



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1120

by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-2.1	from Ch. 46, par. 19-2.1
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4	from Ch. 46, par. 20-4
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

LRB095 07975 JAM 28137 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 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,  
6 20-3, 20-4, 20-5, and 20-8 and by adding Sections 19-4.5 and  
7 20-4.5 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6  
10 months and in the precinct 30 days next preceding any primary  
11 therein who shall be a citizen of the United States of the age  
12 of 18 or more years, shall be entitled to vote at such primary.

13 The following regulations shall be applicable to  
14 primaries:

15 ~~No person shall be entitled to vote at a primary:~~

16 ~~(a) Unless he declares his party affiliations as required~~  
17 ~~by this Article.~~

18 ~~(b) Who shall have signed the petition for nomination of a~~  
19 ~~candidate of any party with which he does not affiliate, when~~  
20 ~~such candidate is to be voted for at the primary.~~

21 ~~(c) Who shall have signed the nominating papers of an~~  
22 ~~independent candidate for any office for which office~~  
23 ~~candidates for nomination are to be voted for at such primary.~~

1           ~~(c.5) If that person has participated in the town~~  
2 ~~political party caucus, under Section 45-50 of the Township~~  
3 ~~Code, of another political party by signing an affidavit of~~  
4 ~~voters attending the caucus within 45 days before the first day~~  
5 ~~of the calendar month in which the primary is held.~~

6           ~~(d) If he has voted at a primary held under this Article 7~~  
7 ~~of another political party within a period of 23 calendar~~  
8 ~~months next preceding the calendar month in which such primary~~  
9 ~~is held: Provided, participation by a primary elector in a~~  
10 ~~primary of a political party which, under the provisions of~~  
11 ~~Section 7-2 of this Article, is a political party within a~~  
12 ~~city, village or incorporated town or town only and entitled~~  
13 ~~hereunder to make nominations of candidates for city, village~~  
14 ~~or incorporated town or town offices only, and for no other~~  
15 ~~office or offices, shall not disqualify such primary elector~~  
16 ~~from participating in other primaries of his party: And,~~  
17 ~~provided, that no qualified voter shall be precluded from~~  
18 ~~participating in the primary of any purely city, village or~~  
19 ~~incorporated town or town political party under the provisions~~  
20 ~~of Section 7-2 of this Article by reason of such voter having~~  
21 ~~voted at the primary of another political party within a period~~  
22 ~~of 23 calendar months next preceding the calendar month in~~  
23 ~~which he seeks to participate is held.~~

24           (a) ~~(e)~~ In cities, villages and incorporated towns having  
25 a board of election commissioners only voters registered as  
26 provided by Article 6 of this Act shall be entitled to vote at

1 such primary.

2 (b) ~~(f)~~ No person shall be entitled to vote at a primary  
3 unless he is registered under the provisions of Articles 4, 5  
4 or 6 of this Act, when his registration is required by any of  
5 said Articles to entitle him to vote at the election with  
6 reference to which the primary is held.

7 (Source: P.A. 89-331, eff. 8-17-95.)

8 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

9 Sec. 7-44. Voter choice of primary ballot.

10 (a) Any person desiring to vote at a primary shall state  
11 his or her name and, residence ~~and party affiliation~~ to the  
12 primary judges, one of whom shall thereupon announce the same  
13 in a distinct tone of voice, sufficiently loud to be heard by  
14 all persons in the polling place. When article 4, 5 or 6 is  
15 applicable the Certificate of Registered Voter therein  
16 prescribed shall be made and signed and the official poll  
17 record shall be made. If the person desiring to vote is not  
18 challenged, one of the primary judges shall give to him or her  
19 ~~one, and only one,~~ primary ballot of each of the established  
20 political parties nominating candidates for office at the  
21 primary election, but the voter may cast a ballot of only one  
22 political party, except as otherwise provided in subsection (b)  
23 ~~party with which he declares himself affiliated,~~ on the back of  
24 which the ~~such~~ primary judge shall endorse his or her initials  
25 in such manner that they may be seen when the primary ballot is

1 properly folded. If the person desiring to vote is challenged  
2 he or she shall not receive a primary ballot from the primary  
3 judges until he or she shall have established his or her right  
4 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~  
5 ~~refuses to state his party affiliation shall be allowed to vote~~  
6 ~~at a primary.~~

7 (b) A person who casts a ballot of ~~declares his party~~  
8 ~~affiliation with~~ a statewide established political party ~~and~~  
9 ~~requests a primary ballot of such party may nonetheless also~~  
10 ~~declare his affiliation with a political party established only~~  
11 ~~within a political subdivision, and~~ may also vote in the  
12 primary of a ~~such~~ local political party established only within  
13 a political subdivision on the same election day, provided that  
14 the ~~such~~ voter may not vote in both ~~such~~ party primaries with  
15 respect to offices of the same political subdivision. However,  
16 no person casting a ballot of ~~declaring his affiliation with~~ a  
17 statewide established political party may vote in the primary  
18 of any other statewide political party on the same election  
19 day. Each party's primary ballot shall include a space for the  
20 voter to mark, indicating that political party as the party for  
21 which the voter cast his or her votes. The voter may mark the  
22 space on the ballot of only one political party indicating that  
23 party, except as otherwise provided in this Section. If the  
24 voter desires to cast his or her ballot of a statewide  
25 political party and a political party established only within a  
26 political subdivision, the voter may indicate that choice by

1 marking the space provided on the ballot of the statewide  
2 political party and by also marking the space provided on the  
3 ballot of the political party established only within a  
4 political subdivision. If the voter does not mark the space on  
5 the primary ballot indicating the political party in which the  
6 voter cast his or her ballot, or marks more than one such  
7 space, the judges of election shall count only the votes of the  
8 political party in which the voter cast a vote for the office  
9 nearest the top of the ballot.

10 (Source: P.A. 81-1535.)

11 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

12 Sec. 19-2.1. At the consolidated primary, general primary,  
13 consolidated, and general elections, electors entitled to vote  
14 by absentee ballot under the provisions of Section 19-1 may  
15 vote in person at the office of the municipal clerk, if the  
16 elector is a resident of a municipality not having a board of  
17 election commissioners, or at the office of the township clerk  
18 or, in counties not under township organization, at the office  
19 of the road district clerk if the elector is not a resident of  
20 a municipality; provided, in each case that the municipal,  
21 township or road district clerk, as the case may be, is  
22 authorized to conduct in-person absentee voting pursuant to  
23 this Section. Absentee voting in such municipal and township  
24 clerk's offices under this Section shall be conducted from the  
25 22nd day through the day before the election.

