



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3030

by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-50
10 ILCS 5/5-50
10 ILCS 5/6-100
10 ILCS 5/10-7
10 ILCS 5/19A-35

from Ch. 46, par. 10-7

Amends the Election Code. Provides that the election authority shall offer in-person grace period voting at his or her office, and may offer in-person grace period voting at additional locations specifically designated for that purpose by the election authority, but removes a provision allowing the election authority to conduct grace period voting by mail. Provides that, if a request for withdrawal from the ballot is received after the date for certification of the candidates for the ballot, the candidate's name will appear on the ballot, but the votes for that candidate shall not be tabulated. Provides that a person to whom an absentee ballot was issued may vote early or on election day. Effective immediately.

LRB098 07115 HLH 37176 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 4-50, 5-50, 6-100, 10-7, and 19A-35 as follows:

6 (10 ILCS 5/4-50)

7 Sec. 4-50. Grace period. Notwithstanding any other
8 provision of this Code to the contrary, each election authority
9 shall establish procedures for the registration of voters and
10 for change of address during the period from the close of
11 registration for a primary or election and until the 3rd day
12 before the primary or election. During this grace period, an
13 unregistered qualified elector may register to vote, and a
14 registered voter may submit a change of address form, in person
15 in the office of the election authority or at a voter
16 registration location specifically designated for this purpose
17 by the election authority. The election authority shall
18 register that individual, or change a registered voter's
19 address, in the same manner as otherwise provided by this
20 Article for registration and change of address.

21 If a voter who registers or changes address during this
22 grace period wishes to vote at the first election or primary
23 occurring after the grace period, he or she must do so by grace

1 period voting, ~~either in person in the office of the election~~
2 ~~authority or at a location specifically designated for this~~
3 ~~purpose by the election authority, or by mail, at the~~
4 ~~discretion of the election authority.~~ The election authority
5 shall offer in-person grace period voting at his or her office,
6 and may offer in-person grace period voting at additional
7 locations specifically designated for that purpose by the
8 election authority. Grace period voting shall be in a manner
9 substantially similar to voting under Article 19.

10 Within one day after a voter casts a grace period ballot,
11 the election authority shall transmit the voter's name, street
12 address, and precinct, ward, township, and district numbers, as
13 the case may be, to the State Board of Elections, which shall
14 maintain those names and that information in an electronic
15 format on its website, arranged by county and accessible to
16 State and local political committees. The name of each person
17 issued a grace period ballot shall also be placed on the
18 appropriate precinct list of persons to whom absentee and early
19 ballots have been issued, for use as provided in Sections 17-9
20 and 18-5.

21 A person who casts a grace period ballot shall not be
22 permitted to revoke that ballot and vote another ballot with
23 respect to that primary or election. Ballots cast by persons
24 who register or change address during the grace period must be
25 transmitted to and counted at the election authority's central
26 ballot counting location and shall not be transmitted to and

1 counted at precinct polling places. The grace period ballots
2 determined to be valid shall be added to the vote totals for
3 the precincts for which they were cast in the order in which
4 the ballots were opened.

5 (Source: P.A. 96-441, eff. 1-1-10; 97-766, eff. 7-6-12.)

6 (10 ILCS 5/5-50)

7 Sec. 5-50. Grace period. Notwithstanding any other
8 provision of this Code to the contrary, each election authority
9 shall establish procedures for the registration of voters and
10 for change of address during the period from the close of
11 registration for a primary or election and until the 3rd day
12 before the primary or election. During this grace period, an
13 unregistered qualified elector may register to vote, and a
14 registered voter may submit a change of address form, in person
15 in the office of the election authority or at a voter
16 registration location specifically designated for this purpose
17 by the election authority. The election authority shall
18 register that individual, or change a registered voter's
19 address, in the same manner as otherwise provided by this
20 Article for registration and change of address.

21 If a voter who registers or changes address during this
22 grace period wishes to vote at the first election or primary
23 occurring after the grace period, he or she must do so by grace
24 period voting, ~~either in person in the office of the election~~
25 ~~authority or at a location specifically designated for this~~

1 ~~purpose by the election authority, or by mail, at the~~
2 ~~discretion of the election authority.~~ The election authority
3 shall offer in-person grace period voting at his or her office,
4 and may offer in-person grace period voting at additional
5 locations specifically designated for that purpose by the
6 election authority. Grace period voting shall be in a manner
7 substantially similar to voting under Article 19.

8 Within one day after a voter casts a grace period ballot,
9 the election authority shall transmit the voter's name, street
10 address, and precinct, ward, township, and district numbers, as
11 the case may be, to the State Board of Elections, which shall
12 maintain those names and that information in an electronic
13 format on its website, arranged by county and accessible to
14 State and local political committees. The name of each person
15 issued a grace period ballot shall also be placed on the
16 appropriate precinct list of persons to whom absentee and early
17 ballots have been issued, for use as provided in Sections 17-9
18 and 18-5.

