



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3548

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-2.4 new	
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-3.1 new	

Amends the Election Code. Creates a permanent vote by mail list for qualified voters. Allows a voter to apply to be placed on a permanent vote by mail list to receive vote by mail ballots for subsequent elections. Provides for the removal of a voter from the permanent vote by mail list who does not return a vote by mail ballot for the fourth general election following the general election at which the voter last voted. Allows for a voter on the permanent vote by mail list to choose and change political party preferences for a primary vote by mail ballot. Provides for how a voter may remove himself or herself from the permanent vote by mail list. Makes conforming changes throughout the Code.

LRB102 13490 SMS 18837 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 19-2 and 19-3 and by adding Sections 19-2.4 and  
6 19-3.1 as follows:

7 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

8 Sec. 19-2. Any elector as defined in Section 19-1 may by  
9 mail or electronically on the website of the appropriate  
10 election authority, not more than 90 nor less than 5 days prior  
11 to the date of such election, or by personal delivery not more  
12 than 90 nor less than one day prior to the date of such  
13 election, make application to the county clerk or to the Board  
14 of Election Commissioners for an official ballot for the  
15 voter's precinct to be voted at such election. The voter shall  
16 also have the option to apply to be placed on a permanent vote  
17 by mail list and, if approved, to receive official ballots to  
18 be voted at all future elections. The URL address at which  
19 voters may electronically request a vote by mail ballot shall  
20 be fixed no later than 90 calendar days before an election and  
21 shall not be changed until after the election. ~~Such a ballot~~  
22 ~~shall be delivered to the elector only upon separate~~  
23 ~~application by the elector for each election.~~

1 (Source: P.A. 97-81, eff. 7-5-11; 98-115, eff. 7-29-13;  
2 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

3 (10 ILCS 5/19-2.4 new)

4 Sec. 19-2.4. Permanent vote by mail list.

5 (a) Voters who successfully apply to receive mail-in  
6 ballots for all future elections will be placed on a permanent  
7 vote by mail list. Upon receipt of an application for  
8 permanent vote by mail status, the election authority shall  
9 process the application in the same manner as an application  
10 for a single vote by mail ballot.

11 (b) If, after processing the permanent vote by mail  
12 application, it is determined that the applicant is a  
13 registered voter, the election authority shall:

14 (1) place the voter's name upon a list of those to whom  
15 a vote by mail ballot is sent each time there is an  
16 election within the voter's precinct;

17 (2) include in all vote by mail mailings to the voter  
18 an explanation of the vote by mail procedure and an  
19 explanation of how the voter may lose or cancel permanent  
20 vote by mail status; and

21 (3) maintain a copy of the vote by mail ballot list on  
22 file open to public inspection for election and  
23 governmental purposes.

24 (c) The election authority shall send a copy of the list of  
25 all voters who qualify as permanent vote by mail voters to each

1 elections official charged with the duty of conducting an  
2 election within the authority. The list shall be sent by the  
3 sixth day before an election.

4 (d) Vote by mail ballots mailed to, and received from,  
5 voters on the permanent vote by mail voter list are subject to  
6 the same deadlines and shall be processed and counted in the  
7 same manner as all other vote by mail ballots.

8 (e) A voter whose name appears on the permanent vote by  
9 mail voter list shall remain on the list and shall be mailed a  
10 vote by mail ballot for each election conducted within the  
11 precinct in which the voter is eligible to vote.

12 (f) If a voter who is on the permanent vote by mail list  
13 does not return a vote by mail ballot for the fourth general  
14 election following the general election at which the voter  
15 last voted, the election authority shall send a notice to that  
16 voter to ascertain whether the voter wishes to remain on the  
17 permanent list, continues to reside at the address from which  
18 that voter is registered to vote, and continues to be eligible  
19 to vote. If the notice is not completed and returned by the  
20 voter to the election authority before the 40th day before the  
21 next general election or if the voter's response to the notice  
22 indicates that the voter should be removed the permanent list,  
23 a vote by mail ballot may not be sent to the voter for that  
24 election, and the voter shall be removed from the permanent  
25 vote by mail list unless and until the voter submits a new  
26 application to be placed on the list and is determined to be

1 eligible for the list.

2 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

3 Sec. 19-3. The vote by mail application ~~for vote by mail~~  
4 ~~ballot~~ shall be substantially in the following form:

5 ~~APPLICATION FOR VOTE BY MAIL APPLICATION~~ BALLOT

6 To be voted at the .... election(s) in the County of ....  
7 and State of Illinois, in the .... precinct of the (1)  
8 \*township of .... (2) \*City of .... or (3) \*.... ward in the  
9 City of ....

10 I state that I am a resident of the .... precinct of the  
11 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
12 the city of .... residing at .... in such city or town in the  
13 county of .... and State of Illinois; that I have lived at such  
14 address for .... month(s) last past; that I am lawfully  
15 entitled to vote in such precinct at the .... election to be  
16 held therein on ....; and that I wish to vote by vote by mail  
17 ballot.

18 I hereby make application for an official ballot or  
19 ballots to be voted by me at such election(s), and I agree that  
20 I shall return such ballot or ballots to the official issuing  
21 the same prior to the closing of the polls on the date of the  
22 election(s) or, if returned by mail, postmarked no later than  
23 election day, for counting no later than during the period for  
24 counting provisional ballots, the last day of which is the  
25 14th day following election day.

