (insert date).

1
2

Judge of Election.

3 The affidavit of any such person shall be supported by the
4 affidavit of a resident and qualified voter of any such
5 precinct and ward, which affidavit shall be in substantially
6 the following form:

7 State of Illinois,)

8) ss.

9 County of)

10 Precinct Ward

11 I,, do solemnly swear (or affirm), that I am a
12 resident of this precinct and ward and entitled to vote at this
13 election; that I am acquainted with (name of the
14 applicant); that I verily believe him to be an actual bona fide
15 resident of this precinct and ward and that I verily believe
16 that he or she has maintained a legal residence therein 30 days
17 and in this State 30 days next preceding this election.

18

19 Subscribed and sworn to before me on (insert date).

20

21 Judge of Election.

22 All affidavits made under the provisions of this Section
23 shall be enclosed in a separate envelope securely sealed, and
24 shall be transmitted with the returns of the elections to the

1 county clerk or to the board of election commissioners, who
2 shall preserve the said affidavits for the period of 6 months,
3 during which period such affidavits shall be deemed public
4 records and shall be freely open to examination as such.

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

6 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

7 Sec. 18-5. Any person desiring to vote and whose name is
8 found upon the register of voters by the person having charge
9 thereof, shall then be questioned by one of the judges as to
10 his nativity, his term of residence at present address,
11 precinct, State and United States, his age, whether
12 naturalized and if so the date of naturalization papers and
13 court from which secured, and he shall be asked to state his
14 residence when last previously registered and the date of the
15 election for which he then registered. The judges of elections
16 shall check each application for ballot against the list of
17 voters registered in that precinct to whom grace period, vote
18 by mail, and early ballots have been issued for that election,
19 which shall be provided by the election authority and which
20 list shall be available for inspection by pollwatchers. A
21 voter applying to vote in the precinct on election day whose
22 name appears on the list as having been issued a grace period,
23 vote by mail, or early ballot shall not be permitted to vote in
24 the precinct, except that a voter to whom a vote by mail ballot
25 was issued may vote in the precinct if the voter submits to the

1 election judges that vote by mail ballot for cancellation. If
2 the voter is unable to submit the vote by mail ballot, it shall
3 be sufficient for the voter to submit to the election judges
4 (i) a portion of the vote by mail ballot if the vote by mail
5 ballot was torn or mutilated or (ii) an affidavit executed
6 before the election judges specifying that (A) the voter never
7 received a vote by mail ballot, ~~or~~ (B) the voter completed and
8 returned a vote by mail ballot and was informed that the
9 election authority did not receive that vote by mail ballot, or
10 or (C) the voter received a vote by mail ballot, but the vote
11 by mail ballot was misplaced or destroyed, so that the voter
12 was unable to bring the vote by mail ballot to the polling
13 place. If such person so registered shall be challenged as
14 disqualified, the party challenging shall assign his reasons
15 therefor, and thereupon one of the judges shall administer to
16 him an oath to answer questions, and if he shall take the oath
17 he shall then be questioned by the judge or judges touching
18 such cause of challenge, and touching any other cause of
19 disqualification. And he may also be questioned by the person
20 challenging him in regard to his qualifications and identity.
21 But if a majority of the judges are of the opinion that he is
22 the person so registered and a qualified voter, his vote shall
23 then be received accordingly. But if his vote be rejected by
24 such judges, such person may afterward produce and deliver an
25 affidavit to such judges, subscribed and sworn to by him
26 before one of the judges, in which it shall be stated how long

1 he has resided in such precinct, and state; that he is a
2 citizen of the United States, and is a duly qualified voter in
3 such precinct, and that he is the identical person so
4 registered. In addition to such an affidavit, the person so
5 challenged shall provide to the judges of election proof of
6 residence by producing 2 forms of identification showing the
7 person's current residence address, provided that such
8 identification may include a lease or contract for a residence
9 and not more than one piece of mail addressed to the person at
10 his current residence address and postmarked not earlier than
11 30 days prior to the date of the election, or the person shall
12 procure a witness personally known to the judges of election,
13 and resident in the precinct (or district), or who shall be
14 proved by some legal voter of such precinct or district, known
15 to the judges to be such, who shall take the oath following,
16 viz:

17 I do solemnly swear (or affirm) that I am a resident of
18 this election precinct (or district), and entitled to vote at
19 this election, and that I have been a resident of this State
20 for 30 days last past, and am well acquainted with the person
21 whose vote is now offered; that he is an actual and bona fide
22 resident of this election precinct (or district), and has
23 resided herein 30 days, and as I verily believe, in this State,
24 30 days next preceding this election.