1           Municipal and township clerks (or road district clerks) who  
2 have regularly scheduled working hours at regularly designated  
3 offices other than a place of residence and whose offices are  
4 open for business during the same hours as the office of the  
5 election authority shall conduct in-person absentee voting for  
6 said elections. Municipal and township clerks (or road district  
7 clerks) who have no regularly scheduled working hours but who  
8 have regularly designated offices other than a place of  
9 residence shall conduct in-person absentee voting for said  
10 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00  
11 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on  
12 Saturdays, but not during such hours as the office of the  
13 election authority is closed, unless the clerk files a written  
14 waiver with the election authority not later than July 1 of  
15 each year stating that he or she is unable to conduct such  
16 voting and the reasons therefor. Such clerks who conduct  
17 in-person absentee voting may extend their hours for that  
18 purpose to include any hours in which the election authority's  
19 office is open. Municipal and township clerks (or road district  
20 clerks) who have no regularly scheduled office hours and no  
21 regularly designated offices other than a place of residence  
22 may not conduct in-person absentee voting for said elections.  
23 The election authority may devise alternative methods for  
24 in-person absentee voting before said elections for those  
25 precincts located within the territorial area of a municipality  
26 or township (or road district) wherein the clerk of such

1 municipality or township (or road district) has waived or is  
2 not entitled to conduct such voting. In addition, electors may  
3 vote by absentee ballot under the provisions of Section 19-1 at  
4 the office of the election authority having jurisdiction over  
5 their residence. Unless specifically authorized by the  
6 election authority, municipal, township, and road district  
7 clerks shall not conduct in-person absentee voting. No less  
8 than 45 days before the date of an election, the election  
9 authority shall notify the municipal, township, and road  
10 district clerks within its jurisdiction if they are to conduct  
11 in-person absentee voting. Election authorities, however, may  
12 conduct in-person absentee voting in one or more designated  
13 appropriate public buildings from the fourth day before the  
14 election through the day before the election.

15 In conducting in-person absentee voting under this  
16 Section, the respective clerks shall be required to verify the  
17 signature of the absentee voter by comparison with the  
18 signature on the official registration record card. The clerk  
19 also shall reasonably ascertain the identity of such applicant,  
20 shall verify that each such applicant is a registered voter,  
21 and shall verify the precinct in which he or she is registered  
22 and the proper ballots of the political subdivisions in which  
23 the applicant resides and is entitled to vote, prior to  
24 providing any absentee ballot to such applicant. The clerk  
25 shall verify the applicant's registration and from the most  
26 recent poll list provided by the county clerk, and if the



1 applicant is not listed on that poll list then by telephoning  
2 the office of the county clerk.

3 Absentee voting procedures in the office of the municipal,  
4 township and road district clerks shall be subject to all of  
5 the applicable provisions of this Article 19, including,  
6 without limitation, those procedures relating to primary  
7 ballots. Pollwatchers may be appointed to observe in-person  
8 absentee voting procedures and view all reasonably requested  
9 records relating to the conduct of the election, provided the  
10 secrecy of the ballot is not impinged, at the office of the  
11 municipal, township or road district clerks' offices where such  
12 absentee voting is conducted. Such pollwatchers shall qualify  
13 and be appointed in the same manner as provided in Sections  
14 7-34 and 17-23, except each candidate, political party or  
15 organization of citizens may appoint only one pollwatcher for  
16 each location where in-person absentee voting is conducted.  
17 Pollwatchers must be registered to vote in Illinois and possess  
18 valid pollwatcher credentials. All requirements in this  
19 Article applicable to election authorities shall apply to the  
20 respective local clerks, except where inconsistent with this  
21 Section.

22 The sealed absentee ballots in their carrier envelope shall  
23 be delivered by the respective clerks, or by the election  
24 authority on behalf of a clerk if the clerk and the election  
25 authority agree, to the election authority's central ballot  
26 counting location before the close of the polls on the day of

1 the general primary, consolidated primary, consolidated, or  
2 general election.

3 Not more than 23 days before the general and consolidated  
4 elections, the county clerk shall make available to those  
5 municipal, township and road district clerks conducting  
6 in-person absentee voting within such county, a sufficient  
7 number of applications, absentee ballots, envelopes, and  
8 printed voting instruction slips for use by absentee voters in  
9 the offices of such clerks. The respective clerks shall receipt  
10 for all ballots received, shall return all unused or spoiled  
11 ballots to the county clerk on the day of the election and  
12 shall strictly account for all ballots received.

13 The ballots delivered to the respective clerks shall  
14 include absentee ballots for each precinct in the municipality,  
15 township or road district, or shall include such separate  
16 ballots for each political subdivision conducting an election  
17 of officers or a referendum on that election day as will permit  
18 any resident of the municipality, township or road district to  
19 vote absentee in the office of the proper clerk.

20 The clerks of all municipalities, townships and road  
21 districts may distribute applications for absentee ballot for  
22 the use of voters who wish to mail such applications to the  
23 appropriate election authority. Such applications for absentee  
24 ballots shall be made on forms provided by the election  
25 authority. Duplication of such forms by the municipal, township  
26 or road district clerk is prohibited.

1 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
2 94-1000, eff. 7-3-06.)

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

4 Sec. 19-3. Application for such ballot shall be made on  
5 blanks to be furnished by the election authority and  
6 duplication of such application for ballot is prohibited,  
7 except by the election authority. The application for ballot  
8 shall be substantially in the following form:

9 APPLICATION FOR BALLOT

10 BY ELECTOR WHO EXPECTS TO BE

11 ABSENT FROM COUNTY

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

15 I state that I am a resident of the .... precinct of the  
16 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
17 the city of .... residing at .... in such city or town in the  
18 county of .... and State of Illinois; that I have lived at such  
19 address for .... month(s) last past; that I am lawfully  
20 entitled to vote in such precinct at the .... election to be  
21 held therein on ....; that I expect to be absent from the  
22 county of my residence on the date of holding such election,  
23 and that I will have no opportunity to vote in person on that  
24 day.

25 I hereby make application for an official ballot or ballots

1 to be voted by me at such election if I am absent from the  
2 county of my residence, and I agree that I shall return such  
3 ballot or ballots to the official issuing the same prior to the  
4 closing of the polls on the date of the 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 ~~However, if application is made for a primary election~~  
13 ~~ballot, such application shall designate the name of the~~  
14 ~~political party with which the applicant is affiliated.~~

15 APPLICATION FOR BALLOT

16 BY ELECTOR WHO IS JUDGE OF ELECTION

17 IN A PRECINCT OTHER THAN THE PRECINCT

18 IN WHICH HE RESIDES

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

1 lived at such address for .... month(s) last past; that I am  
2 lawfully entitled to vote in such precinct at the .... election  
3 to be held therein on ....; that I am a judge of election in  
4 .... precinct or the (1) \*.... ward in the city of .... or (2)  
5 \*township of .... or (3) \*city, village or incorporated town of  
6 .... in such county and that I will have no opportunity of  
7 voting in person on that day:

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

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

16 .....

