



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1138

Introduced 02/08/05, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-1	from Ch. 46, par. 19-1
10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-5	from Ch. 46, par. 19-5

Amends the Election Code. Permits a person to vote by absentee ballot on the basis that he or she is 65 years old or older.

LRB094 10377 JAM 40647 b

FISCAL NOTE ACT
MAY APPLY

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 19-1, 19-2, 19-3, and 19-5 as follows:

6 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)

7 Sec. 19-1. Any qualified elector of the State of Illinois
8 having duly registered where such registration is required who
9 is of the age of 65 or more years or who expects to be absent
10 from the county in which he is a qualified elector or who
11 because of being appointed a judge of election in a precinct
12 other than the precinct in which he resides or who because of
13 physical incapacity or the tenets of his religion in the
14 observance of a religious holiday or who because of election
15 duties for the office of an Election Authority or the State
16 Board of Elections or who because of election duties for a law
17 enforcement agency, including but not limited to the offices of
18 the Attorney General, a State's Attorney, a United States
19 Attorney, or a State, county, or municipal police department,
20 or who, because he is temporarily abiding outside the precinct
21 in which he is registered to vote due to the fact he is a
22 student attending an institution of higher education or who is
23 serving as a sequestered juror on a State or federal jury, will
24 be unable to be present at the polls on the day of holding any
25 special, general or primary election at which any presidential
26 preference is indicated or any candidates are chosen or
27 elected, for any congressional, State, district, county, town,
28 city, village, precinct or judicial offices or at which
29 questions of public policy are submitted, may vote at such
30 election as hereinafter in this Article provided.

31 Each Election Authority, law enforcement agency, and the
32 State Board of Elections shall compile and keep current a list

1 of his or its officers or employees who are eligible to vote
2 under this Article by reason of election duties.

3 For purposes of this Article 19, a physically incapacitated
4 voter marks his or her ballot "personally" when the voter
5 exercises his or her physical abilities to their reasonable
6 limit in marking the ballot, and marking personally may include
7 instructing the person assisting the incapacitated voter when
8 giving such instruction represents the reasonable limit of the
9 physical abilities.

10 (Source: P.A. 86-873; 86-875; 86-1028.)

11 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

12 Sec. 19-2. Any elector as defined in Section 19-1 who is of
13 the age of 65 or older or who is expecting to be absent from the
14 county of his residence or any such elector who because of
15 being appointed a judge of election in a precinct other than
16 the precinct in which he resides or who because of physical
17 incapacity or the tenets of his religion in the observance of a
18 religious holiday or who because of election duties for the
19 office of an Election Authority, the State Board of Elections,
20 or a law enforcement agency will be unable to be present at the
21 polls on the day of such election may by mail, not more than 40
22 nor less than 5 days prior to the date of such election, or by
23 personal delivery not more than 40 nor less than one day prior
24 to the date of such election, make application to the county
25 clerk or to the Board of Election Commissioners for an official
26 ballot for the voter's precinct to be voted at such election.

27 (Source: P.A. 84-808.)

28 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

29 Sec. 19-3. Application for such ballot shall be made on
30 blanks to be furnished by the election authority and
31 duplication of such application for ballot is prohibited,
32 except by the election authority. The application for ballot
33 shall be substantially in the following form:

34

APPLICATION FOR BALLOT

1 BY ELECTOR WHO EXPECTS TO BE
2 ABSENT FROM COUNTY

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

6 I state that I am a resident of the precinct of the
7 (1) *township of (2) *City of or (3) *.... ward in
8 the city of residing at in such city or town in the
9 county of and State of Illinois; that I have lived at such
10 address for month(s) last past; that I am lawfully
11 entitled to vote in such precinct at the election to be
12 held therein on; that I expect to be absent from the
13 county of my residence on the date of holding such election,
14 and that I will have no opportunity to vote in person on that
15 day.

16 I hereby make application for an official ballot or ballots
17 to be voted by me at such election if I am absent from the
18 county of my residence, and I agree that I shall return such
19 ballot or ballots to the official issuing the same prior to the
20 closing of the polls on the date of the election.