25 The oath in each case may be administered by one of the
26 judges of election, or by any officer, resident in the

1 precinct or district, authorized by law to administer oaths.
2 Also supported by an affidavit by a registered voter residing
3 in such precinct, stating his own residence, and that he knows
4 such person; and that he does reside at the place mentioned and
5 has resided in such precinct and state for the length of time
6 as stated by such person, which shall be subscribed and sworn
7 to in the same way. For purposes of this Section, the
8 submission of a photo identification issued by a college or
9 university, accompanied by either (i) a copy of the
10 applicant's contract or lease for a residence or (ii) one
11 piece of mail addressed to the person at his or her current
12 residence address and postmarked not earlier than 30 days
13 prior to the date of the election, shall be sufficient to
14 establish proof of residence. Whereupon the vote of such
15 person shall be received, and entered as other votes. But such
16 judges, having charge of such registers, shall state in their
17 respective books the facts in such case, and the affidavits,
18 so delivered to the judges, shall be preserved and returned to
19 the office of the commissioners of election. Blank affidavits
20 of the character aforesaid shall be sent out to the judges of
21 all the precincts, and the judges of election shall furnish
22 the same on demand and administer the oaths without criticism.
23 Such oaths, if administered by any other officer than such
24 judge of election, shall not be received. Whenever a proposal
25 for a constitutional amendment or for the calling of a
26 constitutional convention is to be voted upon at the election,

1 the separate blue ballot or ballots pertaining thereto shall
2 be placed on top of the other ballots to be voted at the
3 election in such manner that the legend appearing on the back
4 thereof, as prescribed in Section 16-6 of this Act, shall be
5 plainly visible to the voter, and in this fashion the ballots
6 shall be handed to the voter by the judge.

7 Immediately after voting, the voter shall be instructed
8 whether the voting equipment, if used, accepted or rejected
9 the ballot or identified the ballot as under-voted. A voter
10 whose ballot is identified as under-voted for a statewide
11 constitutional office may return to the voting booth and
12 complete the voting of that ballot. A voter whose ballot is not
13 accepted by the voting equipment may, upon surrendering the
14 ballot, request and vote another ballot. The voter's
15 surrendered ballot shall be initialed by the election judge
16 and handled as provided in the appropriate Article governing
17 that voting equipment.

18 The voter shall, upon quitting the voting booth, deliver
19 to one of the judges of election all of the ballots, properly
20 folded, which he received. The judge of election to whom the
21 voter delivers his ballots shall not accept the same unless
22 all of the ballots given to the voter are returned by him. If a
23 voter delivers less than all of the ballots given to him, the
24 judge to whom the same are offered shall advise him in a voice
25 clearly audible to the other judges of election that the voter
26 must return the remainder of the ballots. The statement of the

1 judge to the voter shall clearly express the fact that the
2 voter is not required to vote such remaining ballots but that
3 whether or not he votes them he must fold and deliver them to
4 the judge. In making such statement the judge of election
5 shall not indicate by word, gesture or intonation of voice
6 that the unreturned ballots shall be voted in any particular
7 manner. No new voter shall be permitted to enter the voting
8 booth of a voter who has failed to deliver the total number of
9 ballots received by him until such voter has returned to the
10 voting booth pursuant to the judge's request and again quit
11 the booth with all of the ballots required to be returned by
12 him. Upon receipt of all such ballots the judges of election
13 shall enter the name of the voter, and his number, as above
14 provided in this Section, and the judge to whom the ballots are
15 delivered shall immediately put the ballots into the ballot
16 box. If any voter who has failed to deliver all the ballots
17 received by him refuses to return to the voting booth after
18 being advised by the judge of election as herein provided, the
19 judge shall inform the other judges of such refusal, and
20 thereupon the ballot or ballots returned to the judge shall be
21 deposited in the ballot box, the voter shall be permitted to
22 depart from the polling place, and a new voter shall be
23 permitted to enter the voting booth.

