

STATE BOARD OF ELECTIONS

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June 30, 2020

Notice to All Election Authorities

Public Acts 101-641 and 101-642 were signed into law on June 16, 2020, to protect the health and safety of Illinois voters during the 2020 General Election. **The provisions in this legislation only apply to the 2020 General Election** and will be repealed automatically on January 1, 2021. This notice is required by law and will be posted on the website of the State Board of Elections. (10 ILCS 5/2B-55(c))

The following information is intended to provide a summary of P.A. 101-641 and P.A. 101-642, and the steps necessary to comply with those Acts. The information contained in this notice is designed to assist election authorities with the administration of the election process. Whenever there is a question regarding the interpretation of information contained in this notice, or of a particular section of the Election Code or any other statute, the election authority should consult with their State's Attorney.

SCHOOLS AND LOCAL UNITS OF GOVERNMENT

Establishment of 2020 General Election as a Holiday

November 3, 2020, is a holiday for schools, state universities, and all government offices with the exception of election authorities. All of these offices shall be closed on Election Day, except in the event that they are utilized as a polling place. (10 ILCS 5/2B-10, 30 ILCS 500/15-45, 110 ILCS 70/45(a))

Use of Schools as a Polling Place

Schools must be made available to election authorities to serve as polling places. The election authority and the school must comply with all safety and health practices established by the Illinois Department of Public Health. The election authority is eligible for reimbursement of reasonable cleaning expenses, subject to the availability of funds. (10 ILCS 5/2B-10)

APPLICATIONS FOR VOTE BY MAIL BALLOTS

Period to Apply

Voters can submit applications for a vote by mail (VBM) ballot beginning on June 16, 2020, (effective date of P.A. 642). The standard period for the voter to submit applications (90 days before the election) is expanded only for the 2020 General Election. (10 ILCS 5/2B-15(a)) These applications can be submitted until October 29, 2020, if requesting a ballot by mail, or until November 2, 2020, if requesting the VBM ballot in person. (10 ILCS 5/19-2, 20-13).

Method for Applying

For the first time, in 2020 an application for a VBM ballot can be submitted by email, as well as by mail, in person delivery, or electronically through the website of the election authority. The website address for the applications must be fixed no later than the effective date of this legislation, June 16, 2020. (10 ILCS 5/2B-15(a))

Form of Application

Applications for VBM ballots can be prepared by the State Board of Elections, the election authority, or elsewhere, as long as the application is in a form substantially similar to that required by 10 ILCS 5/19-3. A copy of the application must be available on the election authority's website. (10 ILCS 5/2B-15(a))

Applications to be Sent to Voters

An election authority must mail or email an application for a VBM ballot to any voter who voted either in the 2018 General Election (November 2018), the 2019 Consolidated Election (April 2019), or the 2020 General Primary Election (March 2020). Applications shall be sent by August 1, 2020 to all voters who voted in these elections, regardless of if they voted early, by mail, or in person. (10 ILCS 5/2B-15(b))

Additionally, an election authority shall mail an application to any person who registered to vote, or changed their address, between March 18, 2020, and July 31, 2020. (10 ILCS 5/2B-15(b))

Applications shall be mailed to voters at their registered address, and any other mailing address the election authority may have on file, including a mailing address to which a prior VBM ballot was mailed. (10 ILCS 5/2B-15(d))

All applications sent to voters must include a notice which includes the following information:

- Notice that the elector may complete and return the application by personal delivery, mail, email, or visit the election authority's website to request an official VBM ballot;
- Notice that, after completing and returning the application, the elector will receive an official VBM ballot 30-40 days before the November 3, 2020, election (between Thursday, September 24, 2020, and Sunday, October 4, 2020);
- Explanation that the elector will receive an official ballot at their registered address, or the mailing address they requested, and that their ballot must be completed and returned (postmarked) no later than Election Day;
- A phone number or email address to contact the election authority if the elector does not receive a ballot or if the elector has questions; and,
- A website or phone number the elector can use to confirm receipt of their official ballot by the election authority.

