



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4239

Introduced 11/14/2022, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2.5

10 ILCS 5/19-3

from Ch. 46, par. 19-3

Amends the Election Code. Provides that, not more than 90 days nor less than 45 days before a general election (currently, before a general or consolidated election), each election authority shall notify all qualified voters, except voters who have enrolled in permanent vote by mail status and voters who have opted out of permanent vote by mail notices, of the option to obtain permanent vote by mail status (currently, notice is required for all qualified voters). Adds an opt-out option to the application for permanent vote by mail status, and makes other conforming changes.

LRB102 29425 AWJ 41421 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 19-2.5 and 19-3 as follows:

6 (10 ILCS 5/19-2.5)

7 Sec. 19-2.5. Notice for vote by mail ballot. ~~Not An~~
8 ~~election authority shall notify all qualified voters, not more~~
9 ~~than 90 days nor less than 45 days before a general or~~
10 ~~consolidated~~ election, each election authority shall notify
11 all qualified voters, except voters who have enrolled in
12 permanent vote by mail status under Section 19-3 and voters
13 who have opted out of permanent vote by mail notices under that
14 Section, of the option to obtain ~~for~~ permanent vote by mail
15 status using the following notice and shall include with the
16 notice ~~including~~ the application for permanent vote by mail
17 status described in subsection (b) of Section 19-3:

18 "You may apply to permanently be placed on vote by mail
19 status by marking the permanent vote by mail option on ~~using~~
20 ~~the attached application,~~ or you may opt out of receiving
21 future permanent vote by mail notices by marking the opt-out
22 option on the attached application."

23 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21.)

1 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

2 Sec. 19-3. Application for a vote by mail ballot.

3 (a) The application for a vote by mail ballot for a single
4 election shall be substantially in the following form:

5 APPLICATION FOR VOTE BY MAIL BALLOT

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

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

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

25 I understand that this application is made for an official

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

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

8

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

10 Post office address to which ballot is mailed:

11

12 (a-5) The application for a single vote by mail ballot
13 transmitted electronically pursuant to Section 19-2.6 shall be
14 substantively similar to the application for a vote by mail
15 ballot for a single election and shall include:

16 I swear or affirm that I am a voter with a print
17 disability, and, as a result of this disability, I am
18 making a request to receive a vote by mail ballot
19 electronically so that I may privately and independently
20 mark, verify, and print my vote by mail ballot.

21 (b) The application for permanent vote by mail status
22 shall be substantially in the following form:

23 APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

24 I am currently a registered voter and wish to apply for
25 permanent vote by mail status.

26 or

1 I am currently a registered voter and wish to opt out of
2 receiving any future notices or applications for permanent
3 vote by mail status. I understand that I will still be able to
4 apply to vote by mail for a single election or apply for
5 permanent vote by mail status by submitting to my election
6 authority a completed vote by mail application or an
7 application for permanent vote by mail status.

8

9 If applying for permanent vote by mail status:

10 I state that I am a resident of the City of residing
11 at in such city in the county of and State of
12 Illinois; that I have lived at such address for month(s)
13 last past; that I am lawfully entitled to vote in such precinct
14 at the election to be held therein on; and that I
15 wish to vote by vote by mail ballot in:

16 all subsequent elections that do not require a party
17 designation.

18 all subsequent elections, and I wish to receive a
19 Party vote by mail ballot in
20 elections that require a party designation.

21 I hereby make application for an official ballot or
22 ballots to be voted by me at such election, and I agree that I
23 shall return such ballot or ballots to the official issuing
24 the same prior to the closing of the polls on the date of the
25 election or, if returned by mail, postmarked no later than
26 election day, for counting no later than during the period for

1 counting provisional ballots, the last day of which is the
2 14th day following election day.

3 Under penalties as provided by law under Section 29-10 of
4 the Election Code, the undersigned certifies that the
5 statements set forth in this application are true and correct.

6

7 Post office address to which ballot is mailed for permanent
8 vote by mail status:

9 (Do not enter any address if opting out of future mailings.)

10

11 (b-5) The application for permanent vote by mail ballots
12 transmitted electronically pursuant to Section 19-2.6 shall be
13 substantively similar to the application for permanent vote by
14 mail status and shall include:

15 I swear or affirm that I am a voter with a
16 non-temporary print disability, and as a result of this
17 disability, I am making a request to receive vote by mail
18 ballots electronically so that I may privately and
19 independently mark, verify, and print my vote by mail
20 ballots.

21 (c) However, if application is made for a primary election
22 ballot, such application shall require the applicant to
23 designate the name of the political party with which the
24 applicant is affiliated. The election authority shall allow
25 any voter on permanent vote by mail status to change his or her
26 party affiliation for a primary election ballot by a method

1 and deadline published and selected by the election authority.

2 (d) If application is made electronically, the applicant
3 shall mark the box associated with the above described
4 statement included as part of the online application
5 certifying that the statements set forth in the application
6 under subsection (a) or (b) are true and correct, and a
7 signature is not required.

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

1 substantially similar to that required by this Section,
2 including any substantially similar production or reproduction
3 generated by the applicant.

4 (f) An election authority may combine the applications in
5 subsections (a) and (b) onto one form, but the distinction
6 between the applications must be clear and the form must
7 provide check boxes for an applicant to indicate whether he or
8 she is applying for a single election vote by mail ballot or
9 for permanent vote by mail status.

10 (Source: P.A. 102-15, eff. 6-17-21; 102-819, eff. 5-13-22.)