



Legislation to Expand Vote By Mail//Promote Safe Participation in the 2020 Election (5-page Detailed Summary)

These are the provisions of the bill (SB1863) that apply to all election authorities:

Changes to Vote By Mail Application Process:

- Beginning on June 16, a registered voter may apply for a ballot by personal delivery, mail, email or electronically on the website of the appropriate election authority, to be sent to the voter by mail. The election authority shall accept any application from the registered voter including the application prepared by the State Board of Elections, the election authority or any other facsimile to the required format generated by any other source including the applicant.
- A copy of the application shall be made available on the election authority's website.
- No later than August 1, 2020, all election authorities shall mail or email an application for a ballot to (1) those who applied to vote in 2018 general election, 2019 consolidated election, or 2020 primary elections either by mail or voted in person at the polls at those elections and (2) those who registered to vote or changed their registration address after the 2020 primary election through July 31, 2020. New registrants or change of address registrants will be allowed to apply for a mail-in ballot at time of registration.
- The application shall be mailed to the registered voters registered address and any other mailing address the election authority may have on file including a mailing address to which a prior vote by mail ballot was mailed.
- The registered voter may complete the application and return it through personal delivery, mail, email, or visit the election authority's website to request an official ballot.
- Upon completion of the application, the registered voter, will receive an official ballot no more than 40 days and no less than 30 days before the election, at their registered address or mailing address requested by the registered voter.
- The ballot must be completed and returned no later than election day.
- The election authority shall provide (1) a phone number or email address to contact the election authority if the registered voter does not receive an official ballot or has questions, (2) a website or phone number the registered voter can use to confirm receipt of their official ballot.

Changes for Vote By Mail Official Ballot Mailing and Processing:

- An election authority shall mail official ballots to any registered voter requesting an official ballot no earlier than September 24, 2020.
- Except for registered voters applying absentee in military or naval service, any registered voter submitting an application for a vote by mail ballot on or before October 1, 2020 shall receive a ballot not later than October 6, 2020.
- The election authority shall mail official ballots to any registered voter requesting an official ballot after October 1, 2020 no later than 2 business days after receipt of the application.
- Within 2 business days after a vote by mail ballot is received, but before the close of the period for counting provisional ballots, the election authority shall appoint panels as needed of 3 election judges of which not more than 2 shall be from the same political party, from the list of election judges submitted from the county parties for the purpose of comparing the voter's signature on

the certification envelope of the vote by mail ballot with the signature of the voter on file in the office of election authority.

- The signature shall be presumed to match unless 3 out of 3 election judges determine that the 2 signatures do not match. A vote by mail ballot may only be rejected by a vote of 3 election judges and only for the following reasons: (1) the signature on the certification envelope and the signature used by the election authority for verification purposes do not match or the certification envelope contains no signature; (2) the ballot envelope was delivered opened; (3) the voter has already cast a ballot; (4) if the voter voted in person on election day; or (5) the voter is not a duly registered voter in the precinct.
- If 3 of 3 election judges determine the ballot should be rejected for any reasons stated, the judges shall mark across the face of the certification envelope the word "rejected" and the date and names of the judges voting to reject the ballot.
- If a vote by mail ballot is rejected, the election authority shall notify the voter within 2 days after the rejection or within one day if the rejection occurs after election day and in all cases before the close of the period for counting provisional ballots.
- The voter shall be notified through mail or email, or both, and the notice shall inform the voter of the reason or reasons the ballot was rejected. If the ballot was rejected based on the signature or lack of a signature, the voter shall be permitted to submit a statement the voter cast the ballot, and upon receipt the ballot shall be determined valid and counted before the close of the period for counting provisional ballots. If the ballot was rejected because the envelope was delivered opened, the voter shall be permitted to vote in person or request to receive another vote by mail ballot, provided the voter submits an application and casts a new ballot prior to the close of polls on election day.
- Election authorities shall accept any vote by mail ballot returned, including ballots returned with insufficient or no postage.
- An election authority may establish secure collection sites for the postage-free return of vote by mail ballots. Any election authority establishing such a collection site shall collect all ballots submitted each day and close of business and process them as required by this Code, including noting the day on which the ballot was submitted. Ballots submitted to such collection sites after close of business shall be dated as delivered the next day, with the exception of ballots delivered on election day, which shall be dated as received on election day.
- Election authorities shall permit electors to return vote by mail ballots on election day up until the close of the polls.
- Within one day after receipt of a vote by mail ballot, the election authority shall transmit notification of receipt to the State Board of Elections. If a vote by mail ballot is rejected, the election authority must notify the State Board of Elections within one day. Upon request by a state or local political committee, within 2 days an election authority must electronically provide the names and addresses of any vote by mail ballots received and any vote by mail ballots marked rejected.

