



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1871

Introduced 2/17/2021, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-55	
10 ILCS 5/17-13	from Ch. 46, par. 17-13
10 ILCS 5/19-6	from Ch. 46, par. 19-6

Amends the Election Code. Provides that in distribution of the remaining funds received under the federal Help America Vote Act, the State Board of Elections may make such funds available to election authorities for the maintenance of secure collection sites for the return of vote by mail ballots. Allows election authorities to establish curbside voting for individuals to cast a ballot during early voting or on election day. Provides that an election authority's 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. Requires election authorities to accept any vote by mail ballot returned, including ballots returned with insufficient or no postage. Allows election authorities to establish secure collection sites for postage-free return of vote by mail ballots. Provides for the collection and processing of vote by mail ballots submitted to collection sites. Provides that the State Board of Elections shall establish additional guidelines for the security of collection sites. Effective immediately.

LRB102 12576 SMS 17914 b

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 Sections 1A-55, 17-13, and 19-6 as follows:

6 (10 ILCS 5/1A-55)

7 (Text of Section from P.A. 100-587)

8 Sec. 1A-55. Cyber security efforts. The State Board of
9 Elections shall provide by rule, after at least 2 public
10 hearings of the Board and in consultation with the election
11 authorities, a Cyber Navigator Program to support the efforts
12 of election authorities to defend against cyber breaches and
13 detect and recover from cyber attacks. The rules shall include
14 the Board's plan to allocate any resources received in
15 accordance with the Help America Vote Act and provide that no
16 less than half of any such funds received shall be allocated to
17 the Cyber Navigator Program. The Cyber Navigator Program
18 should be designed to provide equal support to all election
19 authorities, with allowable modifications based on need. The
20 remaining half of the Help America Vote Act funds shall be
21 distributed as the State Board of Elections may determine, but
22 no grants may be made to election authorities that do not
23 participate in the Cyber Navigator Program.

1 In distribution of the remaining funds received under the
2 federal Help America Vote Act, the Board may make such funds
3 available to election authorities for the maintenance of
4 secure collection sites for the return of vote by mail
5 ballots.

6 (Source: P.A. 100-587, eff. 6-4-18.)

7 (Text of Section from P.A. 100-623)

8 Sec. 1A-55. Cyber security efforts. The Board shall adopt
9 rules, after at least 2 public hearings of the Board and in
10 consultation with election authorities, establishing a cyber
11 navigator program to support election authorities' efforts to
12 defend against cyber breaches and detect and recover from
13 cyber attacks. The rules shall include the Board's plan to
14 allocate any resources received in accordance with the federal
15 Help America Vote Act and provide that no less than half of any
16 funds received under the federal Help America Vote Act shall
17 be allocated to the cyber navigator program. The cyber
18 navigator program shall be designed to provide equal support
19 to all elections authorities with some modifications allowable
20 based on need. The remaining half of the federal Help America
21 Vote Act funds shall be distributed as the Board sees fit, but
22 no grants may be made to election authorities that do not
23 participate in the cyber navigator program managed by the
24 Board.

25 In distribution of the remaining funds received under the

1 federal Help America Vote Act, the Board may make such funds
2 available to election authorities for the maintenance of
3 secure collection sites for the return of vote by mail
4 ballots.

5 (Source: P.A. 100-623, eff. 7-20-18.)

6 (10 ILCS 5/17-13) (from Ch. 46, par. 17-13)

7 Sec. 17-13. (a) In the case of an emergency, as determined
8 by the State Board of Elections, or if the Board determines
9 that all potential polling places have been surveyed by the
10 election authority and that no accessible polling place, as
11 defined by rule of the State Board of Elections, is available
12 within a precinct nor is the election authority able to make a
13 polling place within the precinct temporarily accessible, the
14 Board, upon written application by the election authority, is
15 authorized to grant an exemption from the accessibility
16 requirements of the Federal Voting Accessibility for the
17 Elderly and Handicapped Act (Public Law 98-435). Such
18 exemption shall be valid for a period of 2 years.

19 (b) Any voter with a temporary or permanent disability
20 who, because of structural features of the building in which
21 the polling place is located, is unable to access or enter the
22 polling place, may request that 2 judges of election of
23 opposite party affiliation deliver a ballot to him or her at
24 the point where he or she is unable to continue forward motion
25 toward the polling place; but, in no case, shall a ballot be

1 delivered to the voter beyond 50 feet of the entrance to the
2 building in which the polling place is located. Such request
3 shall be made to the election authority not later than the
4 close of business at the election authority's office on the
5 day before the election and on a form prescribed by the State
6 Board of Elections. The election authority shall notify the
7 judges of election for the appropriate precinct polling places
8 of such requests.