21 Under penalties as provided by law pursuant to Section
22 29-10 of The Election Code, the undersigned certifies that the
23 statements set forth in this application are true and correct.

24

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

26 Post office address to which ballot is mailed:
27

28 However, if application is made for a primary election
29 ballot, such application shall designate the name of the
30 political party with which the applicant is affiliated.

31 APPLICATION FOR BALLOT
32 BY ELECTOR WHO IS JUDGE OF ELECTION
33 IN A PRECINCT OTHER THAN THE PRECINCT
34 IN WHICH HE RESIDES

35 To be voted at the election in the County of and
36 State of Illinois, in the precinct of the (1) *township of

1 (2) *City of or (3) * ward in the City of

2 I state that I am affiliated with the party (to be
3 used in primary elections) and that I am a resident of the
4 precinct of the (1) *township of (2) *City of or (3)
5 * ward in the city of residing at in such city or
6 town in the county of and State of Illinois; that I have
7 lived at such address for month(s) last past; that I am
8 lawfully entitled to vote in such precinct at the election
9 to be held therein on; that I am a judge of election in
10 precinct or the (1) * ward in the city of or (2)
11 *township of or (3) *city, village or incorporated town of
12 in such county and that I will have no opportunity of
13 voting in person on that day:

14 I hereby make application for an official ballot or ballots
15 to be voted by me at such election if I serve as a judge of
16 election in such last named precinct, and I agree that I shall
17 return such ballot or ballots to the official issuing the same
18 prior to the closing of the polls on the date of the election.

19 Under penalties as provided by law pursuant to Section
20 29-10 of The Election Code, the undersigned certifies that the
21 statements set forth in this application are true and correct.

22

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

24 Post office address to which ballot is mailed:

25

26 APPLICATION FOR BALLOT
27 BY PHYSICALLY INCAPACITATED ELECTOR

28 To be voted at the election in the County of and
29 State of Illinois, in the precinct of the (1) *township of
30 (2) *City of or (3) * ward in the City of

31 I state that I am affiliated with the party (to be
32 used in primary elections) and that I am a resident of the
33 precinct of the (1) *township of (2) *City of or (3)
34 * ward in the city of residing at in such city or
35 town in the county of and State of Illinois; that I have
36 lived at such address for month(s) last past; that I am

1 lawfully entitled to vote in such precinct at the election
2 to be held therein on; that I shall be physically
3 incapable of being present at the polls of such precinct on the
4 date of holding such election for the following reasons:

5 I hereby make application for an official ballot or ballots
6 to be voted by me at such election if I am so physically
7 incapacitated, and I agree that I shall return such ballot or
8 ballots to the official issuing the same prior to the closing
9 of the polls on the date of election.

10 Under penalties as provided by law pursuant to Section
11 29-10 of The Election Code, the undersigned certifies that the
12 statements set forth in this application are true and correct.

13

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

15 Post office address to which ballot is mailed:

16

17 APPLICATION FOR BALLOT

18 BY ELECTOR 65 YEARS OLD OR OLDER

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

22 I state that I am affiliated with the party (to be
23 used in primary elections) and that I am a resident of the
24 precinct of the (1) *township of (2) *City of or (3)
25 *.... ward in the city of residing at in such city or
26 town in the county of and State of Illinois; that I have
27 lived at such address for month(s) last past; that I am
28 lawfully entitled to vote in such precinct at the election
29 to be held therein on; that I am (or will be on the date of
30 said election) 65 years old or older.

31 I hereby make application for an official ballot or ballots
32 to be voted by me at such election because I am (or will be on
33 the date of said election) 65 years old or older, and I agree
34 that I shall return such ballot or ballots to the official
35 issuing the same prior to the closing of the polls on the date
36 of election.

1
2

APPLICATION FOR BALLOT

3 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

4 OF STATE'S ATTORNEY, COUNTY CLERK OR

5 BOARD OF ELECTION COMMISSIONERS

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; that I am employed in the office of the
16 (State's Attorney of County) (County Clerk of County)
17 (Board of Election Commissioners of the (City) (County) of
18 and that because of election duties on the date of holding such
19 election I will have no opportunity to vote in person on that
20 day.