Changes for first time registrants or change of address registrations:

- Beginning on June 16, 2020, any person completing a voter registration application or submitting a change of address shall be notified of the option to receive a vote by mail ballot.
- Upon request of the registrant, the registration shall serve as an application to receive an official vote by mail ballot and the individual need not complete an application. Upon processing the registration, the election authority shall provide the individual with an official ballot.
- Any person whose registration is incomplete or pending may provide any required documentation online or in person to the election authority prior to applying to vote in order to complete his or her registration. This Section shall not apply to an individual registering to vote in person at an

election authority or an early voting site if the elector has the option and chooses to exercise the option to vote in person at the time of registration or in his or her precinct on election day.

Public dissemination of information prior to the 2020 general election:

- Beginning June 16, 2020 through October 30, 2020, all election authorities shall include information about registering to vote and encouraging registered voters to vote by mail or during early voting with any pamphlet, brochure, flyer, or newsletter related to the 2020 General Election. Any such documents produced by the election authorities or the Secretary of State shall substantially include the following, "Due to COVID-19, all 2020 General Election voters are encouraged to cast a ballot prior to Election Day, either by mail or during early voting. Voting by mail is an easy option for voters and you can request a vote by mail ballot through email, mail, or in person. An application is available from your local election authority or at <https://elections.il.gov/electionoperations/VotingByMail.aspx>. To register to vote or check your registration status, visit <https://ova.elections.il.gov>."
- No later than both September 15, 2020 and October 15, 2020, the Secretary of State shall send a notice to any registered voter who received an application but has not yet applied for a vote by mail ballot. The list of registered voters to receive the notification shall be provided by the State Board of Elections. The notice shall include, at a minimum: (1) notice that the elector previously received correspondence from the applicable election authority with information on how to apply for a vote by mail ballot, that the election authority has indicated the elector has not yet applied for a ballot, and the elector still has time to request a vote by mail ballot; and (2) a reference to a phone number, email address, and website the elector can visit to complete an application, return an application, or get additional information about vote by mail.

Early voting and election day requirements:

- November 3, 2020 shall be a state holiday known as 2020 General Election Day and shall be observed throughout the State. November 3, 2020 shall be deemed a legal school holiday. All government offices, with the exception of election authorities, shall be closed unless authorized to be used as a location for election day services or as a polling place. Any school closed shall be made available to an election authority as a polling place for 2020 General Election Day.
- The election authority shall be eligible for reimbursement of such reasonable cleaning expenses incurred as a result of using a school as a polling place for 2020 General Election Day, subject to the receipt and availability of federal funds.
- Election authorities shall comply with any early voting and election day safety and health practices established in written guidance provided to the election authorities by the Illinois Department of Public Health.
- Election authorities may establish curbside voting for individuals to cast a ballot during early voting or on election day. A curbside voting program shall designate at least 2 election judges from opposite parties per vehicle and the individual must have the option to mark the ballot without interference from the election judges.
- Election authorities shall establish one location to be located at an office of the election authority or in the largest municipality within its jurisdiction where all voters in its jurisdiction are allowed to vote on election day during polling place hours, regardless of the precinct in which they are registered. An election authority establishing such a location pursuant to this subsection (c) shall identify the location, hours of operation, and health and safety requirements by the 40th day preceding 2020 General Election Day and certify such to the State Board of Election.
- Beginning the 15th day preceding 2020 General Election Day (October 19, 2020), all permanent polling places for early voting shall remain open during the hours of 8:30 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays, and holidays. Election authorities may establish early voting hours in addition to those required by this subsection (d) to

accommodate voters to whom COVID-19 presents increased health risks, including, but not limited to, the administration of a curb-side voting program established by the election authority.

- A provisional ballot shall be deemed valid and counted as a vote if the voter provides the election authority with the necessary documentation within 14 days of election day.