9 Weather permitting, 2 judges of election shall deliver to
10 the voter with a disability the ballot which he or she is
11 entitled to vote, a portable voting booth or other enclosure
12 that will allow such voter to mark his or her ballot in
13 secrecy, and a marking device.

14 (c) The voter must complete the entire voting process,
15 including the application for ballot from which the judges of
16 election shall compare the voter's signature with the
17 signature on his or her registration record card in the
18 precinct binder.

19 (d) Election authorities may establish curbside voting
20 for individuals to cast a ballot during early voting or on
21 election day. An election authority's curbside voting program
22 shall designate at least 2 election judges from opposite
23 parties per vehicle and the individual must have the option to
24 mark the ballot without interference from the election judges.

25 After the voter has marked his or her ballot and placed it
26 in the ballot envelope (or folded it in the manner prescribed

1 for paper ballots), the 2 judges of election shall return the
2 ballot to the polling place and give it to the judge in charge
3 of the ballot box who shall deposit it therein.

4 Pollwatchers as provided in Sections 7-34 and 17-23 of
5 this Code shall be permitted to accompany the judges and
6 observe the above procedure.

7 No assistance may be given to such voter in marking his or
8 her ballot, unless the voter requests assistance and completes
9 the affidavit required by Section 17-14 of this Code.

10 (Source: P.A. 99-143, eff. 7-27-15.)

11 (10 ILCS 5/19-6) (from Ch. 46, par. 19-6)

12 Sec. 19-6. Such vote by mail voter shall make and
13 subscribe to the certifications provided for in the
14 application and on the return envelope for the ballot, and
15 such ballot or ballots shall be folded by such voter in the
16 manner required to be folded before depositing the same in the
17 ballot box, and be deposited in such envelope and the envelope
18 securely sealed. The voter shall then endorse his certificate
19 upon the back of the envelope and the envelope shall be mailed
20 in person by such voter, postage prepaid, to the election
21 authority issuing the ballot or, if more convenient, it may be
22 delivered in person, by either the voter or by any person
23 authorized by the voter, or by a company licensed as a motor
24 carrier of property by the Illinois Commerce Commission under
25 the Illinois Commercial Transportation Law, which is engaged

1 in the business of making deliveries.

2 Election authorities shall accept any vote by mail ballot
3 returned, including ballots returned with insufficient or no
4 postage. Election authorities may maintain one or more secure
5 collection sites for the postage-free return of vote by mail
6 ballots. Any election authority with collection sites shall
7 collect all ballots returned each day at close of business and
8 process them as required by this Code, including noting the
9 day on which the ballot was returned. Ballots returned to such
10 collection sites after close of business shall be dated as
11 delivered the next day, with the exception of ballots
12 delivered on election day, which shall be dated as received on
13 election day. Election authorities shall permit electors to
14 return vote by mail ballots at any collection site it has
15 established through the close of polls on election day. All
16 collection sites shall be secured by locks that may be opened
17 only by election authority personnel. The State Board of
18 Elections shall establish additional guidelines for the
19 security of collection sites.

20 It shall be unlawful for any person not the voter or a
21 person authorized by the voter to take the ballot and ballot
22 envelope of a voter for deposit into the mail unless the ballot
23 has been issued pursuant to application by a physically
24 incapacitated elector under Section 3-3 or a hospitalized
25 voter under Section 19-13, in which case any employee or
26 person under the direction of the facility in which the

1 elector or voter is located may deposit the ballot and ballot
 2 envelope into the mail. If the voter authorized a person to
 3 deliver the ballot to the election authority, the voter and
 4 the person authorized to deliver the ballot shall complete the
 5 authorization printed on the exterior envelope supplied by an
 6 election authority for the return of the vote by mail ballot.
 7 The exterior of the envelope supplied by an election authority
 8 for the return of the vote by mail ballot shall include an
 9 authorization in substantially the following form:

10 I (voter) authorize to take
 11 the necessary steps to have this ballot delivered promptly to
 12 the office of the election authority.

13
 14 Date Signature of voter

15
 16 Printed Name of Authorized Delivery Agent

17
 18 Signature of Authorized Delivery Agency

19
 20 Date Delivered to the Election Authority

21 (Source: P.A. 98-1171, eff. 6-1-15.)

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