

SB0098



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0098

Introduced 1/27/2011, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/19-12.2	from Ch. 46, par. 19-12.2

Amends the Election Code. Extends the "incapacitated voter" provisions to residents of State-operated and federally-operated veterans' homes, hospitals, and facilities located in Illinois in order to qualify for absentee ballots in multiple elections and to require that absentee voting be conducted at the homes, hospitals, and facilities.

LRB097 00015 JAM 40070 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 Sections 19-12.1 and 19-12.2 as follows:

6 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

7 Sec. 19-12.1. Any qualified elector who has secured an
8 Illinois Disabled Person Identification Card in accordance
9 with The Illinois Identification Card Act, indicating that the
10 person named thereon has a Class 1A or Class 2 disability or
11 any qualified voter who has a permanent physical incapacity of
12 such a nature as to make it improbable that he will be able to
13 be present at the polls at any future election, or any voter
14 who is a resident of (i) a State-operated or federally-operated
15 veterans' home, hospital, or facility located in Illinois or
16 (ii) a facility licensed or certified pursuant to the Nursing
17 Home Care Act or the MR/DD Community Care Act and has a
18 condition or disability of such a nature as to make it
19 improbable that he will be able to be present at the polls at
20 any future election, may secure a disabled voter's or nursing
21 home resident's identification card, which will enable him to
22 vote under this Article as a physically incapacitated or
23 nursing home voter.

1 Application for a disabled voter's or nursing home
2 resident's identification card shall be made either: (a) in
3 writing, with voter's sworn affidavit, to the county clerk or
4 board of election commissioners, as the case may be, and shall
5 be accompanied by the affidavit of the attending physician
6 specifically describing the nature of the physical incapacity
7 or the fact that the voter is a nursing home resident and is
8 physically unable to be present at the polls on election days;
9 or (b) by presenting, in writing or otherwise, to the county
10 clerk or board of election commissioners, as the case may be,
11 proof that the applicant has secured an Illinois Disabled
12 Person Identification Card indicating that the person named
13 thereon has a Class 1A or Class 2 disability. Upon the receipt
14 of either the sworn-to application and the physician's
15 affidavit or proof that the applicant has secured an Illinois
16 Disabled Person Identification Card indicating that the person
17 named thereon has a Class 1A or Class 2 disability, the county
18 clerk or board of election commissioners shall issue a disabled
19 voter's or nursing home resident's identification card. Such
20 identification cards shall be issued for a period of 5 years,
21 upon the expiration of which time the voter may secure a new
22 card by making application in the same manner as is prescribed
23 for the issuance of an original card, accompanied by a new
24 affidavit of the attending physician. The date of expiration of
25 such five-year period shall be made known to any interested
26 person by the election authority upon the request of such

1 person. Applications for the renewal of the identification
2 cards shall be mailed to the voters holding such cards not less
3 than 3 months prior to the date of expiration of the cards.

4 Each disabled voter's or nursing home resident's
5 identification card shall bear an identification number, which
6 shall be clearly noted on the voter's original and duplicate
7 registration record cards. In the event the holder becomes
8 physically capable of resuming normal voting, he must surrender
9 his disabled voter's or nursing home resident's identification
10 card to the county clerk or board of election commissioners
11 before the next election.

12 The holder of a disabled voter's or nursing home resident's
13 identification card may make application by mail for an
14 official ballot within the time prescribed by Section 19-2.
15 Such application shall contain the same information as is
16 included in the form of application for ballot by a physically
17 incapacitated elector prescribed in Section 19-3 except that it
18 shall also include the applicant's disabled voter's
19 identification card number and except that it need not be sworn
20 to. If an examination of the records discloses that the
21 applicant is lawfully entitled to vote, he shall be mailed a
22 ballot as provided in Section 19-4. The ballot envelope shall
23 be the same as that prescribed in Section 19-5 for physically
24 disabled voters, and the manner of voting and returning the
25 ballot shall be the same as that provided in this Article for
26 other absentee ballots, except that a statement to be

1 subscribed to by the voter but which need not be sworn to shall
2 be placed on the ballot envelope in lieu of the affidavit
3 prescribed by Section 19-5.

4 Any person who knowingly subscribes to a false statement in
5 connection with voting under this Section shall be guilty of a
6 Class A misdemeanor.

7 For the purposes of this Section, "nursing home resident"
8 includes a resident of (i) a State-operated or
9 federally-operated veterans' home, hospital, or facility
10 located in Illinois or (ii) a facility licensed under the MR/DD
11 Community Care Act.

12 (Source: P.A. 96-339, eff. 7-1-10.)

13 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

14 Sec. 19-12.2. Voting by physically incapacitated electors
15 who have made proper application to the election authority not
16 later than 5 days before the regular primary and general
17 election of 1980 and before each election thereafter shall be
18 conducted on the premises of (i) veterans' homes, hospitals,
19 and facilities located in Illinois, whether State-operated or
20 federally-operated, or (ii) facilities licensed or certified
21 pursuant to the Nursing Home Care Act or the MR/DD Community
22 Care Act for the sole benefit of residents of such homes,
23 hospitals, and facilities. Such voting shall be conducted
24 during any continuous period sufficient to allow all applicants
25 to cast their ballots between the hours of 9 a.m. and 7 p.m.

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

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

1 facility from which the application was made is also used as a
2 regular precinct polling place for that voter, voting
3 procedures heretofore prescribed may be implemented by 2 of the
4 election judges of opposite party affiliation assigned to that
5 polling place during the hours of voting on the day of the
6 election. Judges of election shall be compensated not less than
7 \$25.00 for conducting absentee voting in such homes, hospitals,
8 or facilities.

9 Not less than 120 days before each regular election, the
10 Department of Veterans' Affairs shall certify to the State
11 Board of Elections a list of the State-operated and
12 federally-operated veterans' homes, hospitals, and facilities
13 located in Illinois and the Department of Public Health shall
14 certify to the State Board of Elections a list of the
15 facilities licensed or certified pursuant to the Nursing Home
16 Care Act or the MR/DD Community Care Act. The lists,~~and~~ shall
17 indicate the approved bed capacity and the name of the chief
18 administrative officer of each such home, hospital, or
19 facility, and the State Board of Elections shall certify the
20 same to the appropriate election authority within 20 days
21 thereafter.

22 (Source: P.A. 96-339, eff. 7-1-10.)