21 I hereby make application for an official ballot or ballots
22 to be voted by me at such election, and I agree that I shall
23 return such ballot or ballots to the official issuing the same
24 prior to the closing of the polls on the date of the election.

25 Under penalties as provided by law pursuant to Section
26 29-10 of The Election Code, the undersigned certifies that the
27 statements set forth in this application are true and correct.

28

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

30 Post office address to which ballot is mailed:

31

32 Provided, that if application be made for a primary
33 election ballot, such application shall designate the name of
34 the political party with which the applicant is affiliated.

35 APPLICATION FOR

36 TEMPORARILY ABSENT STUDENT BALLOT

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

4 I state that I am a resident of the precinct of the
5 (1) *township of (2) *City of or (3) *.... ward in
6 the city of residing at in such city or town in the
7 county of and State of Illinois; that I have lived at such
8 address for month(s) last past; that I am lawfully
9 entitled to vote in such precinct at the election to be
10 held therein on; that I am temporarily abiding outside
11 such precinct in the (1) *township of (2) *City of in
12 the county of and State of due to the fact I am a
13 student attending an institution of higher education, and for
14 that reason do not expect to have an opportunity to vote in
15 person on that day.

16 I hereby make application for an official ballot or ballots
17 to be voted by me at such election if I am absent from the
18 precinct of my residence, and I agree that I shall return such
19 ballot or ballots to the official issuing the same prior to the
20 closing of the polls on the date of the election.

21 Under penalties as provided by law pursuant to Section
22 29-10 of The Election Code, the undersigned certifies that the
23 statements set forth in this application are true and correct.

24

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

26 Post office address to which ballot is mailed:

27

28 However, if application is made for a primary election
29 ballot, such application shall designate the name of the
30 political party with which the applicant is affiliated.

31 In lieu of the separate application blanks heretofore
32 prescribed, the election authority may adopt a standard
33 application blank in substantially the following form for all
34 categories of absentee voters:

35 APPLICATION FOR
36 ABSENT VOTER'S BALLOT

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

5 I state that I am a resident of the precinct of the
 6 (1) *township of (2) *City of or (3) *.....
 7 ward in the City of residing at in such city
 8 or town in the county of and State of Illinois; that I
 9 have lived at such address for months last past; that I
 10 am lawfully entitled to vote in such precinct at a
 11 election to be held therein on; and that I will be
 12 unable to vote in person at the polls of such precinct for the
 13 following reasons:

14 (Check One)

15 I expect to be absent from my county of residence.

16 I expect to be temporarily absent from the country.

17 I shall be serving as a judge of election in the
 18 precinct which is not my precinct of
 19 residence.

20 I shall be observing a religious holiday in
 21 accordance with the tenets of my religion.

22 I shall be performing official election duties
 23 for an Election Authority,

24 (election authority)

25 or the State Board of

26 Elections.

27 (location)

28 I shall be performing election law enforcement
 29 duties in the employment of,

30 (law enforcement agency)

31

32 (location)

33 I am temporarily abiding in the (1) *township
 34 of (2) *city ofin the county of
 35 and State of due to the fact I am a
 36 student attending an institution of higher education.

1 I am physically incapacitated.

2 Reason(s):

3 I have been called for jury duty on said day by

4

5 (court jurisdiction)

6 I hereby make application for an official ballot or ballots
7 to be voted by me at such election and agree that I shall
8 return the ballot or ballots to the election official issuing
9 the same in sufficient time for such official to deliver the
10 ballot or ballots to the proper polling place prior to the
11 closing of the polls on the date of the election.

12 Under penalties as provided by law pursuant to Section
13 29-10 of the Election Code, the undersigned certifies that the
14 statements set forth in this application are true and correct.

15

16 *fill in either (1), (2) or (3). Post office address to which
17 ballot is mailed:

18

19 Provided, that if application is made for a primary
20 election, such application shall designate the name of the
21 political party with which applicant is affiliated.

22 (Source: P.A. 86-873; 86-875; 86-1028.)