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

18 Post office address to which ballot is mailed:

19 .....

20 APPLICATION FOR BALLOT

21 BY PHYSICALLY INCAPACITATED ELECTOR

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

25 I state ~~that I am affiliated with the .... party (to be~~  
26 ~~used in primary elections) and~~ that I am a resident of the ....

1 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
 2 \*.... ward in the city of .... residing at .... in such city or  
 3 town in the county of .... and State of Illinois; that I have  
 4 lived at such address for .... month(s) last past; that I am  
 5 lawfully entitled to vote in such precinct at the .... election  
 6 to be held therein on ....; that I shall be physically  
 7 incapable of being present at the polls of such precinct on the  
 8 date of holding such election for the following reasons:

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

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

17 .....

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

19 Post office address to which ballot is mailed:

20 .....

21 APPLICATION FOR BALLOT

22 BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

23 To be voted at the .... election in the county of ....  
 24 State of Illinois, in the .... precinct (1) \*township of ....  
 25 (2) \*City of .... or (3) \*.... ward in the City of ....

26 I state ~~that I am affiliated with the .... party (to be~~

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

11 I hereby make application for an official ballot or ballots  
 12 to be voted by me at such election if I am so unable to be  
 13 present at the polls of such precinct on the date of the  
 14 election because of the tenets of my religion in the observance  
 15 of a religious holiday, and I agree that I shall return the  
 16 ballot or ballots to the official issuing the same prior to the  
 17 closing of the polls on the date of the election.

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

21 .....

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

23 Post office address to which ballot is mailed:

24 .....

25 APPLICATION FOR BALLOT

26 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

1 OF STATE'S ATTORNEY, COUNTY CLERK OR

2 BOARD OF ELECTION COMMISSIONERS

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

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

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

25 .....

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



1 Post office address to which ballot is mailed:

2 .....

3 ~~Provided, that if application be made for a primary~~  
4 ~~election ballot, such application shall designate the name of~~  
5 ~~the political party with which the applicant is affiliated.~~

6 APPLICATION FOR  
7 TEMPORARILY ABSENT STUDENT BALLOT

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

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

23 I hereby make application for an official ballot or ballots  
24 to be voted by me at such election if I am absent from the  
25 precinct of my residence, and I agree that I shall return such  
26 ballot or ballots to the official issuing the same prior to the

1 closing of the polls on the date of the election.

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

5 .....

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

7 Post office address to which ballot is mailed:

8 .....

9 ~~However, if application is made for a primary election~~  
10 ~~ballot, such application shall designate the name of the~~  
11 ~~political party with which the applicant is affiliated.~~

12 In lieu of the separate application blanks heretofore  
13 prescribed, the election authority may adopt a standard  
14 application blank in substantially the following form for all  
15 categories of absentee voters:

16 APPLICATION FOR  
17 ABSENT VOTER'S BALLOT

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

22 I state that I am a resident of the ..... precinct of the  
23 (1) \*township of ..... (2) \*City of ..... or (3) \*.....  
24 ward in the City of ..... residing at ..... in such city  
25 or town in the county of ..... and State of Illinois; that I  
26 have lived at such address for ..... months last past; that I

1 am lawfully entitled to vote in such precinct at a .....  
2 election to be held therein on .....; and that I will be  
3 unable to vote in person at the polls of such precinct for the  
4 following reasons:

5 (Check One)

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

7 I expect to be temporarily absent from the country.

8 I shall be serving as a judge of election in the  
9 ..... precinct which is not my precinct of  
10 residence.

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

13 I shall be performing official election duties  
14 for an Election Authority .....,

15 (election authority)

16 ..... or the State Board of

17 Elections.

18 (location)

19 I shall be performing election law enforcement  
20 duties in the employment of .....,

21 (law enforcement agency)

22 .....

23 (location)

24 I am temporarily abiding in the (1) \*township  
25 of .... (2) \*city of ....in the county of ....  
26 and State of .... due to the fact I am a

1 student attending an institution of higher education.

2 I am physically incapacitated.

3 Reason(s):

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

5 .....

6 (court jurisdiction)

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

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

16 .....

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

19 .....

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

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

24 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

25 Sec. 19-4. Mailing or delivery of ballots - Time.)

1 Immediately upon the receipt of such application either by  
2 mail, not more than 40 days nor less than 5 days prior to such  
3 election, or by personal delivery not more than 40 days nor  
4 less than one day prior to such election, at the office of such  
5 election authority, it shall be the duty of such election  
6 authority to examine the records to ascertain whether or not  
7 such applicant is lawfully entitled to vote as requested,  
8 including a verification of the applicant's signature by  
9 comparison with the signature on the official registration  
10 record card, and if found so to be entitled to vote, to post  
11 within one business day thereafter the name, street address,  
12 ward and precinct number or township and district number, as  
13 the case may be, of such applicant given on a list, the pages  
14 of which are to be numbered consecutively to be kept by such  
15 election authority for such purpose in a conspicuous, open and  
16 public place accessible to the public at the entrance of the  
17 office of such election authority, and in such a manner that  
18 such list may be viewed without necessity of requesting  
19 permission therefor. Within one day after posting the name and  
20 other information of an applicant for an absentee ballot, the  
21 election authority shall transmit that name and other posted  
22 information to the State Board of Elections, which shall  
23 maintain those names and other information in an electronic  
24 format on its website, arranged by county and accessible to  
25 State and local political committees. Within 2 business days  
26 after posting a name and other information on the list within

1 its office, the election authority shall mail, postage prepaid,  
2 or deliver in person in such office an official ballot or  
3 ballots if more than one are to be voted at said election or if  
4 Section 19-4.5 applies. Mail delivery of Temporarily Absent  
5 Student ballot applications pursuant to Section 19-12.3 shall  
6 be by nonforwardable mail. However, for the consolidated  
7 election, absentee ballots for certain precincts may be  
8 delivered to applicants not less than 25 days before the  
9 election if so much time is required to have prepared and  
10 printed the ballots containing the names of persons nominated  
11 for offices at the consolidated primary. The election authority  
12 shall enclose with each absentee ballot or application written  
13 instructions on how voting assistance shall be provided  
14 pursuant to Section 17-14 and a document, written and approved  
15 by the State Board of Elections, enumerating the circumstances  
16 under which a person is authorized to vote by absentee ballot  
17 pursuant to this Article; such document shall also include a  
18 statement informing the applicant that if he or she falsifies  
19 or is solicited by another to falsify his or her eligibility to  
20 cast an absentee ballot, such applicant or other is subject to  
21 penalties pursuant to Section 29-10 and Section 29-20 of the  
22 Election Code. Each election authority shall maintain a list of  
23 the name, street address, ward and precinct, or township and  
24 district number, as the case may be, of all applicants who have  
25 returned absentee ballots to such authority, and the name of  
26 such absent voter shall be added to such list within one

1 business day from receipt of such ballot. If the absentee  
2 ballot envelope indicates that the voter was assisted in  
3 casting the ballot, the name of the person so assisting shall  
4 be included on the list. The list, the pages of which are to be  
5 numbered consecutively, shall be kept by each election  
6 authority in a conspicuous, open, and public place accessible  
7 to the public at the entrance of the office of the election  
8 authority and in a manner that the list may be viewed without  
9 necessity of requesting permission for viewing.

