

AN ACT concerning elections.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Election Code is amended by changing Sections 19-8 and 20-8 as follows:

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

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

(a) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority in time to be delivered to the polling place of the precinct where the elector resides and to be counted by the judges of election at that polling place shall be handled in accordance with this subsection. If ~~In case~~ an absent voter's ballot is received ~~by the election authority~~ prior to the delivery of the official ballots to the judges of election of the precinct where the ~~in which said~~ elector resides, then the absent voter's ~~such~~ ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same ~~such~~ package with the official ballots and ~~therewith~~ delivered to the judges of that ~~such~~ precinct. If ~~In case~~ the official ballots for that ~~such~~ precinct have already been delivered to the judges of election when ~~at the time of the receipt by~~ the election authority receives the ~~of such~~ absent voter's ballot, then the ~~such~~ authority shall immediately enclose the ~~said~~ envelope containing the absent voter's ballot, together with the voter's ~~his~~ application ~~therefor~~, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which the ~~such~~ absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on

election day at the polls immediately after the polls are closed~~7~~". The election authority shall mail the ballot mailing the same, postage prepaid, to the ~~such~~ judges of election, or if more convenient, the election authority ~~such officer~~ may deliver the ~~such~~ absent voter's ballot to the judges of election in person or by duly deputized agent, the authority ~~said officer~~ to secure a ~~his~~ receipt for delivery of the ~~such~~ ballot or ballots. An absent voter's ballot delivered in error to the wrong precinct polling place shall be returned to the election authority and counted as provided in subsection (b).

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day but too late to be delivered to and counted at the proper precinct polling place shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m.

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the same period provided for counting absent voters' ballots under subsection (b). Special write-in absentee voter's blank ballots that are mailed to an election

authority and postmarked by the midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the same periods provided for counting absent voters' ballots under subsection (c).

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

~~All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be~~

~~counted by the judges of election.~~

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

(g) The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all ~~absent voters'~~ ballots counted under this Section ~~provision~~, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded without regard to precinct designation, except for precinct offices.

(h) Where ballots are counted in the office of the election authority as provided in this Section, each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 91-357, eff. 7-29-99.)

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

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

(a) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority in time to be delivered to the polling place of the precinct where the absent voter is a qualified elector and to be counted by the judges of election of that polling place shall be handled in accordance with this subsection. If the ~~In case any such~~ ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct where the absent voter is a qualified ~~in which said~~ elector ~~resides~~, then

the absent voter's ~~such~~ ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the ~~other~~ official ballots and ~~therewith~~ delivered to the judges of that ~~such~~ precinct. If ~~In case~~ the official ballots for the ~~such~~ precinct have already been delivered to the judges of election when ~~at the time of the receipt by~~ the election authority receives the ~~of such~~ absent voter's ballot, then the election authority ~~it~~ shall immediately enclose the ~~said~~ envelope containing the absent voter's ballot, together with the voter's ~~his~~ application ~~therefor~~, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which the ~~such~~ absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed⁷". The election authority shall mail the ballot ~~mailing the same~~, postage prepaid, to the ~~such~~ judges of election, or if more convenient then the election authority ~~he or it~~ may deliver the ~~such~~ absent voter's ballot to the judges of election in person or by duly deputized agent and secure a ~~his~~ receipt for delivery of the ~~such~~ ballot or ballots. An absent voter's ballot delivered in error to the wrong precinct polling place shall be returned to the election authority and counted as provided in subsection (b).

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day but too late to be delivered to and counted at the proper precinct polling place shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m.

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by

the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the office of the election authority during the same period provided for counting absent voters' ballots under subsection (b). Special write-in absentee voter's blank ballot that are mailed to an election authority and postmarked by midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the office of the election authority during the same periods provided for counting absent voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, absent voters' ballots and special write-in absentee voter's blank ballots received by ~~Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority after too late to be delivered to the proper polling place before~~ the closing of the polls on the day of election shall be endorsed by the person receiving the ballots ~~same~~ with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the ~~such~~ election, and shall then, without being opened, be destroyed in like manner as the used ballots of that ~~such~~

election.

~~All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.~~

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

(g) The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all ~~absent voters'~~ ballots counted under this Section ~~provision~~; except that votes shall be recorded without regard to precinct designation.

(h) Where ~~certain absent voters'~~ ballots are counted in the office of the election authority as provided in this Section, each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 84-861.)

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