24 The judge of election who receives the ballot or ballots
25 from the voter shall announce the residence and name of such
26 voter in a loud voice. The judge shall put the ballot or

1 ballots received from the voter into the ballot box in the
2 presence of the voter and the judges of election, and in plain
3 view of the public. The judges having charge of such registers
4 shall then, in a column prepared thereon, in the same line of,
5 the name of the voter, mark "Voted" or the letter "V".

6 No judge of election shall accept from any voter less than
7 the full number of ballots received by such voter without
8 first advising the voter in the manner above provided of the
9 necessity of returning all of the ballots, nor shall any such
10 judge advise such voter in a manner contrary to that which is
11 herein permitted, or in any other manner violate the
12 provisions of this Section; provided, that the acceptance by a
13 judge of election of less than the full number of ballots
14 delivered to a voter who refuses to return to the voting booth
15 after being properly advised by such judge shall not be a
16 violation of this Section.

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

18 (10 ILCS 5/19A-35)

19 Sec. 19A-35. Procedure for voting.

20 (a) Not more than 23 days before the start of the election,
21 the county clerk shall make available to the election official
22 conducting early voting by personal appearance a sufficient
23 number of early ballots, envelopes, and printed voting
24 instruction slips for the use of early voters. The election
25 official shall receipt for all ballots received and shall

1 return unused or spoiled ballots at the close of the early
2 voting period to the county clerk and must strictly account
3 for all ballots received. The ballots delivered to the
4 election official must include early ballots for each precinct
5 in the election authority's jurisdiction and must include
6 separate ballots for each political subdivision conducting an
7 election of officers or a referendum at that election.

8 (b) In conducting early voting under this Article, the
9 election judge or official is required to verify the signature
10 of the early voter by comparison with the signature on the
11 official registration card, and the judge or official must
12 verify (i) that the applicant is a registered voter, (ii) the
13 precinct in which the applicant is registered, and (iii) the
14 proper ballots of the political subdivision in which the
15 applicant resides and is entitled to vote before providing an
16 early ballot to the applicant. The election judge or official
17 must verify the applicant's registration from the most recent
18 poll list provided by the election authority, and if the
19 applicant is not listed on that poll list, by telephoning the
20 office of the election authority.

21 (b-5) A person requesting an early voting ballot to whom a
22 vote by mail ballot was issued may vote early if the person
23 submits that vote by mail ballot to the judges of election or
24 official conducting early voting for cancellation. If the
25 voter is unable to submit the vote by mail ballot, it shall be
26 sufficient for the voter to submit to the judges or official

1 (i) a portion of the vote by mail ballot if the vote by mail
2 ballot was torn or mutilated or (ii) an affidavit executed
3 before the judges or official specifying that (A) the voter
4 never received a vote by mail ballot, ~~or~~ (B) the voter
5 completed and returned a vote by mail ballot and was informed
6 that the election authority did not receive that vote by mail
7 ballot, or (C) the voter received a vote by mail ballot, but
8 the vote by mail ballot was misplaced or destroyed, and was
9 unable to bring the vote by mail ballot to the polling place.

10 (b-10) Within one day after a voter casts an early voting
11 ballot, the election authority shall transmit the voter's
12 name, street address, and precinct, ward, township, and
13 district numbers, as the case may be, to the State Board of
14 Elections, which shall maintain those names and that
15 information in an electronic format on its website, arranged
16 by county and accessible to State and local political
17 committees.

18 (b-15) Immediately after voting an early ballot, the voter
19 shall be instructed whether the voting equipment accepted or
20 rejected the ballot or identified that ballot as under-voted
21 for a statewide constitutional office. A voter whose ballot is
22 identified as under-voted may return to the voting booth and
23 complete the voting of that ballot. A voter whose early voting
24 ballot is not accepted by the voting equipment may, upon
25 surrendering the ballot, request and vote another early voting
26 ballot. The voter's surrendered ballot shall be initialed by

1 the election judge or official conducting the early voting and
2 handled as provided in the appropriate Article governing the
3 voting equipment used.

4 (c) The sealed early ballots in their carrier envelope
5 shall be delivered by the election authority to the central
6 ballot counting location before the close of the polls on the
7 day of the election.

8 (Source: P.A. 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)