10 Each election authority shall maintain a list for each  
11 election of the voters to whom it has issued absentee ballots.  
12 The list shall be maintained for each precinct within the  
13 jurisdiction of the election authority. Prior to the opening of  
14 the polls on election day, the election authority shall deliver  
15 to the judges of election in each precinct the list of  
16 registered voters in that precinct to whom absentee ballots  
17 have been issued by mail.

18 Each election authority shall maintain a list for each  
19 election of voters to whom it has issued temporarily absent  
20 student ballots. The list shall be maintained for each election  
21 jurisdiction within which such voters temporarily abide.  
22 Immediately after the close of the period during which  
23 application may be made by mail for absentee ballots, each  
24 election authority shall mail to each other election authority  
25 within the State a certified list of all such voters  
26 temporarily abiding within the jurisdiction of the other

1 election authority.

2 In the event that the return address of an application for  
3 ballot by a physically incapacitated elector is that of a  
4 facility licensed or certified under the Nursing Home Care Act,  
5 within the jurisdiction of the election authority, and the  
6 applicant is a registered voter in the precinct in which such  
7 facility is located, the ballots shall be prepared and  
8 transmitted to a responsible judge of election no later than 9  
9 a.m. on the Saturday, Sunday or Monday immediately preceding  
10 the election as designated by the election authority under  
11 Section 19-12.2. Such judge shall deliver in person on the  
12 designated day the ballot to the applicant on the premises of  
13 the facility from which application was made. The election  
14 authority shall by mail notify the applicant in such facility  
15 that the ballot will be delivered by a judge of election on the  
16 designated day.

17 All applications for absentee ballots shall be available at  
18 the office of the election authority for public inspection upon  
19 request from the time of receipt thereof by the election  
20 authority until 30 days after the election, except during the  
21 time such applications are kept in the office of the election  
22 authority pursuant to Section 19-7, and except during the time  
23 such applications are in the possession of the judges of  
24 election.

25 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)



1 (10 ILCS 5/19-4.5 new)

2 Sec. 19-4.5. Primary ballots.

3 (a) A person entitled to vote by absentee ballot at a  
4 primary shall not be required to declare his or her political  
5 party affiliation and shall be provided with the ballots of all  
6 established political parties nominating candidates for  
7 offices for which the absentee voter is entitled to vote at  
8 that primary. That absentee voter may mark, cast, and have  
9 counted the primary ballot of only one established political  
10 party, except that he or she may mark, cost, and have counted  
11 the primary ballots of a statewide established political party  
12 and a local political party established only within a political  
13 subdivision as provided in subsection (b) of Section 7-44.

14 (b) With respect to the marking, casting, and counting of  
15 primary ballots, absentee voting shall be conducted in  
16 accordance with Sections 7-43 and 7-44 of this Code as well as  
17 the provisions of this Article.

18 (c) When voting absentee at a primary by means other than  
19 in-person absentee voting, the voter shall be instructed to  
20 discard or otherwise destroy any ballots of political parties  
21 that the voter does not intend to cast. Such a discarded or  
22 destroyed ballot or ballots is not the ballot or ballots the  
23 voter agreed in the absentee ballot application to return to  
24 the election authority.

25 If a voter subject to this subsection returns to the  
26 election authority the ballot of more than one established

1 political party, the judges of election shall determine which  
2 votes to count as provided in subsection (b) of Section 7-44.

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

4 Sec. 19-5. It shall be the duty of the election authority  
5 to fold the ballot or ballots in the manner specified by the  
6 statute for folding ballots prior to their deposit in the  
7 ballot box, and to enclose such ballot or ballots in an  
8 envelope unsealed to be furnished by him, which envelope shall  
9 bear upon the face thereof the name, official title and post  
10 office address of the election authority, and upon the other  
11 side if the ballot is to go to an elector who is to be out of  
12 the county on the day of the election a printed certification  
13 in substantially the following form:

14 I state that I am a resident of the .... precinct of the  
15 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
16 the city of .... residing at .... in such city or town in the  
17 county of .... and State of Illinois, that I have lived at such  
18 address for .... months last past; that I am lawfully entitled  
19 to vote in such precinct at the .... election to be held on  
20 ....; and I expect to be absent from the county of my residence  
21 on the date of such election.

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

23 I further state that I personally marked the enclosed  
24 ballot in secret.

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

8 I state that I am a resident of the .... precinct of the  
9 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
10 the city of .... residing at .... in such city or town in the  
11 county of .... and State of Illinois, that I have lived at such  
12 address for .... months last past; that I am lawfully entitled  
13 to vote in such precinct at the .... election to be held on  
14 ....; that I shall be physically incapable of being present at  
15 the polls of such precinct on the date of holding such  
16 election.

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

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

22 .....

23 (Individual rendering assistance)

24 .....

25 (Residence Address)

26 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 unable to be  
 15 present at the polls on the date of the election because of the  
 16 observance of a religious holiday, the envelope shall bear upon  
 17 the back thereof a certification in substantially the following  
 18 form:

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

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

2 I further state that I personally marked the enclosed  
3 ballot in secret.

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

8 .....

9 If the ballot is to go to an elector who is unable to be  
10 present at the polls on the date of the election because he or  
11 she is confined or detained in jail pending acquittal or  
12 conviction of a crime, the envelope shall bear upon the back  
13 thereof a certification in substantially the following form:

14 I state that I am a resident of the .... precinct of the  
15 (1) \*township of .... (2) \*City of.... or (3) \*.... ward in the  
16 city of .... residing at .... in that city or town in the  
17 county of .... and State of Illinois, that I have lived at such  
18 address for .... months last past; that I am lawfully entitled  
19 to vote in such precinct at the .... election to be held on  
20 ....; that I shall be unable to be present at the polls of such  
21 precinct on the date of holding such election because of my  
22 confinement or detention in jail pending acquittal or  
23 conviction of a crime.

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

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

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

5 .....

6 If the ballot is to go to an elector who is temporarily  
 7 abiding outside the precinct in which he is registered to vote  
 8 due to the fact he is a student attending an institution of  
 9 higher education the envelope shall bear upon the back thereof  
 10 a certification in 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 in  
 13 the city of .... residing at .... in such city or town in the  
 14 county of .... and State of Illinois, that I have lived at such  
 15 address for .... months last past; that I am lawfully entitled  
 16 to vote in such precinct at the .... election to be held on  
 17 ....; and I expect to be absent from the precinct of my  
 18 residence on the date of such election because I am temporarily  
 19 abiding outside such precinct in the (1) \*township of .... (2)  
 20 \*city of .... in the county of .... and State of .... due to the  
 21 fact I am a student attending an institution of higher  
 22 education.