(10 ILCS 5/2B-15(c))

VOTE BY MAIL BALLOTS

Mailing of Ballots to Voters

Official ballots can be mailed out to registered voters starting on September 24, 2020. Any voter who submits an application for a VBM ballot by October 1, 2020, shall receive their ballot by October 6, 2020. For applications received by the election authority after October 1, 2020, the ballot shall be mailed within two business days. (10 ILCS 5/2B-20(a))

Completed Ballots Returned to the Election Authority

If a ballot is mailed to the election authority with no postage or insufficient postage, the election authority shall accept the ballot regardless of postage due. (10 ILCS 5/2B-20(e))

The election authority may establish secure collection sites for the postage-free return of vote by mail ballots. If collection sites are used, the election authority shall collect all ballots submitted each day at the close of business and process them as required. Upon collection, the election authority shall note the day on which the ballot was submitted. Ballots submitted to these collection sites after business hours shall be dated as delivered the next day. (10 ILCS 5/2B-20(e)) The State Board of Elections will issue separate guidelines for the security and implementation of collection sites. Please refer to these forthcoming guidelines for more specific details on collection sites.

Election authorities shall permit voters to return ballots until the close of the polls on Election Day. (10 ILCS 5/2B-20(e)) After Election Day, VBM ballots will be considered returned timely if they were postmarked on or before Election Day. Absent a postmark, the date on the certification will be used to determine timeliness. The election authority may also use an intelligent mail barcode tracking system to verify that a ballot was mailed no later than Election Day. (10 ILCS 5/ 19-8)

Within one day after receipt of a VBM ballot, or if a VBM ballot is rejected, the election authority shall notify the State Board of Elections of the receipt or rejection. Upon request by a state or local political committee, within two days, an election authority must electronically provide the names and addresses of any vote by mail ballots received. (10 ILCS 5/2B-20(f), 19-7)

Review of VBM Ballots

Within two days after a VBM ballot is received (or before the end of the period for counting provisional ballots), the election authority shall appoint a panel of three judges, as needed, for review and comparison of the signature on the certification against the signature that is on file with the voter's registration record. The signature shall be presumed to match unless three out of three election judges unanimously determine that the two signatures do not match. (10 ILCS 5/2B-20)

A majority (two) of the panel of three election judges may reject a VBM ballot only for the following reasons:

- The ballot envelope was delivered opened;
- The certification envelope contains no signature;
- The voter has already cast a ballot;
- The voter voted in person on Election Day; or,
- The voter is not a duly registered voter in the precinct.

If the election judges determine the ballot should be rejected, for any of the reasons specified above, the judges shall mark across the face of the certification envelope the word “rejected,” the date of rejection, and the names of the election judges voting to reject the ballot. (10 ILCS 5/2B-20(c))

Notice of Rejected Ballot and Reinstatement

If a vote by mail ballot is rejected, the election authority shall notify the voter within two 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(s) 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 that 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. (10 ILCS 5/2B-20(d))

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 two days an election authority must electronically provide the names and addresses of any vote by mail ballots marked rejected. (10 ILCS 5/2B-20(f), 19-7)

NEW VOTER REGISTRATION APPLICATIONS

Beginning June 16, 2020, any applicant who is registering to vote or transferring their registration must be notified that they can use the same application to simultaneously request a VBM ballot. Upon request of the registrant, the election authority shall accept a completed voter registration form as a valid application for a VBM ballot, and mail the voter an official ballot. (10 ILCS 2B-25(a)-(b). The State Board of Elections has modified the R-19, *Voter Registration Application*, to include the option for a registrant to request a VBM ballot for the 2020 General Election. (10 ILCS 5/2B-25(d)) Any person whose registration is incomplete or in pending status may provide any required documentation online or in person to the election authority prior to applying to vote in order to complete their registration. (10 ILCS 5/2B-25(c))

PUBLIC DISSEMINATION OF INFORMATION

Communication from the Election Authority

Beginning June 16, 2020, all pamphlets, brochures, flyers, newsletters or any other communication sent to electors concerning the 2020 General Election must include information about registering to vote and encouraging voters to vote by mail or during early voting. **The following statement, or something substantially similar, must be included in the communications:**

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>. (10 ILCS 5/2B-30(a))

Communications from Secretary of State

The Secretary of State is also required to include the above statement in any pamphlet or materials produced in accordance with the Illinois Constitutional Amendment Act. (10 ILCS 5/2b-30(b))

The Secretary of State will also send out notices, the first no later than September 15, 2020, and the second no later than October 15, 2020, to voters who received an application to vote by mail but have not yet returned it. The notice will inform the voter that they still have time to apply for a vote by mail ballot, and provide information on how to do so. (10 ILCS 5/2B-30(c)-(d))

EARLY VOTING AND ELECTION DAY REQUIREMENTS

Health Precautions

Election authorities shall comply with any early voting and Election Day safety and health practices established in written guidance provided by the Illinois Department of Public Health. (10 ILCS 5/2B-35(a))

Curbside Voting

Election authorities may establish curbside voting for individuals to cast a ballot during early voting or on Election Day. At least two election judges, from opposite parties, are to be designated per vehicle and the voter must have the option to mark the ballot without interference from the election judges. (10 ILCS 5/2B-35(b))

Central Vote Center on Election Day

Election authorities shall establish one location where all voters in the jurisdiction, regardless of the precinct they are registered in, are allowed to vote on Election Day during polling place hours. This location should be located at either the office of the election authority or a separate location in the largest municipality of the jurisdiction.