Judges of election:

- All laws and rules regarding the provisions of election judges shall be in effect for the 2020 general election, provided that any individual may be appointed to serve as an election judge if, as of the date of the election at which the person serves as judge, he or she has attained the age of 16.
- Prior to appointment, a qualifying judge (a) must certify in writing to the election authority the political party the judge chooses to affiliate with.
- All public and private secondary schools, community colleges, and universities shall publish notification on their publicly accessible websites and notify their students of the opportunity to serve as an election judge for the 2020 general election and the qualifications provided.
- The Department of Employment Security shall publish notification on its publicly accessible website that anyone receiving unemployment insurance may apply to serve as an election judge for the 2020 general election and the qualifications provided.
- Counties having a population of less than 250,000 pursuant to the 2010 U.S. Census, may appoint 3 judges of election to serve in lieu of the 5 judges of election required by this Code for the 2020 general election, unless such judges of election are appointed by election commissioners.

Electronic service of objections:

- Election authorities may authorize service of objections to candidate nominations through electronic mail in lieu of personal service if the election authority responsible for convening the electoral board:
 - (1) requires candidates to provide an electronic mail address where notices of objections and electoral board proceedings may be sent electronically in lieu of personal service;
 - (2) requires objectors to provide an electronic mail address where notices and electoral board proceedings may be sent electronically in lieu of personal service; and
 - (3) publishes notice of its decision to utilize this Section on its website within 5 business days of the effective date of this amendatory Act (June 16, 2020).

Additional duties of election authorities:

- No later than August 2, 2020, each election authority shall provide to the State Board of Elections with an electronic list of the names and addresses of every registered voter sent the required application and notice;
- No later than both September 2, 2020 and October 2, 2020, each election authority shall provide the State Board of Elections with an electronic list of the names and addresses of every registered voter sent the required application and notice who has submitted the application and will receive an official ballot
- Any list submitted to the State Board of Elections shall be accessible to State and local political candidates and committees.
- No later than 75 days prior to the 2020 general election (August 20, 2020), each election authority shall provide public notice of its services and equipment available to assist elderly voters and voters with disabilities. The notice shall include, but is not limited to, the availability of vote by mail ballots in braille and large format, assistance in marking the ballot, procedures for voting by vote by mail ballot, and procedures for voting early by personal appearance.

Additional duties of the State Board of Elections:

- No later than 2 business days after June 16, 2020, the State Board of Elections shall post on its official website an application for an official vote by mail ballot for the 2020 general election. The application shall be available at <https://elections.il.gov/electionoperations/VotingByMail.aspx>.
- Any applications received by the State Board of Elections shall be transmitted within 2 business days of receipt to the appropriate election authority.
- Within 5 business days of June 16, 2020, the State Board of Elections shall modify the online voter registration system to allow any new registrant to apply for a vote by mail ballot when completing online voter registration. Any new registrant that requests a vote by mail ballot when registering shall be eligible to request and receive a vote by mail ballot for the 2020 general election without submitting an additional application.
- Within 10 business days of June 16, 2020, the State Board of Elections shall provide notice to all election authorities of the provisions of this amendatory Act and the action each election authority must take to comply with this amendatory Act.
- A copy of this notice shall be made available on the State Board of Elections' official website.
- The State Board of Elections shall transmit to the Secretary of State, in the format requested by the Secretary of State, a complete list of the names and addresses submitted to the State Board of Elections by the election authorities in.
- The first transmission shall be sent no later than September 5, 2020 and the second transmission no later than October 5, 2020. Upon request, the lists shall also be made available by the State Board of Elections to State and local political committees and candidates upon request.

Reimbursement for 2020 general election expenses:

- Each election authority shall comply with the requirements of this amendatory Act.
- The State Board of Elections may withhold any reimbursements for election related costs if an election authority is found to have failed to comply with the provisions of this amendatory Act.
- Subject to receipt and availability of federal funds, the State Board of Elections may adopt emergency rules to establish a program to provide reimbursement to election authorities for expenses related to the 2020 general election incurred as a result of COVID-19 and the requirements of this amendatory Act that are deemed necessary for the safety of the public and in response to COVID-19.

Repeal:

- This Article shall repeal on January 1, 2021.

[Link to full text of SB 1863](#)