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

24 I further state that I personally marked the enclosed  
 25 ballot in secret.

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

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

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

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

22 .....

23 (Individual rendering assistance)

24 .....

25 (Residence Address)

26 Under penalties of perjury 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 ~~Provided, that if the ballot enclosed is to be voted at a~~  
 15 ~~primary election, the certification shall designate the name of~~  
 16 ~~the political party with which the voter is affiliated.~~

17 In addition to the above, the election authority shall  
 18 provide printed slips giving full instructions regarding the  
 19 manner of marking and returning the ballot in order that the  
 20 same may be counted, and shall furnish one of such printed  
 21 slips to each of such applicants at the same time the ballot is  
 22 delivered to him. Such instructions shall include the following  
 23 statement: "In signing the certification on the absentee ballot  
 24 envelope, you are attesting that you personally marked this  
 25 absentee ballot in secret. If you are physically unable to mark  
 26 the ballot, a friend or relative may assist you after  
 completing the enclosed affidavit. Federal and State laws



1 prohibit a candidate whose name appears on the ballot (unless  
2 you are the spouse or a parent, child, brother, or sister of  
3 the candidate), your employer, your employer's agent or an  
4 officer or agent of your union from assisting physically  
5 disabled voters."

6 In addition to the above, if a ballot to be provided to an  
7 elector pursuant to this Section contains a public question  
8 described in subsection (b) of Section 28-6 and the territory  
9 concerning which the question is to be submitted is not  
10 described on the ballot due to the space limitations of such  
11 ballot, the election authority shall provide a printed copy of  
12 a notice of the public question, which shall include a  
13 description of the territory in the manner required by Section  
14 16-7. The notice shall be furnished to the elector at the same  
15 time the ballot is delivered to the elector.

16 (Source: P.A. 94-637, eff. 1-1-06.)

17 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

18 Sec. 19-8. Time and place of counting ballots.

19 (a) (Blank.)

20 (b) Each absent voter's ballot returned to an election  
21 authority, by any means authorized by this Article, and  
22 received by that election authority before the closing of the  
23 polls on election day shall be endorsed by the receiving  
24 election authority with the day and hour of receipt and shall  
25 be counted in the central ballot counting location of the

1 election authority on the day of the election after 7:00 p.m.,  
2 except as provided in subsections (g) and (g-5).

3 (c) Each absent voter's ballot that is mailed to an  
4 election authority and postmarked by the midnight preceding the  
5 opening of the polls on election day, but that is received by  
6 the election authority after the polls close on election day  
7 and before the close of the period for counting provisional  
8 ballots cast at that election, shall be endorsed by the  
9 receiving authority with the day and hour of receipt and shall  
10 be counted at the central ballot counting location of the  
11 election authority during the period for counting provisional  
12 ballots.

13 (d) Special write-in absentee voter's blank ballots  
14 returned to an election authority, by any means authorized by  
15 this Article, and received by the election authority at any  
16 time before the closing of the polls on election day shall be  
17 endorsed by the receiving election authority with the day and  
18 hour of receipt and shall be counted at the central ballot  
19 counting location of the election authority during the same  
20 period provided for counting absent voters' ballots under  
21 subsections (b), (g), and (g-5). Special write-in absentee  
22 voter's blank ballots that are mailed to an election authority  
23 and postmarked by the midnight preceding the opening of the  
24 polls on election day, but that are received by the election  
25 authority after the polls close on election day and before the  
26 closing of the period for counting provisional ballots cast at

1 that election, shall be endorsed by the receiving authority  
2 with the day and hour of receipt and shall be counted at the  
3 central ballot counting location of the election authority  
4 during the same periods provided for counting absent voters'  
5 ballots under subsection (c).

6 (e) Except as otherwise provided in this Section, absent  
7 voters' ballots and special write-in absentee voter's blank  
8 ballots received by the election authority after the closing of  
9 the polls on an election day shall be endorsed by the election  
10 authority receiving them with the day and hour of receipt and  
11 shall be safely kept unopened by the election authority for the  
12 period of time required for the preservation of ballots used at  
13 the election, and shall then, without being opened, be  
14 destroyed in like manner as the used ballots of that election.

15 (f) Counting required under this Section to begin on  
16 election day after the closing of the polls shall commence no  
17 later than 8:00 p.m. and shall be conducted by a panel or  
18 panels of election judges appointed in the manner provided by  
19 law. The counting shall continue until all absent voters'  
20 ballots and special write-in absentee voter's blank ballots  
21 required to be counted on election day have been counted.

22 (g) The procedures set forth in Articles 17 and 18 and,  
23 with respect to primaries, in Section 19-4.5 of this Code shall  
24 apply to all ballots counted under this Section. In addition,  
25 within 2 days after an absentee ballot, other than an in-person  
26 absentee ballot, is received, but in all cases before the close

1 of the period for counting provisional ballots, the election  
2 judge or official shall compare the voter's signature on the  
3 certification envelope of that absentee ballot with the  
4 signature of the voter on file in the office of the election  
5 authority. If the election judge or official determines that  
6 the 2 signatures match, and that the absentee voter is  
7 otherwise qualified to cast an absentee ballot, the election  
8 authority shall cast and count the ballot on election day or  
9 the day the ballot is determined to be valid, whichever is  
10 later, adding the results to the precinct in which the voter is  
11 registered. If the election judge or official determines that  
12 the signatures do not match, or that the absentee voter is not  
13 qualified to cast an absentee ballot, then without opening the  
14 certification envelope, the judge or official shall mark across  
15 the face of the certification envelope the word "Rejected" and  
16 shall not cast or count the ballot.

17 In addition to the voter's signatures not matching, an  
18 absentee ballot may be rejected by the election judge or  
19 official:

20 (1) if the ballot envelope is open or has been opened  
21 and resealed;

22 (2) if the voter has already cast an early or grace  
23 period ballot;

24 (3) if the voter voted in person on election day or the  
25 voter is not a duly registered voter in the precinct; or

26 (4) on any other basis set forth in this Code.

1           If the election judge or official determines that any of  
2 these reasons apply, the judge or official shall mark across  
3 the face of the certification envelope the word "Rejected" and  
4 shall not cast or count the ballot.