19 A person who casts a grace period ballot shall not be
20 permitted to revoke that ballot and vote another ballot with
21 respect to that primary or election. Ballots cast by persons
22 who register or change address during the grace period must be
23 transmitted to and counted at the election authority's central
24 ballot counting location and shall not be transmitted to and
25 counted at precinct polling places. The grace period ballots
26 determined to be valid shall be added to the vote totals for

1 the precincts for which they were cast in the order in which
2 the ballots were opened.

3 (Source: P.A. 96-441, eff. 1-1-10; 97-766, eff. 7-6-12.)

4 (10 ILCS 5/6-100)

5 Sec. 6-100. Grace period. Notwithstanding any other
6 provision of this Code to the contrary, each election authority
7 shall establish procedures for the registration of voters and
8 for change of address during the period from the close of
9 registration for a primary or election and until the 3rd day
10 before the primary or election. During this grace period, an
11 unregistered qualified elector may register to vote, and a
12 registered voter may submit a change of address form, in person
13 in the office of the election authority or at a voter
14 registration location specifically designated for this purpose
15 by the election authority. The election authority shall
16 register that individual, or change a registered voter's
17 address, in the same manner as otherwise provided by this
18 Article for registration and change of address.

19 If a voter who registers or changes address during this
20 grace period wishes to vote at the first election or primary
21 occurring after the grace period, he or she must do so by grace
22 period voting, ~~either in person in the office of the election~~
23 ~~authority or at a location specifically designated for this~~
24 ~~purpose by the election authority, or by mail, at the~~
25 ~~discretion of the election authority.~~ The election authority

1 shall offer in-person grace period voting at his or her office,
2 and may offer in-person grace period voting at additional
3 locations specifically designated for that purpose by the
4 election authority. Grace period voting shall be in a manner
5 substantially similar to voting under Article 19.

6 Within one day after a voter casts a grace period ballot,
7 the election authority shall transmit the voter's name, street
8 address, and precinct, ward, township, and district numbers, as
9 the case may be, to the State Board of Elections, which shall
10 maintain those names and that information in an electronic
11 format on its website, arranged by county and accessible to
12 State and local political committees. The name of each person
13 issued a grace period ballot shall also be placed on the
14 appropriate precinct list of persons to whom absentee and early
15 ballots have been issued, for use as provided in Sections 17-9
16 and 18-5.

17 A person who casts a grace period ballot shall not be
18 permitted to revoke that ballot and vote another ballot with
19 respect to that primary or election. Ballots cast by persons
20 who register or change address during the grace period must be
21 transmitted to and counted at the election authority's central
22 ballot counting location and shall not be transmitted to and
23 counted at precinct polling places. The grace period ballots
24 determined to be valid shall be added to the vote totals for
25 the precincts for which they were cast in the order in which
26 the ballots were opened.

1 (Source: P.A. 96-441, eff. 1-1-10; 97-766, eff. 7-6-12.)

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

3 Sec. 10-7. Any person whose name has been presented as a
4 candidate may cause his name to be withdrawn from any such
5 nomination by his request in writing, signed by him and duly
6 acknowledged before an officer qualified to take
7 acknowledgment of deeds, and presented to the principal office
8 or permanent branch office of the Board, the election
9 authority, or the local election official, as the case may be,
10 not later than the date for certification of candidates for the
11 ballot. No name so withdrawn shall be printed upon the ballots
12 under the party appellation or title from which the candidate
13 has withdrawn his name. If such a request for withdrawal from
14 the ballot is received after the date for certification of the
15 candidates for the ballot, the candidate's name will appear on
16 the ballot, but the votes for that candidate shall not be
17 tabulated. If the name of the same person has been presented as
18 a candidate for 2 or more offices which are incompatible so
19 that the same person could not serve in more than one of such
20 offices if elected, that person must withdraw as a candidate
21 for all but one of such offices within the 5 business days
22 following the last day for petition filing. If he fails to
23 withdraw as a candidate for all but one of such offices within
24 such time, his name shall not be certified, nor printed on the
25 ballot, for any office. However, nothing in this section shall

1 be construed as precluding a judge who is seeking retention in
2 office from also being a candidate for another judicial office.
3 Except as otherwise herein provided, in case the certificate of
4 nomination or petition as provided for in this Article shall
5 contain or exhibit the name of any candidate for any office
6 upon more than one of said certificates or petitions (for the
7 same office), then and in that case the Board or election
8 authority or local election official, as the case may be, shall
9 immediately notify said candidate of said fact and that his
10 name appears unlawfully upon more than one of said certificates
11 or petitions and that within 3 days from the receipt of said
12 notification, said candidate must elect as to which of said
13 political party appellations or groups he desires his name to
14 appear and remain under upon said ballot, and if said candidate
15 refuses, fails or neglects to make such election, then and in
16 that case the Board or election authority or local election
17 official, as the case may be, shall permit the name of said
18 candidate to appear or be printed or placed upon said ballot
19 only under the political party appellation or group appearing
20 on the certificate of nomination or petition, as the case may
21 be, first filed, and shall strike or cause to be stricken the
22 name of said candidate from all certificates of nomination and
23 petitions filed after the first such certificate of nomination
24 or petition.

