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November 1, 1972

FILE NO. S-516A

ELECTIONS:  
Absent Voters -  
Federal Voting Rights Act  
of 1970

Honorable Richard B. Ogilvie  
Governor of Illinois  
State Capitol  
Springfield, Illinois 62706

Dear Governor Ogilvie:

Please treat this as an addendum to my Opinion No. S-516 issued on October 21, 1972.

A further question has arisen with regard to Illinois residents who move from precinct to precinct or county to county within the State of Illinois after the 30th day next preceding the election of president and vice president. This addendum deals exclusively with this question.

I stated at page 10 of my Opinion No. S-516 that there was no provision in our Election Code similar to the

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provisions contained in the Federal Voting Rights Act of 1970 (42 U.S.C.A. 1973aa-1(e) which extends the right to vote for president and vice president to a former resident of this state who has begun residence in another state after the 30th day next preceding the election of president and vice president. It further appears, that the above referenced provision of the Federal Voting Rights Act of 1970 also extends the franchise to an individual who has changed his residence within the State of Illinois from one political subdivision to another after the 30th day next preceding the election of president and vice president. 42 U.S.C.A. 1973aa-1(e).

There is also no similar provision in our Election Code which extends the right to vote for president and vice president to a resident of this state who has moved from one political subdivision of the state to another. Therefore, I am of the opinion that our Election Code does not conform to this requirement of the Federal Voting Rights Act of 1970.

However, the right to vote for president and vice president should only be extended to those individuals (within the above classification) who are otherwise qualified to vote

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in any election for president and vice president. My interpretation of this phrase is contained at page 11-12 of my Opinion No. S-516. Also, I suggest that an affidavit setting forth the qualifications of the individual to vote is satisfactory evidence of his eligibility to vote.

Contained in the appendix attached hereto are two suggested affidavit forms. Exhibit "A" is an affidavit for the use of an individual desiring to vote in person at the presidential and vice presidential election. Exhibit "B" is an affidavit and application for an absentee ballot.

Very truly yours,

A T T O R N E Y G E N E R A L

APPENDIX

AFFIDAVIT AND APPLICATION FOR  
PRESIDENTIAL AND VICE PRESIDENTIAL BALLOT  
BY ILLINOIS RESIDENT WHO HAS CHANGED  
RESIDENCE WITHIN ILLINOIS

I, the undersigned, . . . . . (Name) . . . . .  
. . . . . hereby request the  
right to vote in the Presidential and Vice Presidential  
election to be held on . . . . . as an Illinois  
voter who has changed residence within Illinois within  
30 days of the Presidential and Vice Presidential elec-  
tion. In connection with this request, I hereby swear  
(or affirm) that:

1. I am a citizen of the United States  
presently residing in the State of  
Illinois . . . . .  
At (address) . . . . .  
. . . . .
2. My residence began at the above ad-  
dress . . . . .  
on . . . . . which is  
a date after the thirtieth day next  
preceding the Presidential and Vice  
Presidential election and by reason  
thereof the laws of the State of Il-  
linois preclude me from registering  
to vote.
3. My residence address immediately prior  
to my present address was . . . . .  
in the (City or Village) . . . . .  
county of . . . . . State of Illinois.
4. I was a registered voter in the State  
of Illinois from the last above listed  
address.
5. I am not entitled to vote for Presiden-  
tial or Vice Presidential electors in  
any other State or from any other place  
in the State of Illinois.
6. I am . . . . . years of age.

IN WITNESS WHEREOF, I have executed this affidavit

all as of the . . . . . day of . . . . . 19 . .

. . . . .  
(Signature)

Subscribed and sworn to by . . . . .  
who is personally known to me, before me this . . . . .  
day of . . . . . A. D. . . . .

. . . . .  
(Official Capacity)

AFFIDAVIT AND APPLICATION FOR  
ABSENTEE PRESIDENTIAL AND VICE PRESIDENTIAL  
BALLOT BY ILLINOIS RESIDENT WHO HAS  
CHANGED RESIDENCE WITHIN ILLINOIS

I, the undersigned, . . . . . (Name) . . . . .  
hereby request the right to vote by absentee ballot in the  
Presidential and Vice Presidential election to be held on  
. . . . . as an Illinois voter who has  
changed residence within Illinois within 30 days of the  
Presidential and Vice Presidential election. In connec-  
tion with this request, I hereby swear (or affirm) that:

1. I am a citizen of the United States  
presently residing in the State of  
Illinois . . . . .  
At (address) . . . . .  
. . . . .
2. My residence began at the above ad-  
dress . . . . .  
on . . . . . which is  
a date after the thirtieth day next  
preceding the Presidential and Vice  
Presidential election and by reason  
thereof the laws of the State of Il-  
linois preclude me from registering  
to vote.
3. My residence address immediately prior  
to my present address was . . . . .  
. . . . . in the (city or village)  
of . . . . . county of . . . . .  
State of Illinois.
4. I was a registered voter in the State of  
Illinois from the last above listed  
address.
5. I am not entitled to vote for Presiden-  
tial or Vice Presidential electors in  
any other State or from any other place  
in the State of Illinois.
6. I am . . . . . years of age.
7. I expect to be absent from the county  
of my former residence on the date of  
the holding of the presidential election  
and that I will have no opportunity to  
vote in person on that day.

I hereby make application for an official presidential ballot to be voted by me at such election if I am absent from the county of my former residence, and I agree that I shall return such ballot to the official issuing the same not later than the time of closing of the polls in such state on the day of such election.

IN WITNESS WHEREOF, I have executed this affidavit  
all as of the . . . . . day of . . . . . 19 . .

. . . . .  
(Signature)

Subscribed and sworn to by . . . . .  
who is personally known to me, before me this . . . . .  
day of . . . . . A. D. . . . .

. . . . .  
(Official Capacity)