



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3542

Introduced 2/17/2023, by Rep. Amy L. Grant

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2

from Ch. 46, par. 19-2

10 ILCS 5/19-4

from Ch. 46, par. 19-4

Amends the Election Code. Provides that an elector may apply for a vote by mail ballot electronically or by mail no less than 60 days before an election (rather than 5 days). Provides that an elector may apply for a vote by mail ballot in person no less than 60 days before an election (rather than one day). Makes conforming changes.

LRB103 29849 BMS 56258 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 19-4 as follows:

6 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

7 Sec. 19-2. Except as otherwise provided in this Code, any
8 elector as defined in Section 19-1 may by mail or
9 electronically on the website of the appropriate election
10 authority, not more than 90 nor less than 60 ~~5~~ days prior to
11 the date of such election, or by personal delivery not more
12 than 90 nor less than 60 days ~~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. Such a ballot
16 shall be delivered to the elector only upon separate
17 application by the elector for each election. Voters who make
18 an application for permanent vote by mail ballot status shall
19 follow the procedures specified in Section 19-3 and may apply
20 year round. Voters whose application for permanent vote by
21 mail status is accepted by the election authority shall remain
22 on the permanent vote by mail list until the voter requests to
23 be removed from permanent vote by mail status, the voter

1 provides notice to the election authority of a change in
2 registration that affects their registration status, or the
3 election authority receives confirmation that the voter has
4 subsequently registered to vote in another election authority
5 jurisdiction. The URL address at which voters may
6 electronically request a vote by mail ballot shall be fixed no
7 later than 90 calendar days before an election and shall not be
8 changed until after the election.

9 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21;
10 102-687, eff. 12-17-21; 102-813, eff. 5-13-22.)

11 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

12 Sec. 19-4. Mailing or delivery of ballots; time.
13 Immediately upon the receipt of such application either by
14 mail or electronic means, not more than 90 days nor less than
15 60 ~~5~~ days prior to such election, or by personal delivery not
16 more than 90 days nor less than 60 days ~~one day~~ prior to such
17 election, at the office of such election authority, it shall
18 be the duty of such election authority to examine the records
19 to ascertain whether or not such applicant is lawfully
20 entitled to vote as requested, including a verification of the
21 applicant's signature by comparison with the signature on the
22 official registration record card, and if found so to be
23 entitled to vote, to post within one business day thereafter
24 the name, street address, ward and precinct number or township
25 and district number, as the case may be, of such applicant

1 given on a list, the pages of which are to be numbered
2 consecutively to be kept by such election authority for such
3 purpose in a conspicuous, open and public place accessible to
4 the public at the entrance of the office of such election
5 authority, and in such a manner that such list may be viewed
6 without necessity of requesting permission therefor. Within
7 one day after posting the name and other information of an
8 applicant for a vote by mail ballot, the election authority
9 shall transmit by electronic means pursuant to a process
10 established by the State Board of Elections that name and
11 other posted information to the State Board of Elections,
12 which shall maintain those names and other information in an
13 electronic format on its website, arranged by county and
14 accessible to State and local political committees. Within 2
15 business days after posting a name and other information on
16 the list within its office, but no sooner than 40 days before
17 an election, the election authority shall mail, postage
18 prepaid, or deliver in person in such office, or deliver via
19 electronic transmission pursuant to Section 19-2.6, an
20 official ballot or ballots if more than one are to be voted at
21 said election. Mail delivery of Temporarily Absent Student
22 ballot applications pursuant to Section 19-12.3 shall be by
23 nonforwardable mail. However, for the consolidated election,
24 vote by mail ballots for certain precincts may be delivered to
25 applicants not less than 25 days before the election if so much
26 time is required to have prepared and printed the ballots

1 containing the names of persons nominated for offices at the
2 consolidated primary. The election authority shall enclose
3 with each vote by mail ballot or application written
4 instructions on how voting assistance shall be provided
5 pursuant to Section 17-14 and a document, written and approved
6 by the State Board of Elections, informing the vote by mail
7 voter of the required postage for returning the application
8 and ballot, and enumerating the circumstances under which a
9 person is authorized to vote by vote by mail ballot pursuant to
10 this Article; such document shall also include a statement
11 informing the applicant that if he or she falsifies or is
12 solicited by another to falsify his or her eligibility to cast
13 a vote by mail ballot, such applicant or other is subject to
14 penalties pursuant to Section 29-10 and Section 29-20 of the
15 Election Code. Each election authority shall maintain a list
16 of the name, street address, ward and precinct, or township
17 and district number, as the case may be, of all applicants who
18 have returned vote by mail ballots to such authority, and the
19 name of such vote by mail voter shall be added to such list
20 within one business day from receipt of such ballot. If the
21 vote by mail ballot envelope indicates that the voter was
22 assisted in casting the ballot, the name of the person so
23 assisting shall be included on the list. The list, the pages of
24 which are to be numbered consecutively, shall be kept by each
25 election authority in a conspicuous, open, and public place
26 accessible to the public at the entrance of the office of the

1 election authority and in a manner that the list may be viewed
2 without necessity of requesting permission for viewing.

3 Each election authority shall maintain a list for each
4 election of the voters to whom it has issued vote by mail
5 ballots. The list shall be maintained for each precinct within
6 the jurisdiction of the election authority. Prior to the
7 opening of the polls on election day, the election authority
8 shall deliver to the judges of election in each precinct the
9 list of registered voters in that precinct to whom vote by mail
10 ballots have been issued by mail.

11 Each election authority shall maintain a list for each
12 election of voters to whom it has issued temporarily absent
13 student ballots. The list shall be maintained for each
14 election jurisdiction within which such voters temporarily
15 abide. Immediately after the close of the period during which
16 application may be made by mail or electronic means for vote by
17 mail ballots, each election authority shall mail to each other
18 election authority within the State a certified list of all
19 such voters temporarily abiding within the jurisdiction of the
20 other election authority.

21 In the event that the return address of an application for
22 ballot by a physically incapacitated elector is that of a
23 facility licensed or certified under the Nursing Home Care
24 Act, the Specialized Mental Health Rehabilitation Act of 2013,
25 the ID/DD Community Care Act, or the MC/DD Act, within the
26 jurisdiction of the election authority, and the applicant is a

1 registered voter in the precinct in which such facility is
2 located, the ballots shall be prepared and transmitted to a
3 responsible judge of election no later than 9 a.m. on the
4 Friday, Saturday, Sunday, or Monday immediately preceding the
5 election as designated by the election authority under Section
6 19-12.2. Such judge shall deliver in person on the designated
7 day the ballot to the applicant on the premises of the facility
8 from which application was made. The election authority shall
9 by mail notify the applicant in such facility that the ballot
10 will be delivered by a judge of election on the designated day.

11 All applications for vote by mail ballots shall be
12 available at the office of the election authority for public
13 inspection upon request from the time of receipt thereof by
14 the election authority until 30 days after the election,
15 except during the time such applications are kept in the
16 office of the election authority pursuant to Section 19-7, and
17 except during the time such applications are in the possession
18 of the judges of election.

19 Notwithstanding any provision of this Section to the
20 contrary, pursuant to subsection (a) of Section 30 of the
21 Address Confidentiality for Victims of Domestic Violence,
22 Sexual Assault, Human Trafficking, or Stalking Act, neither
23 the name nor the address of a program participant under that
24 Act shall be included in any list of registered voters
25 available to the public, including the lists referenced in
26 this Section.

1 (Source: P.A. 102-292, eff. 1-1-22; 102-819, eff. 5-13-22.)