1 ~~I understand that this application is made for an official~~  
 2 ~~vote by mail ballot or ballots to be voted by me at the~~  
 3 ~~election specified in this application and that I must submit~~  
 4 ~~a separate application for an official vote by mail ballot or~~  
 5 ~~ballots to be voted by me at any subsequent election.~~

6 Under penalties as provided by law pursuant to Section  
 7 29-10 of the Election Code, the undersigned certifies that the  
 8 statements set forth in this application are true and correct.

9 . . . .

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

11 Post office address to which ballot is mailed:

12 .....

13 The application shall also include a section where  
 14 applicants shall mark a box indicating whether they wish to  
 15 apply for a mail-in ballot for:

- 16 (1) a single election specified in the application; or
- 17 (2) all future elections until the voter requests  
 18 otherwise in writing. This option shall also state that  
 19 the voter understands that if the voter fails to vote by  
 20 mail in 4 consecutive general elections, the voter will be  
 21 sent a notice asking to confirm the voter's address,  
 22 eligibility to vote, and the voter's wish to remain on the  
 23 permanent vote by mail list, and that the notice must be  
 24 returned within a specified period to avoid being removed  
 25 from the permanent list.

26 If a voter applies for a vote by mail ballot for a

1 non-primary election or for permanent vote by mail status, the  
2 voter shall have the option of disclosing or declining to  
3 disclose a party preference.

4       However, if application is made for a primary election  
5 ballot, such application shall require the applicant to  
6 designate the name of the political party with which the  
7 applicant is affiliated.

8       Before a partisan primary election, election authorities  
9 shall mail to every voter who has declined to disclose a  
10 preference for a political party whose name appears on the  
11 permanent vote by mail voter list a notice and application  
12 regarding voting in the primary election. The notice shall  
13 inform the voter that the voter may request a vote by mail  
14 ballot for a particular political party for the primary  
15 election. This primary election application shall contain a  
16 check box with a conspicuously printed statement that reads  
17 substantially similar to the following: "I have declined to  
18 disclose a preference for a qualified political party.  
19 However, for this primary election only, I request a vote by  
20 mail ballot for the (political) Party." The application may  
21 either provide a check box or other means of selecting from  
22 party options applicable to a given election or allow the  
23 applicant to affix the name of the party personally.

24       If application is made electronically, the applicant shall  
25 mark the box associated with the above described statement  
26 included as part of the online application certifying that the

1 statements set forth in this application are true and correct,  
2 and a signature is not required.

3 Any person may produce, reproduce, distribute, or return  
4 to an election authority the vote by mail application ~~for vote~~  
5 ~~by mail ballot~~. If applications are sent to a post office box  
6 controlled by any individual or organization that is not an  
7 election authority, those applications shall (i) include a  
8 valid and current phone number for the individual or  
9 organization controlling the post office box and (ii) be  
10 turned over to the appropriate election authority within 7  
11 days of receipt or, if received within 2 weeks of the election  
12 in which an applicant intends to vote, within 2 days of  
13 receipt. Failure to turn over the applications in compliance  
14 with this paragraph shall constitute a violation of this Code  
15 and shall be punishable as a petty offense with a fine of \$100  
16 per application. Removing, tampering with, or otherwise  
17 knowingly making the postmark on the application unreadable by  
18 the election authority shall establish a rebuttable  
19 presumption of a violation of this paragraph. Upon receipt,  
20 the appropriate election authority shall accept and promptly  
21 process any vote by mail application ~~for vote by mail ballot~~  
22 submitted in a form substantially similar to that required by  
23 this Section, including any substantially similar production  
24 or reproduction generated by the applicant.

25 (Source: P.A. 99-522, eff. 6-30-16; 100-623, eff. 7-20-18.)



1 (10 ILCS 5/19-3.1 new)

2 Sec. 19-3.1. Cancellation of permanent vote by mail  
3 status.

4 Each election authority shall provide an easily accessible  
5 application for voters who wish to cancel their permanent vote  
6 by mail status and become in-person voters again. The  
7 application shall be in substantially the following form:

8 Request to Cancel Permanent Vote by Mail Status

9 "I, (full name, as registered to vote), want to cancel my  
10 status as a permanent vote by mail voter and will now be a  
11 polling place voter. I understand this will not affect my  
12 registration as a voter and I will no longer automatically  
13 receive my ballot in the mail prior to each election. I  
14 understand that in the future I may apply to receive a ballot  
15 in the mail for a specific election or may reapply for  
16 permanent vote by mail status."

17 The cancellation form shall include:

18 (1) the voter's name;

19 (2) the voter's residence address;

20 (3) the voter's date of birth;

21 (4) a statement substantially similar to the  
22 following: "Under penalties as provided by law pursuant to  
23 Section 29-10 of the Election Code, the undersigned  
24 certifies that the statements set forth in this  
25 application are true and correct.";

26 (5) the signature of the applicant; and

1           (6) the address of the appropriate election authority  
2           to which the form must be sent.

3           Upon receipt, the appropriate election authority shall  
4           accept and promptly process any application to cancel  
5           permanent vote by mail status submitted in a form  
6           substantially similar to that required by this Section,  
7           including any substantially similar production or reproduction  
8           generated by the applicant.