25 Whenever the name of a candidate for an office is withdrawn
26 from a new political party petition, it shall constitute a

1 vacancy in nomination for that office which may be filled in
2 accordance with Section 10-11 of this Article; provided, that
3 if the names of all candidates for all offices on a new
4 political party petition are withdrawn or such petition is
5 declared invalid by an electoral board or upon judicial review,
6 no vacancies in nomination for those offices shall exist and
7 the filing of any notice or resolution purporting to fill
8 vacancies in nomination shall have no legal effect.

9 Whenever the name of an independent candidate for an office
10 is withdrawn or an independent candidate's petition is declared
11 invalid by an electoral board or upon judicial review, no
12 vacancy in nomination for that office shall exist and the
13 filing of any notice or resolution purporting to fill a vacancy
14 in nomination shall have no legal effect.

15 All certificates of nomination and nomination papers when
16 presented or filed shall be open, under proper regulation, to
17 public inspection, and the State Board of Elections and the
18 several election authorities and local election officials
19 having charge of nomination papers shall preserve the same in
20 their respective offices not less than 6 months.

21 (Source: P.A. 86-875.)

22 (10 ILCS 5/19A-35)

23 Sec. 19A-35. Procedure for voting.

24 (a) Not more than 23 days before the start of the election,
25 the county clerk shall make available to the election official

1 conducting early voting by personal appearance a sufficient
2 number of early ballots, envelopes, and printed voting
3 instruction slips for the use of early voters. The election
4 official shall receipt for all ballots received and shall
5 return unused or spoiled ballots at the close of the early
6 voting period to the county clerk and must strictly account for
7 all ballots received. The ballots delivered to the election
8 official must include early ballots for each precinct in the
9 election authority's jurisdiction and must include separate
10 ballots for each political subdivision conducting an election
11 of officers or a referendum at that election.

12 (b) In conducting early voting under this Article, the
13 election judge or official is required to verify the signature
14 of the early voter by comparison with the signature on the
15 official registration card, and the judge or official must
16 verify (i) the identity of the applicant, (ii) that the
17 applicant is a registered voter, (iii) the precinct in which
18 the applicant is registered, and (iv) the proper ballots of the
19 political subdivision in which the applicant resides and is
20 entitled to vote before providing an early ballot to the
21 applicant. The applicant's identity must be verified by the
22 applicant's presentation of an Illinois driver's license, a
23 non-driver identification card issued by the Illinois
24 Secretary of State, a photo identification card issued by a
25 university or college, or another government-issued
26 identification document containing the applicant's photograph.

1 The election judge or official must verify the applicant's
2 registration from the most recent poll list provided by the
3 election authority, and if the applicant is not listed on that
4 poll list, by telephoning the office of the election authority.

5 (b-5) A person ~~requesting an early voting ballot~~ to whom an
6 absentee ballot was issued may vote early or on election day if
7 the person submits that absentee ballot to the judges of
8 election or official conducting such ~~early~~ voting for
9 cancellation. If the voter is unable to submit the absentee
10 ballot, it shall be sufficient for the voter to submit to the
11 judges or official (i) a portion of the absentee ballot if the
12 absentee ballot was torn or mutilated or (ii) an affidavit
13 executed before the judges or official specifying that (A) the
14 voter never received an absentee ballot or (B) the voter
15 completed and returned an absentee ballot and was informed that
16 the election authority did not receive that absentee ballot.

17 (b-10) Within one day after a voter casts an early voting
18 ballot, the election authority shall transmit the voter's name,
19 street address, and precinct, ward, township, and district
20 numbers, as the case may be, to the State Board of Elections,
21 which shall maintain those names and that information in an
22 electronic format on its website, arranged by county and
23 accessible to State and local political committees.

24 (b-15) Immediately after voting an early ballot, the voter
25 shall be instructed whether the voting equipment accepted or
26 rejected the ballot or identified that ballot as under-voted

1 for a statewide constitutional office. A voter whose ballot is
2 identified as under-voted may return to the voting booth and
3 complete the voting of that ballot. A voter whose early voting
4 ballot is not accepted by the voting equipment may, upon
5 surrendering the ballot, request and vote another early voting
6 ballot. The voter's surrendered ballot shall be initialed by
7 the election judge or official conducting the early voting and
8 handled as provided in the appropriate Article governing the
9 voting equipment used.

10 (c) The sealed early ballots in their carrier envelope
11 shall be delivered by the election authority to the central
12 ballot counting location before the close of the polls on the
13 day of the election.

14 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.