23 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

24 Sec. 19-5. It shall be the duty of the election authority
25 to fold the ballot or ballots in the manner specified by the
26 statute for folding ballots prior to their deposit in the
27 ballot box, and to enclose such ballot or ballots in an
28 envelope unsealed to be furnished by him, which envelope shall
29 bear upon the face thereof the name, official title and post
30 office address of the election authority, and upon the other
31 side if the ballot is to go to an elector who is to be out of
32 the county on the day of the election a printed certification
33 in substantially the following form:

34 I state that I am a resident of the precinct of the
35 (1) *township of (2) *City of or (3) *.... ward in

1 the city of residing at in such city or town in the
 2 county of and State of Illinois, that I have lived at such
 3 address for months last past; that I am lawfully entitled
 4 to vote in such precinct at the election to be held on
 5; and I expect to be absent from the county of my residence
 6 on the date of such election.

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

8 I further state that I personally marked the enclosed
 9 ballot in secret.

10 Under penalties of perjury as provided by law pursuant to
 11 Section 29-10 of The Election Code, the undersigned certifies
 12 that the statements set forth in this certification are true
 13 and correct.

14

15 If the ballot is to go to an elector who is physically
 16 incapacitated the envelope shall bear upon the back thereof a
 17 certification in substantially the following form:

18 I state that I am a resident of the precinct of the
 19 (1) *township of (2) *City of or (3) *.... ward in
 20 the city of residing at in such city or town in the
 21 county of and State of Illinois, that I have lived at such
 22 address for months last past; that I am lawfully entitled
 23 to vote in such precinct at the election to be held on
 24; that I shall be physically incapable of being present at
 25 the polls of such precinct on the date of holding such
 26 election.

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

28 I further state that I personally marked the enclosed
 29 ballot in secret. If I received assistance in casting my
 30 ballot, I further attest that, due to physical incapacity, I
 31 marked the enclosed ballot in secret with the assistance of

32

33 (Individual rendering assistance)

34

35 (Residence Address)

36 Under penalties of perjury as provided by law pursuant to

1 Section 29-10 of The Election Code, the undersigned certifies
2 that the statements set forth in this certification are true
3 and correct.

4
5

6 In the case of a voter who is voting absentee by reason of
7 physical incapacity, marking a ballot in secret includes
8 marking a ballot with the assistance of another individual,
9 other than a candidate whose name appears on the ballot (unless
10 the voter is the spouse or a parent, child, brother, or sister
11 of the candidate), the voter's employer, an agent of that
12 employer or an officer or agent of the voter's union, when the
13 voter's physical incapacity necessitates such assistance.

14 If the ballot is to go to an elector who is 65 years old or
15 older, the envelope shall bear upon the back thereof a
16 certification in substantially the following form:

17 I state that I am a resident of the precinct of the
18 (1) *township of (2) *City of or (3) *.... ward in
19 the city of residing at in said city or town in the
20 county of and State of Illinois, that I have lived at such
21 address for months last past; that I am lawfully entitled
22 to vote in such precinct at the election to be held on
23; that I am (or will be on the date of said election) 65
24 years old or older.

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

26 I further state that I personally marked the enclosed
27 ballot in secret.

28 Under penalties of perjury as provided by law pursuant to
29 Section 29-10 of the Election Code, the undersigned certifies
30 that the statements set forth in this certification are true
31 and correct.

32
33

34 If the ballot is to go to an elector who is unable to be
35 present at the polls on the date of the election because of the
36 observance of a religious holiday, the envelope shall bear upon
the back thereof a certification in substantially the following
form:

1 I state that I am a resident of the precinct of the
 2 (1) *township of (2) *City of or (3) *.... ward in
 3 the city of residing at in said city or town in the
 4 county of and State of Illinois, that I have lived at such
 5 address for months last past; that I am lawfully entitled
 6 to vote in such precinct at the election to be held on
 7; that I shall be unable to be present at the polls of such
 8 precinct on the date of holding such election because of the
 9 tenets of my religion in the observance of a religious holiday.
 10 *fill in either (1), (2) or (3).