5           (g-5) If an absentee ballot, other than an in-person  
6 absentee ballot, is rejected by the election judge or official  
7 for any reason, the election authority shall, within 2 days  
8 after the rejection but in all cases before the close of the  
9 period for counting provisional ballots, notify the absentee  
10 voter that his or her ballot was rejected. The notice shall  
11 inform the voter of the reason or reasons the ballot was  
12 rejected and shall state that the voter may appear before the  
13 election authority, on or before the 14th day after the  
14 election, to show cause as to why the ballot should not be  
15 rejected. The voter may present evidence to the election  
16 authority supporting his or her contention that the ballot  
17 should be counted. The election authority shall appoint a panel  
18 of 3 election judges to review the contested ballot,  
19 application, and certification envelope, as well as any  
20 evidence submitted by the absentee voter. No more than 2  
21 election judges on the reviewing panel shall be of the same  
22 political party. The reviewing panel of election judges shall  
23 make a final determination as to the validity of the contested  
24 absentee ballot. The judges' determination shall not be  
25 reviewable either administratively or judicially.

26           An absentee ballot subject to this subsection that is

1 determined to be valid shall be counted before the close of the  
2 period for counting provisional ballots.

3 (g-10) All absentee ballots determined to be valid shall be  
4 added to the vote totals for the precincts for which they were  
5 cast in the order in which the ballots were opened.

6 (h) Each political party, candidate, and qualified civic  
7 organization shall be entitled to have present one pollwatcher  
8 for each panel of election judges therein assigned.

9 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

10 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

11 Sec. 19-12.1. Any qualified elector who has secured an  
12 Illinois Disabled Person Identification Card in accordance  
13 with The Illinois Identification Card Act, indicating that the  
14 person named thereon has a Class 1A or Class 2 disability or  
15 any qualified voter who has a permanent physical incapacity of  
16 such a nature as to make it improbable that he will be able to  
17 be present at the polls at any future election, or any voter  
18 who is a resident of a facility licensed or certified pursuant  
19 to the Nursing Home Care Act and has a condition or disability  
20 of such a nature as to make it improbable that he will be able  
21 to be present at the polls at any future election, may secure a  
22 disabled voter's or nursing home resident's identification  
23 card, which will enable him to vote under this Article as a  
24 physically incapacitated or nursing home voter.

25 Application for a disabled voter's or nursing home

1 resident's identification card shall be made either: (a) in  
2 writing, with voter's sworn affidavit, to the county clerk or  
3 board of election commissioners, as the case may be, and shall  
4 be accompanied by the affidavit of the attending physician  
5 specifically describing the nature of the physical incapacity  
6 or the fact that the voter is a nursing home resident and is  
7 physically unable to be present at the polls on election days;  
8 or (b) by presenting, in writing or otherwise, to the county  
9 clerk or board of election commissioners, as the case may be,  
10 proof that the applicant has secured an Illinois Disabled  
11 Person Identification Card indicating that the person named  
12 thereon has a Class 1A or Class 2 disability. Upon the receipt  
13 of either the sworn-to application and the physician's  
14 affidavit or proof that the applicant has secured an Illinois  
15 Disabled Person Identification Card indicating that the person  
16 named thereon has a Class 1A or Class 2 disability, the county  
17 clerk or board of election commissioners shall issue a disabled  
18 voter's or nursing home resident's identification card. Such  
19 identification cards shall be issued for a period of 5 years,  
20 upon the expiration of which time the voter may secure a new  
21 card by making application in the same manner as is prescribed  
22 for the issuance of an original card, accompanied by a new  
23 affidavit of the attending physician. The date of expiration of  
24 such five-year period shall be made known to any interested  
25 person by the election authority upon the request of such  
26 person. Applications for the renewal of the identification

1 cards shall be mailed to the voters holding such cards not less  
2 than 3 months prior to the date of expiration of the cards.

3 Each disabled voter's or nursing home resident's  
4 identification card shall bear an identification number, which  
5 shall be clearly noted on the voter's original and duplicate  
6 registration record cards. In the event the holder becomes  
7 physically capable of resuming normal voting, he must surrender  
8 his disabled voter's or nursing home resident's identification  
9 card to the county clerk or board of election commissioners  
10 before the next election.

11 The holder of a disabled voter's or nursing home resident's  
12 identification card may make application by mail for an  
13 official ballot within the time prescribed by Section 19-2.  
14 Such application shall contain the same information as is  
15 included in the form of application for ballot by a physically  
16 incapacitated elector prescribed in Section 19-3 except that it  
17 shall also include the applicant's disabled voter's  
18 identification card number and except that it need not be sworn  
19 to. If an examination of the records discloses that the  
20 applicant is lawfully entitled to vote, he shall be mailed a  
21 ballot or ballots as provided in Section 19-4 and, if  
22 applicable, in Section 19-4.5. The ballot envelope shall be the  
23 same as that prescribed in Section 19-5 for physically disabled  
24 voters, and the manner of voting and returning the ballot shall  
25 be the same as that provided in this Article for other absentee  
26 ballots, except that a statement to be subscribed to by the



1 voter but which need not be sworn to shall be placed on the  
2 ballot envelope in lieu of the affidavit prescribed by Section  
3 19-5.

4 Any person who knowingly subscribes to a false statement in  
5 connection with voting under this Section shall be guilty of a  
6 Class A misdemeanor.

7 (Source: P.A. 86-820; 86-875; 86-1028.)

8 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

9 Sec. 20-3. The election authority shall furnish the  
10 following applications for absentee registration or absentee  
11 ballot which shall be considered a method of application in  
12 lieu of the official postcard.

13 1. Members of the United States Service, citizens of the  
14 United States temporarily residing outside the territorial  
15 limits of the United States, and certified program participants  
16 under the Address Confidentiality for Victims of Domestic  
17 Violence Act may make application within the periods prescribed  
18 in Sections 20-2 or 20-2.1, as the case may be. Such  
19 application shall be substantially in the following form:

20 "APPLICATION FOR BALLOT

21 To be voted at the..... election in the precinct in  
22 which is located my residence at....., in the  
23 city/village/township of .....(insert home address)  
24 County of..... and State of Illinois.

25 I state that I am a citizen of the United States; that on

1 (insert date of election) I shall have resided in the State of  
2 Illinois and in the election precinct for 30 days; that on the  
3 above date I shall be the age of 18 years or above; that I am  
4 lawfully entitled to vote in such precinct at that election;  
5 that I am (check category 1, 2, or 3 below):

6 1.  a member of the United States Service,

7 2.  a citizen of the United States temporarily residing  
8 outside the territorial limits of the United States and that I  
9 expect to be absent from the said county of my residence on the  
10 date of holding such election, and that I will have no  
11 opportunity to vote in person on that day.

12 3.  a certified program participant under the Address  
13 Confidentiality for Victims of Domestic Violence Act.

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

20 (Check below only if category 2 or 3 and not previously  
21 registered)

22  I hereby make application to become registered as a  
23 voter and agree to return the forms and affidavits for  
24 registration to the election authority not later than 30 days  
25 before the election.

26 Under penalties as provided by law pursuant to Article 29

1 of The Election Code, the undersigned certifies that the  
2 statements set forth in this application are true and correct.

