

# HB4853



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4853

Introduced 1/27/2022, by Rep. Katie Stuart

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-12.2

from Ch. 46, par. 19-12.2

Amends the Election Code. Provides that voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election shall be conducted either through vote by mail procedures or on specified premises (rather than only on specified premises). Effective Immediately.

LRB102 24036 AWJ 33252 b

A BILL FOR

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Section 19-12.2 as follows:

6 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

7 Sec. 19-12.2. Voting by physically incapacitated electors  
8 who have made proper application to the election authority not  
9 later than 5 days before the regular primary and general  
10 election of 1980 and before each election thereafter shall be  
11 conducted either through the vote by mail procedures as  
12 detailed in this Article or on the premises of (i) federally  
13 operated veterans' homes, hospitals, and facilities located in  
14 Illinois or (ii) facilities licensed or certified pursuant to  
15 the Nursing Home Care Act, the Specialized Mental Health  
16 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
17 the MC/DD Act for the sole benefit of residents of such homes,  
18 hospitals, and facilities. For the purposes of this Section,  
19 "federally operated veterans' home, hospital, or facility"  
20 means the long-term care facilities at the Jesse Brown VA  
21 Medical Center, Illiana Health Care System, Edward Hines, Jr.  
22 VA Hospital, Marion VA Medical Center, and Captain James A.  
23 Lovell Federal Health Care Center. Such voting shall be

1 conducted during any continuous period sufficient to allow all  
2 applicants to cast their ballots between the hours of 9 a.m.  
3 and 7 p.m. either on the Friday, Saturday, Sunday or Monday  
4 immediately preceding the regular election. This vote by mail  
5 voting on one of said days designated by the election  
6 authority shall be supervised by two election judges who must  
7 be selected by the election authority in the following order  
8 of priority: (1) from the panel of judges appointed for the  
9 precinct in which such home, hospital, or facility is located,  
10 or from a panel of judges appointed for any other precinct  
11 within the jurisdiction of the election authority in the same  
12 ward or township, as the case may be, in which the home,  
13 hospital, or facility is located or, only in the case where a  
14 judge or judges from the precinct, township or ward are  
15 unavailable to serve, (3) from a panel of judges appointed for  
16 any other precinct within the jurisdiction of the election  
17 authority. The two judges shall be from different political  
18 parties. Not less than 30 days before each regular election,  
19 the election authority shall have arranged with the chief  
20 administrative officer of each home, hospital, or facility in  
21 his or its election jurisdiction a mutually convenient time  
22 period on the Friday, Saturday, Sunday or Monday immediately  
23 preceding the election for such voting on the premises of the  
24 home, hospital, or facility and shall post in a prominent  
25 place in his or its office a notice of the agreed day and time  
26 period for conducting such voting at each home, hospital, or

1 facility; provided that the election authority shall not later  
2 than noon on the Thursday before the election also post the  
3 names and addresses of those homes, hospitals, and facilities  
4 from which no applications were received and in which no  
5 supervised vote by mail voting will be conducted. All  
6 provisions of this Code applicable to pollwatchers shall be  
7 applicable herein. To the maximum extent feasible, voting  
8 booths or screens shall be provided to insure the privacy of  
9 the voter. Voting procedures shall be as described in Article  
10 17 of this Code, except that ballots shall be treated as vote  
11 by mail ballots and shall not be counted until the close of the  
12 polls on the following day. After the last voter has concluded  
13 voting, the judges shall seal the ballots in an envelope and  
14 affix their signatures across the flap of the envelope.  
15 Immediately thereafter, the judges shall bring the sealed  
16 envelope to the office of the election authority who shall  
17 deliver such ballots to the election authority's central  
18 ballot counting location prior to the closing of the polls on  
19 the day of election. The judges of election shall also report  
20 to the election authority the name of any applicant in the  
21 home, hospital, or facility who, due to unforeseen  
22 circumstance or condition or because of a religious holiday,  
23 was unable to vote. In this event, the election authority may  
24 appoint a qualified person from his or its staff to deliver the  
25 ballot to such applicant on the day of election. This staff  
26 person shall follow the same procedures prescribed for judges

1 conducting vote by mail voting in such homes, hospitals, or  
2 facilities and shall return the ballot to the central ballot  
3 counting location before the polls close. However, if the  
4 home, hospital, or facility from which the application was  
5 made is also used as a regular precinct polling place for that  
6 voter, voting procedures heretofore prescribed may be  
7 implemented by 2 of the election judges of opposite party  
8 affiliation assigned to that polling place during the hours of  
9 voting on the day of the election. Judges of election shall be  
10 compensated not less than \$25.00 for conducting vote by mail  
11 voting in such homes, hospitals, or facilities.

12 Not less than 120 days before each regular election, the  
13 Department of Public Health shall certify to the State Board  
14 of Elections a list of the facilities licensed or certified  
15 pursuant to the Nursing Home Care Act, the Specialized Mental  
16 Health Rehabilitation Act of 2013, the ID/DD Community Care  
17 Act, or the MC/DD Act. The lists shall indicate the approved  
18 bed capacity and the name of the chief administrative officer  
19 of each such home, hospital, or facility, and the State Board  
20 of Elections shall certify the same to the appropriate  
21 election authority within 20 days thereafter.

22 (Source: P.A. 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15;  
23 99-180, eff. 7-29-15.)

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