11 I further state that I personally marked the enclosed
 12 ballot in secret.

13 Under penalties of perjury as provided by law pursuant to
 14 Section 29-10 of The Election Code, the undersigned certifies
 15 that the statements set forth in this certification are true
 16 and correct.

17

18 If the ballot is to go to an elector who is temporarily
 19 abiding outside the precinct in which he is registered to vote
 20 due to the fact he is a student attending an institution of
 21 higher education the envelope shall bear upon the back thereof
 22 a certification in substantially the following form:

23 I state that I am a resident of the precinct of the
 24 (1) *township of (2) *City of or (3) *.... ward in
 25 the city of residing at in such city or town in the
 26 county of and State of Illinois, that I have lived at such
 27 address for months last past; that I am lawfully entitled
 28 to vote in such precinct at the election to be held on
 29; and I expect to be absent from the precinct of my
 30 residence on the date of such election because I am temporarily
 31 abiding outside such precinct in the (1) *township of (2)
 32 *city of in the county of and State of due to the
 33 fact I am a student attending an institution of higher
 34 education.

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

36 I further state that I personally marked the enclosed

1 ballot in secret.

2 Under penalties of perjury as provided by law pursuant to
3 Section 29-10 of The Election Code, the undersigned certifies
4 that the statements set forth in this certification are true
5 and correct.

6

7 If the election authority adopts the standard absentee
8 ballot application blank provided in Section 19-3, the printed
9 certification on the absentee ballot envelope shall be in
10 substantially the following form:

11 I state that I am a resident of the precinct of the
12 (1) *township of..... (2) *City of or (3) *..... ward
13 in the city of residing at in said city or town
14 in the county of and State of Illinois, that I have
15 lived at such address for months last past; that I shall
16 be unable to be present at the polls of such precinct on the
17 date of holding such election for the reason indicated on the
18 application for ballot enclosed herein.

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

20 I further state that I personally marked the enclosed
21 ballot in secret. If I received assistance in casting my
22 ballot, I further attest that, due to physical incapacity, I
23 marked the enclosed ballot in secret with the assistance of

24

25 (Individual rendering assistance)

26

27 (Residence Address)

28 Under penalties of perjury provided by law pursuant to
29 Section 29-10 of the Election Code, the undersigned certifies
30 that the statements set forth in this certification are true
31 and correct.

32

33 In the case of a voter who is voting absentee by reason of
34 physical incapacity, marking a ballot in secret includes
35 marking a ballot with the assistance of another individual,
36 other than a candidate whose name appears on the ballot (unless

1 the voter is the spouse or a parent, child, brother, or sister
2 of the candidate), the voter's employer, an agent of that
3 employer, or an officer or agent of the voter's union, when the
4 voter's physical incapacity necessitates such assistance.

5 Provided, that if the ballot enclosed is to be voted at a
6 primary election, the certification shall designate the name of
7 the political party with which the voter is affiliated.

8 In addition to the above, the election authority shall
9 provide printed slips giving full instructions regarding the
10 manner of marking and returning the ballot in order that the
11 same may be counted, and shall furnish one of such printed
12 slips to each of such applicants at the same time the ballot is
13 delivered to him. Such instructions shall include the following
14 statement: "In signing the certification on the absentee ballot
15 envelope, you are attesting that you personally marked this
16 absentee ballot in secret. If you are physically unable to mark
17 the ballot, a friend or relative may assist you after
18 completing the enclosed affidavit. Federal and State laws
19 prohibit a candidate whose name appears on the ballot (unless
20 you are the spouse or a parent, child, brother, or sister of
21 the candidate), your employer, your employer's agent or an
22 officer or agent of your union from assisting physically
23 disabled voters."

24 In addition to the above, if a ballot to be provided to an
25 elector pursuant to this Section contains a public question
26 described in subsection (b) of Section 28-6 and the territory
27 concerning which the question is to be submitted is not
28 described on the ballot due to the space limitations of such
29 ballot, the election authority shall provide a printed copy of
30 a notice of the public question, which shall include a
31 description of the territory in the manner required by Section
32 16-7. The notice shall be furnished to the elector at the same
33 time the ballot is delivered to the elector.

34 (Source: P.A. 89-653, eff. 8-14-96.)