3 .....  
4 Post office address or service address to which  
5 registration materials or ballot should be mailed  
6 .....  
7 .....  
8 .....  
9 ....."

10 ~~If application is made for a primary election ballot, such~~  
11 ~~application shall designate the name of the political party~~  
12 ~~with which the applicant is affiliated.~~

13 Such applications may be obtained from the election  
14 authority having jurisdiction over the person's precinct of  
15 residence.

16 2. A spouse or dependent of a member of the United States  
17 Service, said spouse or dependent being a registered voter in  
18 the county, may make application on behalf of said person in  
19 the office of the election authority within the periods  
20 prescribed in Section 20-2 which shall be substantially in the  
21 following form:

22 "APPLICATION FOR BALLOT to be voted at the..... election  
23 in the precinct in which is located the residence of the person  
24 for whom this application is made at.....(insert  
25 residence address) in the city/village/township of.....  
26 County of..... and State of Illinois.

1 I certify that the following named person.....  
2 (insert name of person) is a member of the United States  
3 Service.

4 I state that said person is a citizen of the United States;  
5 that on (insert date of election) said person shall have  
6 resided in the State of Illinois and in the election precinct  
7 for which this application is made for 30 days; that on the  
8 above date said person shall be the age of 18 years or above;  
9 that said person is lawfully entitled to vote in such precinct  
10 at that election; that said person is a member of the United  
11 States Service, and that in the course of his duties said  
12 person expects to be absent from his county of residence on the  
13 date of holding such election, and that said person will have  
14 no opportunity to vote in person on that day.

15 I hereby make application for an official ballot or ballots  
16 to be voted by said person at such election and said person  
17 agrees that he shall return said ballot or ballots to the  
18 election authority prior to the closing of the polls on the day  
19 of the election, or shall destroy said ballot or ballots.

20 I hereby certify that I am the (mother, father, sister,  
21 brother, husband or wife) of the said elector, and that I am a  
22 registered voter in the election precinct for which this  
23 application is made. (Strike all but one that is applicable.)

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



1 shall enter the name, street address, ward and precinct number  
2 of such applicant on a list to be posted in his or its office in  
3 a place accessible to the public. Within one day after posting  
4 the name and other information of an applicant for a ballot,  
5 the election authority shall transmit that name and posted  
6 information to the State Board of Elections, which shall  
7 maintain the names and other information in an electronic  
8 format on its website, arranged by county and accessible to  
9 State and local political committees. As soon as the official  
10 ballot is prepared the election authority shall immediately  
11 deliver the same to the applicant in person or by mail, in the  
12 manner prescribed in Section 20-4.5, when applicable, and  
13 Section 20-5.

14 If any such election authority receives a second or  
15 additional application which it believes is from the same  
16 person, he or it shall submit it to the chief judge of the  
17 circuit court or any judge of that court designated by the  
18 chief judge. If the chief judge or his designate determines  
19 that the application submitted to him is a second or additional  
20 one, he shall so notify the election authority who shall  
21 disregard the second or additional application.

22 The election authority shall maintain a list for each  
23 election of the voters to whom it has issued absentee ballots.  
24 The list shall be maintained for each precinct within the  
25 jurisdiction of the election authority. Prior to the opening of  
26 the polls on election day, the election authority shall deliver

1 to the judges of election in each precinct the list of  
2 registered voters in that precinct to whom absentee ballots  
3 have been issued.

4 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

5 (10 ILCS 5/20-4.5 new)

6 Sec. 20-4.5. Primary ballots.

7 (a) A person entitled to vote by absentee ballot at a  
8 primary shall not be required to declare his or her political  
9 party affiliation and shall be provided with the ballots of all  
10 established political parties nominating candidates for  
11 offices for which the absentee voter is entitled to vote at  
12 that primary. That absentee voter may mark, cast, and have  
13 counted the primary ballot of only one established political  
14 party, except that he or she may mark, cost, and have counted  
15 the primary ballots of a statewide established political party  
16 and a local political party established only within a political  
17 subdivision as provided in subsection (b) of Section 7-44.

18 (b) With respect to the marking, casting, and counting of  
19 primary ballots, absentee voting shall be conducted in  
20 accordance with Sections 7-43 and 7-44 of this Code as well as  
21 the provisions of this Article.

22 (c) When voting absentee at a primary, the voter shall be  
23 instructed to discard or otherwise destroy any ballots of  
24 political parties that the voter does not intend to cast. Such  
25 a discarded or destroyed ballot or ballots is not the ballot or

1 ballots the voter agreed in the absentee ballot application to  
2 return to the election authority.

3 If a voter subject to this subsection returns to the  
4 election authority the ballot of more than one established  
5 political party, the judges of election shall determine which  
6 votes to count as provided in subsection (b) of Section 7-44.

7 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

8 Sec. 20-5. The election authority shall fold the ballot or  
9 ballots in the manner specified by the statute for folding  
10 ballots prior to their deposit in the ballot box and shall  
11 enclose such ballot in an envelope unsealed to be furnished by  
12 it, which envelope shall bear upon the face thereof the name,  
13 official title and post office address of the election  
14 authority, and upon the other side of such envelope there shall  
15 be printed a certification in substantially the following form:

16 "CERTIFICATION

17 I state that I am a resident/former resident of the .....  
18 precinct of the city/village/township of .....,  
19 (Designation to be made by Election Authority) or of the ....  
20 ward in the city of ..... (Designation to be made by  
21 Election Authority) residing at ..... in said  
22 city/village/township in the county of ..... and State of  
23 Illinois; that I am a

- 24 1. ( ) member of the United States Service  
25 2. ( ) citizen of the United States temporarily residing



1 outside the territorial limits of the United States

2 3. ( ) nonresident civilian citizen

3 and desire to cast the enclosed ballot pursuant to Article 20  
4 of The Election Code; that I am lawfully entitled to vote in  
5 such precinct at the ..... election to be held on  
6 .....

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

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

13 ..... (Name)  
14 .....  
15 (Service Address)"  
16 .....  
17 .....  
18 .....

19 ~~If the ballot enclosed is to be voted at a primary~~  
20 ~~election, the certification shall designate the name of the~~  
21 ~~political party with which the voter is affiliated.~~

22 In addition to the above, the election authority shall  
23 provide printed slips giving full instructions regarding the  
24 manner of completing the forms and affidavits for absentee  
25 registration or the manner of marking and returning the ballot  
26 in order that the same may be counted, and shall furnish one of

1 the printed slips to each of the applicants at the same time  
2 the registration materials or ballot is delivered to him.

3 In addition to the above, if a ballot to be provided to an  
4 elector pursuant to this Section contains a public question  
5 described in subsection (b) of Section 28-6 and the territory  
6 concerning which the question is to be submitted is not  
7 described on the ballot due to the space limitations of such  
8 ballot, the election authority shall provide a printed copy of  
9 a notice of the public question, which shall include a  
10 description of the territory in the manner required by Section  
11 16-7. The notice shall be furnished to the elector at the same  
12 time the ballot is delivered to the elector.