The address of this location, the hours of operation, and health and safety requirements, must be certified to the State Board of Elections by September 24, 2020. (10 ILCS 5/2B-35(c))

Extended Hours for Permanent Polling Places

Jurisdictions subject to the permanent polling place requirements in 10 ILCS 5/19A-15 have new minimum requirements. All permanent polling places must be open for the following hours:

Weekdays	8:30 a.m. – 7:00 p.m.
Saturdays, Sundays, and Holidays	9:00 a.m. – 5:00 p.m.

Election authorities may establish additional early voting hours, including curbside voting, to accommodate voters to whom COVID-19 presents increased health risks. (10 ILCS 5/2B-35(d))

ELECTION JUDGES

Judges that are 16 Years of Age

Any person may be appointed to serve as an election judge if, as of the date of the election at which the person serves as a judge, that person will be 16 years of age or older. Any judge qualifying under 10 ILCS 5/2B-40(a) must certify the political party they choose to affiliate with in writing to the election authority prior to their appointment. (10 ILCS 5/2B-40(a))

School Notice

All public and private secondary schools, community colleges, and universities must publish notification on their website and notify their students of the opportunity to serve as an election judge for the 2020 General Election, including the 16-year-old eligibility exception. (10 ILCS 5/2B-40(b))

Department of Employment Security Notice

The Department of Employment Security shall publish a notification on their website that anyone receiving unemployment insurance may apply to serve as an election judge for the 2020 General Election, and that any individual may be appointed to serve as an election judge if, as of the date of the election, they have attained the age of 16. (10 ILCS 5/2B-40(c))

Reduction in Number of Judges

Counties with a population of less than 250,000, according to the 2010 US Census, may appoint three judges to serve in the polling places in lieu of the regular requirement of five election judges. This reduction does not apply to boards of election commissioners and is only in effect for the 2020 General Election. (10 ILCS 5/2B-40)

ELECTRONIC SERVICE OF OBJECTIONS

Election authorities may authorize electronic service for objections to candidate nominating petitions instead of in-person delivery, if the election authority does the following:

1. Require candidates to provide an email address where notices can be sent;
2. Require objectors to provide an email address where notices can be sent; and,
3. Publish notice of decision to utilize this option on their website by June 23, 2020 (5 days of the effective date of the Act).

(10 ILCS 5/2B-45)

ADDITIONAL DUTIES OF ELECTION AUTHORITIES

Confirmation of Applications and Notices

The election authority shall provide written confirmation to the State Board of Elections, no later than August 2, 2020, that they complied with the requirements set forth in subsections (b), (c) and (d) of 10 ILCS 5/2B-15 by sending an application for a VBM ballot and related notices to voters as required by these subsections. (10 ILCS 5/2B-50)

Electronic Listing of Voters Who Were Sent Applications

By August 2, 2020, each election authority shall provide the State Board of Elections with an electronic list of the names and addresses of every elector who was sent the required application and notice. 10 ILCS 2B-50(a))

By September 2, 2020, each election authority shall provide the State Board of Elections with an electronic list of the names and addresses of every voter who was sent the required application, with an indication of which voters returned the application and will receive an official ballot. 10 ILCS 2B-50(a))

By October 2, 2020, each election authority shall provide the State Board of Elections with an updated list of the names and addresses of every voter who was sent the required application, with an indication of which voters returned the application and will receive an official ballot. (10 ILCS 5/2B-50(a))

Any list submitted to the State Board of Elections shall be accessible to State and local political candidates and committees. (10 ILCS 5/2B-50(a))

Public Notice – Assistance Services

No later than August 20, 2020, (75 days before election) the 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 braille and large format VBM ballots (if any), assistance in marking the ballot, procedures for voting by vote by mail ballot, and procedures for voting early by personal appearance. (10 ILCS 5/2B-50(b))

ADDITIONAL DUTIES OF THE STATE BOARD OF ELECTIONS

Vote by Mail Applications

By June 18, 2020, the State Board of Elections will post an application for an official vote by mail ballot for the 2020 General Election. The application will be available at <https://elections.il.gov/electoinoperations/votingbymail.aspx>. (10 ILCS 5/2B-55)

Modification of Online Voter Registration

By June 23, 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. An additional application for a vote by mail ballot will not be required if this is completed. (10 ILCS 5/2B-55(b))

Notice of the Provisions of P.A. 101-641 and P.A. 101-642

By June 30, 2020, the State Board of Elections shall provide notice to all election authorities of the provisions of these Acts and the steps the election authority must take to comply with this legislation. A copy of this is available on the State Board of Election's website. (10 ILCS 5/2B-55(c)).

