

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

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

Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required ~~who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority or the State Board of Elections or who because of election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of~~

~~higher education or who is serving as a sequestered juror on a State or federal jury, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted,~~ may vote at such election as hereinafter in this Article provided.

~~Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.~~

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

(Source: P.A. 94-637, eff. 1-1-06; 95-440, eff. 8-27-07.)

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

Sec. 19-2. Any elector as defined in Section 19-1 ~~who will be unable to enter his or her precinct polling place without~~

~~violating Section 11-9.3 of the Criminal Code of 1961 or who is expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be unable to be present at the polls on the day of such election~~ may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 94-637, eff. 1-1-06; 95-440, eff. 8-27-07.)

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

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

APPLICATION FOR ABSENTEE BALLOT

~~BY ELECTOR WHO EXPECTS TO BE
ABSENT FROM COUNTY~~

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

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

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

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

....

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

Post office address to which ballot is mailed:

.....

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

~~APPLICATION FOR BALLOT~~

~~BY ELECTOR WHO IS JUDGE OF ELECTION~~

~~IN A PRECINCT OTHER THAN THE PRECINCT~~

~~IN WHICH HE RESIDES~~

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

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

~~I hereby make application for an official ballot or ballots to be voted by me at such election if I serve as a judge of election in such last named precinct, and I agree that I shall~~

~~return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.~~

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

~~....~~

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

~~Post office address to which ballot is mailed:~~

~~....~~

~~APPLICATION FOR BALLOT~~

~~BY PHYSICALLY INCAPACITATED ELECTOR~~

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

~~I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election for the following reasons:~~

~~I hereby make application for an official ballot or ballots to be voted by me at such election if I am so physically~~

~~incapacitated, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.~~

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

~~....~~

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

~~Post office address to which ballot is mailed:~~

~~.....~~

~~APPLICATION FOR BALLOT~~

~~BY CHILD SEX OFFENDER ELECTOR~~

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

~~I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961.~~

~~I hereby make application for an official ballot or ballots to be voted by me at such election because my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11-9.3 of the Criminal Code of 1961, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.~~

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

~~....~~

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

~~Post office address to which ballot is mailed:~~

~~.....~~

~~APPLICATION FOR BALLOT~~

~~BY ELECTOR OBSERVING RELIGIOUS HOLIDAY~~

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

~~I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) past, that I am lawfully entitled to vote in such precinct at the election~~

~~to be held therein on; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.~~

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

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

~~....~~

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

~~Post office address to which ballot is mailed:~~

~~.....~~

~~APPLICATION FOR BALLOT~~

~~BY ELECTOR WHO IS AN ELECTION EMPLOYEE~~

~~OF STATE'S ATTORNEY, COUNTY CLERK OR~~

~~BOARD OF ELECTION COMMISSIONERS~~

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

~~I state that I am a resident of the precinct of the~~

~~(1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am employed in the office of the (State's Attorney of County) (County Clerk of County) (Board of Election Commissioners of the (City) (County) of and that because of election duties on the date of holding such election I will have no opportunity to vote in person on that day.~~

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

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

~~....~~

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

~~Post office address to which ballot is mailed:~~

~~.....~~

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

~~APPLICATION FOR~~

~~TEMPORARILY ABSENT STUDENT BALLOT~~

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

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

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

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

~~.....~~

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

~~Post office address to which ballot is mailed:~~

~~.....~~

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

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

~~APPLICATION FOR
ABSENT VOTER'S BALLOT~~

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

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

~~(Check One)~~

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

~~I expect to be temporarily absent from the country.
I shall be serving as a judge of election in the
..... precinct which is not my precinct of
residence.~~

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

~~I shall be performing official election duties
for an Election Authority~~

~~(election authority)~~

~~..... or the State Board of~~

~~Elections.~~

~~(location)~~

~~I shall be performing election law enforcement
duties in the employment of~~

~~(law enforcement agency)~~

~~.....~~

~~(location)~~

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

~~I am physically incapacitated.~~

~~Reason(s):~~

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

~~.....~~

~~(court jurisdiction)~~

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

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

.....

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

.....

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

(Source: P.A. 95-440, eff. 8-27-07.)

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

Sec. 19-5. It shall be the duty of the election authority to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other

~~side if the ballot is to go to an elector who is to be out of the county on the day of the election~~ a printed certification in substantially the following form:

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

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

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

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

.....

If the ballot is to go to an elector who is physically incapacitated and needs assistance marking the ballot, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the

county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I am ~~shall be~~ physically incapable of personally marking the ballot for ~~being present at the polls of such precinct on the date of holding~~ such election.

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

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

.....

(Individual rendering assistance)

.....

(Residence Address)

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

.....

In the case of a voter with a ~~who is voting absentee by reason of~~ physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an

agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

~~If the ballot is to go to an elector who will be unable to enter his or her precinct polling place without violating Section 11 9.3 of the Criminal Code of 1961, the envelope shall bear upon the back thereof a certification in substantially the following form:~~

~~I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that my assigned precinct polling place is in a school and I will be unable to enter the polling place without violating Section 11 9.3 of the Criminal Code of 1961.~~

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

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

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

.....

~~If the ballot is to go to an elector who is unable to be~~

~~present at the polls on the date of the election because of the observance of a religious holiday, the envelope shall bear upon the back thereof a certification in substantially the following form:~~

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

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

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

.....

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

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

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

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

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

.....

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

~~I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) * ward in the city of residing at in such city or town in the~~

~~county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; and I expect to be absent from the precinct of my residence on the date of such election because I am temporarily abiding outside such precinct in the (1) *township of (2) *city of in the county of and State of due to the fact I am a student attending an institution of higher education.~~

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

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

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

.....

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

~~I state that I am a resident of the precinct of the (1) *township of..... (2) *City of or (3) *..... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I shall~~

~~be unable to be present at the polls of such precinct on the date of holding such election for the reason indicated on the application for ballot enclosed herein.~~

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

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

~~.....
(Individual rendering assistance)
.....
(Residence Address)~~

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

~~.....~~

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

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

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

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a

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description of the territory in the manner required by Section 16-7. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

(Source: P.A. 94-637, eff. 1-1-06; 95-440, eff. 8-27-07.)

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