13 The envelope in which such registration or such ballot is  
14 mailed to the voter as well as the envelope in which the  
15 registration materials or the ballot is returned by the voter  
16 shall have printed across the face thereof two parallel  
17 horizontal red bars, each one-quarter inch wide, extending from  
18 one side of the envelope to the other side, with an intervening  
19 space of one-quarter inch, the top bar to be one and  
20 one-quarter inches from the top of the envelope, and with the  
21 words "Official Election Balloting Material-VIA AIR MAIL"  
22 between the bars. In the upper right corner of such envelope in  
23 a box, there shall be printed the words: "U.S. Postage Paid 42  
24 USC 1973". All printing on the face of such envelopes shall be  
25 in red, including an appropriate inscription or blank in the  
26 upper left corner of return address of sender.

1 (Source: P.A. 84-1467.)

2 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

3 Sec. 20-8. Time and place of counting ballots.

4 (a) (Blank.)

5 (b) Each absent voter's ballot returned to an election  
6 authority, by any means authorized by this Article, and  
7 received by that election authority before the closing of the  
8 polls on election day shall be endorsed by the receiving  
9 election authority with the day and hour of receipt and shall  
10 be counted in the central ballot counting location of the  
11 election authority on the day of the election after 7:00 p.m.,  
12 except as provided in subsections (g) and (g-5).

13 (c) Each absent voter's ballot that is mailed to an  
14 election authority and postmarked by the midnight preceding the  
15 opening of the polls on election day, but that is received by  
16 the election authority after the polls close on election day  
17 and before the close of the period for counting provisional  
18 ballots cast at that election, shall be endorsed by the  
19 receiving authority with the day and hour of receipt and shall  
20 be counted at the central ballot counting location of the  
21 election authority during the period for counting provisional  
22 ballots.

23 (d) Special write-in absentee voter's blank ballots  
24 returned to an election authority, by any means authorized by  
25 this Article, and received by the election authority at any

1 time before the closing of the polls on election day shall be  
2 endorsed by the receiving election authority with the day and  
3 hour of receipt and shall be counted at the central ballot  
4 counting location of the election authority during the same  
5 period provided for counting absent voters' ballots under  
6 subsections (b), (g), and (g-5). Special write-in absentee  
7 voter's blank ballot that are mailed to an election authority  
8 and postmarked by midnight preceding the opening of the polls  
9 on election day, but that are received by the election  
10 authority after the polls close on election day and before the  
11 closing of the period for counting provisional ballots cast at  
12 that election, shall be endorsed by the receiving authority  
13 with the day and hour of receipt and shall be counted at the  
14 central ballot counting location of the election authority  
15 during the same periods provided for counting absent voters'  
16 ballots under subsection (c).

17 (e) Except as otherwise provided in this Section, absent  
18 voters' ballots and special write-in absentee voter's blank  
19 ballots received by the election authority after the closing of  
20 the polls on the day of election shall be endorsed by the  
21 person receiving the ballots with the day and hour of receipt  
22 and shall be safely kept unopened by the election authority for  
23 the period of time required for the preservation of ballots  
24 used at the election, and shall then, without being opened, be  
25 destroyed in like manner as the used ballots of that election.

26 (f) Counting required under this Section to begin on

1 election day after the closing of the polls shall commence no  
2 later than 8:00 p.m. and shall be conducted by a panel or  
3 panels of election judges appointed in the manner provided by  
4 law. The counting shall continue until all absent voters'  
5 ballots and special write-in absentee voter's blank ballots  
6 required to be counted on election day have been counted.

7 (g) The procedures set forth in Articles 17 and 18 and,  
8 with respect to primaries, in Section 20-4.5 of this Code shall  
9 apply to all ballots counted under this Section. In addition,  
10 within 2 days after a ballot subject to this Article is  
11 received, but in all cases before the close of the period for  
12 counting provisional ballots, the election judge or official  
13 shall compare the voter's signature on the certification  
14 envelope of that ballot with the signature of the voter on file  
15 in the office of the election authority. If the election judge  
16 or official determines that the 2 signatures match, and that  
17 the voter is otherwise qualified to cast a ballot under this  
18 Article, the election authority shall cast and count the ballot  
19 on election day or the day the ballot is determined to be  
20 valid, whichever is later, adding the results to the precinct  
21 in which the voter is registered. If the election judge or  
22 official determines that the signatures do not match, or that  
23 the voter is not qualified to cast a ballot under this Article,  
24 then without opening the certification envelope, the judge or  
25 official shall mark across the face of the certification  
26 envelope the word "Rejected" and shall not cast or count the

1 ballot.

2 In addition to the voter's signatures not matching, a  
3 ballot subject to this Article may be rejected by the election  
4 judge or official:

5 (1) if the ballot envelope is open or has been opened  
6 and resealed;

7 (2) if the voter has already cast an early or grace  
8 period ballot;

9 (3) if the voter voted in person on election day or the  
10 voter is not a duly registered voter in the precinct; or

11 (4) on any other basis set forth in this Code.

12 If the election judge or official determines that any of  
13 these reasons apply, the judge or official shall mark across  
14 the face of the certification envelope the word "Rejected" and  
15 shall not cast or count the ballot.

16 (g-5) If a ballot subject to this Article is rejected by  
17 the election judge or official for any reason, the election  
18 authority shall, within 2 days after the rejection but in all  
19 cases before the close of the period for counting provisional  
20 ballots, notify the voter that his or her ballot was rejected.  
21 The notice shall inform the voter of the reason or reasons the  
22 ballot was rejected and shall state that the voter may appear  
23 before the election authority, on or before the 14th day after  
24 the election, to show cause as to why the ballot should not be  
25 rejected. The voter may present evidence to the election  
26 authority supporting his or her contention that the ballot

1 should be counted. The election authority shall appoint a panel  
2 of 3 election judges to review the contested ballot,  
3 application, and certification envelope, as well as any  
4 evidence submitted by the absentee voter. No more than 2  
5 election judges on the reviewing panel shall be of the same  
6 political party. The reviewing panel of election judges shall  
7 make a final determination as to the validity of the contested  
8 ballot. The judges' determination shall not be reviewable  
9 either administratively or judicially.

10 A ballot subject to this subsection that is determined to  
11 be valid shall be counted before the close of the period for  
12 counting provisional ballots.

13 (g-10) All ballots determined to be valid shall be added to  
14 the vote totals for the precincts for which they were cast in  
15 the order in which the ballots were opened.

16 (h) Each political party, candidate, and qualified civic  
17 organization shall be entitled to have present one pollwatcher  
18 for each panel of election judges therein assigned.

19 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)