Voter Lists Provided to Secretary of State

The State Board of Elections shall provide to the Secretary of State a complete list of names and addresses submitted to the Board by each election authority. The first data transmission shall be sent no later than September 5, 2020, and the second will be sent no later than October 5, 2020. (10 ILCS 5/2B-55(d))

Emergency Rules

The State Board of Elections plans to adopt emergency rules to administer or enforce certain duties and requirements set forth in the Public Acts. (10 ILCS 5/2B-55(e), 2B-60(b))

Important Dates Related to Public Act 101-641 and Public Act 101-642:

June 16, 2020

- P.A. 101-641 and P.A. 101-642 were signed into law and became effective immediately.
- Voters can submit applications for a vote by mail ballot. (10 ILCS 5/2B-15(a))
- The election authority shall fix their website address for VBM applications. (10 ILCS 5/2B-15(a))

June 18, 2020

- The State Board of Elections shall have applications for vote by mail ballots available on their website. (10 ILCS 5/2B-55(a))

June 23, 2020

- The State Board of Elections shall modify their online voter registration system to concurrently accept an application for a vote by mail ballot for the 2020 General Election. (10 ILCS 5/2B-55(b))
- Last day for election authorities to publish notice as to whether they plan to transmit notices of objections electronically via email. (10 ILCS 5/2B-45)

June 30, 2020

- The State Board of Elections shall transmit notice to all election authorities with information on the provisions of these public acts and the actions the EA must take in order to comply. (10 ILCS 5/2B-55(c))

August 1, 2020

- Applications for VBM ballots must be sent to all voters who voted in the 2018 General Election (November 2018), the 2019 Consolidated Election (April 2019), or the 2020 General Primary Election (March 2020). Applications must also be mailed to anyone who registered to vote, or changed their address, between March 18, 2020, and July 31, 2020. (10 ILCS 5/2B-15(b))

August 2, 2020

- Last day for the election authority to provide written confirmation that they mailed the applications and notices required by 10 ILCS 5/2B-15.
- The election authority must provide an electronic listing to the State Board of Elections of the names/addresses to whom applications for vote by mail ballots were sent. (10 ILCS 5/2B-50(a))

August 20, 2020

- The election authority must provide public notice of its services and equipment available to assist elderly voters and voters with disabilities. (10 ILCS 5/2B-50(b))

September 2, 2020

- The election authority must provide an updated electronic listing of voters to the State Board of Elections to whom applications for vote by mail ballots were sent, and which voters returned the applications and will receive an official ballot. (10 ILCS 5/2B-50(a))

September 5, 2020

- The State Board of Elections shall provide the Secretary of State with the listings of voters who were sent applications for vote by mail ballots, and which voters returned those applications. (10 ILCS 5/2B-55(c))

September 15, 2020

- Last day for the Secretary of State to send the first notice to any voter who received an application for a vote by mail ballot, but has not yet applied. (10 ILCS 5/2B-30)

September 19, 2020

Last day for the election authority to mail ballots to persons in the United States Service, their spouse and/or their dependents, citizens' temporarily residing outside the territorial limits of the United States, and nonresident civilians. (52 USCA § 20302(a)(8), 10 ILCS 5/16-5.01)

September 24, 2020

- First day to mail vote by mail ballots and for early voting. (10 ILCS 5/2B-20, 19-4, 19A-15)

October 1, 2020

- Ballots shall be mailed within two business days for all applications received after October 1, 2020. (10 ILCS 5/2B-20)

October 2, 2020

- The election authority shall provide an updated electronic listing of voters to the State Board of Elections to whom applications for vote by mail ballots were sent, and which voters returned the applications and will receive an official ballot. (10 ILCS 5/2B-50(a))

October 5, 2020

- The State Board of Elections shall provide the Secretary of State with a complete list of the names and addresses submitted to the Board by election authorities in accordance with subsection (a) of Section 2B-50. (10 ILCS 5/2B-55(d))

October 15, 2020

- Last day for Secretary of State to send the second notice to any voter who received an application for vote by mail ballot, but has not yet applied. (10 ILCS 5/2B-30(d))