**Section 209.50 Exemption Procedures**

a)

1) A facility shall be considered to be a potential polling place when it can be leased for the hours needed on election day at the normal rate paid by the jurisdiction and meets the requirements of Sections 11-2 and 11-4 of the Act.

2) *If all potential polling place facilities have been surveyed and no accessible facility is available and the facilities which are available cannot reasonably be made temporarily accessible,* due to budgetary and available manpower constraints, the election authority shall request in writing to the State Board of Elections that the existing polling place be exempt from the criteria set forth in this Part. A separate request for exemption shall be submitted for each polling place not in compliance. Completion of a survey form is not required for facilities not used. Nothing herein shall require the installation of temporary ramps. (41 U.S.C. 1973ee-1(b))

b) In order to be granted an exemption by the State Board of Elections, the written request shall:

1) identify the polling place for which the exemption is requested;

2) identify the provisions of this Part with which the existing site is not in compliance;

3) describe the efforts made to locate a site in compliance with this Part;

4) describe what continued efforts will be made to achieve compliance during the period that the exemption is in effect;

5) be accompanied with a copy of the completed survey form; and

6) bear the signature of the election authority.

c) In order to be considered, a request for an exemption shall be filed within 10 days following the day the polling place is established by the County Board or Board of Election Commissioners, pursuant to Sections 11-2 and 11-4 of the Act. However, in 1986, a request for an exemption for any previously established polling place shall be filed with the State Board of Elections not later than February 1 of that year.

d) Within 10 working days following the receipt of an initial request for exemption, containing all information, forms and signatures required by Subsection (b) above, the State Board of Elections will grant a certification of exemption to the election authority for that polling place. Such exemption shall be valid for a period of 2 years from the date of issuance. If a second request for an exemption is submitted for a previously exempted polling place, the State Board of Elections shall respond in writing within 45 days following receipt of the request.

e) If one or more disabled persons contact the State Board of Elections concerning a specific exemption, the Board shall work in cooperation with the election authority and the disabled persons in locating an available accessible facility.

f) If the State Board of Elections is notified that an accessible facility which is a potential polling place as provided in Section 209.50(a) can be leased as a polling place by the election authority during the period that the exemption is in effect, Board staff shall verify the existence and accessibility of the facility. Upon verification by Board staff that the facility meets the requirements of this Part, written notification shall be sent to the election authority of the location of the accessible facility and of the fact that the requirements for an exemption for a polling place in that precinct are no longer met and that the previously granted exemption is no longer in effect.

g) The election authority shall notify the State Board of Elections of the change in polling place facility within 10 days of the establishment of the new polling place.

h) Upon the expiration of an exemption, no certification of exemption shall be granted by the State Board of Elections for any polling place in that precinct unless the Board determines that a potential polling place is not available and that no available facility can reasonably be made accessible.

i) The decision of whether a potential polling place required by Subsection (h) above, is available shall be made by the Board after consideration of a non-binding recommendation made by a joint committee. That committee is chosen by the election authority subject to the following requirements.

1) The election authority shall have one or more representatives;

2) The joint committee shall have at least one handicapped member, provided one or more handicapped persons volunteer for membership; and

3) One or more staff members of the State Board of Elections shall be appointed, subject to staff constraints. In allocation of Board staff, preference shall be given to joint committees with no handicapped members.

If no committee is formed, no exemption shall be granted by the Board.

j) To allow for maximum participation on the committee by the State Board of Elections, the election authority shall notify the State Board of Elections of the need for a committee to be formed not less than 15 business days before the committee is scheduled to meet.

k) Upon completion of its survey, the committee shall submit in writing to the State Board of Elections a report of its findings and a non-binding recommendation. If the committee recommends that an exemption be granted, a petition for exemption and a copy of the completed survey form shall accompany the recommendation.