



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5104

Introduced 1/27/2022, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2.25 new
10 ILCS 5/19-6

from Ch. 46, par. 19-6

Amends the Election Code. Provides that collection sites for vote by mail ballots shall be established only on the grounds of a public building where normal business of a unit of local government is conducted and the building does not have a residential component. Provides that those collection sites shall be recorded by security cameras, and the recordings shall be retained by the election authority for a period of 90-days after each election. Amends the Freedom of Information Act to provide that those recordings are public records subject to inspection and copying by the public during that 90-day period. Effective immediately.

LRB102 25180 AWJ 34444 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 Freedom of Information Act is amended by
5 adding Section 2.25 as follows:

6 (5 ILCS 140/2.25 new)

7 Sec. 2.25. Ballot box recordings. Recordings of collection
8 sites for vote by mail ballots are public records subject to
9 inspection and copying by the public as provided in Section
10 19-6 of the Election Code.

11 Section 10. The Election Code is amended by changing
12 Section 19-6 as follows:

13 (10 ILCS 5/19-6) (from Ch. 46, par. 19-6)

14 Sec. 19-6. Such vote by mail voter shall make and
15 subscribe to the certifications provided for in the
16 application and on the return envelope for the ballot, and
17 such ballot or ballots shall be folded by such voter in the
18 manner required to be folded before depositing the same in the
19 ballot box, and be deposited in such envelope and the envelope
20 securely sealed. The voter shall then endorse his certificate
21 upon the back of the envelope and the envelope shall be mailed

1 in person by such voter, postage prepaid, to the election
2 authority issuing the ballot or, if more convenient, it may be
3 delivered in person, by either the voter or by any person
4 authorized by the voter, or by a company licensed as a motor
5 carrier of property by the Illinois Commerce Commission under
6 the Illinois Commercial Transportation Law, which is engaged
7 in the business of making deliveries.

8 Election authorities shall accept any vote by mail ballot
9 returned, including ballots returned with insufficient or no
10 postage. Election authorities may maintain one or more secure
11 collection sites for the postage-free return of vote by mail
12 ballots. Any election authority with collection sites shall
13 collect all ballots returned each day and process them as
14 required by this Code, including noting the day on which the
15 ballot was collected. Ballots returned to such collection
16 sites after close of business shall be dated as delivered the
17 next day, with the exception of ballots delivered on election
18 day, which shall be dated as received on election day.
19 Election authorities shall permit electors to return vote by
20 mail ballots at any collection site it has established through
21 the close of polls on election day. Collection sites shall be
22 established only on the grounds of a public building where
23 normal business of a unit of local government is conducted and
24 the building does not have a residential component. All
25 collection sites shall be secured by locks that may be opened
26 only by election authority personnel. All collection sites

1 shall be recorded by security cameras. The recordings shall be
2 retained by the election authority for 90 days after each
3 election and shall be available for inspection and copying
4 under the Freedom of Information Act during that 90-day
5 period. The State Board of Elections shall establish
6 additional guidelines for the security of collection sites.

7 It shall be unlawful for any person not the voter or a
8 person authorized by the voter to take the ballot and ballot
9 envelope of a voter for deposit into the mail unless the ballot
10 has been issued pursuant to application by a physically
11 incapacitated elector under Section 3-3 or a hospitalized
12 voter under Section 19-13, in which case any employee or
13 person under the direction of the facility in which the
14 elector or voter is located may deposit the ballot and ballot
15 envelope into the mail. If the voter authorized a person to
16 deliver the ballot to the election authority, the voter and
17 the person authorized to deliver the ballot shall complete the
18 authorization printed on the exterior envelope supplied by an
19 election authority for the return of the vote by mail ballot.
20 The exterior of the envelope supplied by an election authority
21 for the return of the vote by mail ballot shall include an
22 authorization in substantially the following form:

23 I (voter) authorize to take
24 the necessary steps to have this ballot delivered promptly to
25 the office of the election authority.

1

2 Date Signature of voter

3

4 Printed Name of Authorized Delivery Agent

5

6 Signature of Authorized Delivery Agency

7

8 Date Delivered to the Election Authority

9 (Source: P.A. 102-1, eff. 4-2-21; 102-668, eff. 11-15-21.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.