

ISACo POLICY BRIEF

Omnibus Election Law Changes in 2021

P.A. 102-0015

June 18, 2021

OVERVIEW

In 2021, the General Assembly approved legislation intended to make voting more accessible and convenient for Illinois citizens. The legislation was enacted into law by the Governor on June 17, 2021, as P.A. 102-0015. Most notably, the law changes the date of the 2022 spring primary election and several provisions within the new law applies to county board reapportionment as well as to how counties conduct elections. The provisions included within this *Policy Brief* became effective on Thursday, June 17, 2021.

2022 Election Cycle Timetable

The 2022 Spring General Primary election will occur on Tuesday, June 28, 2022.

Other notable dates are as follows:

- petition gathering period begins on January 13, 2022.
- petition filing period will be from March 7-14, 2022.
- objections to certifications of nominations and nomination papers and petitions to submit public questions to a referendum for the general primary election shall be filed no later than March 21, 2022.
- electors may request mail ballots for the general primary election from March 30 - June 23, 2022.
- certification of names by the State Board of Elections for the general primary election occurs no later than April 28, 2022.
- election authorities shall mail ballots to applicants for the general primary election no later than May 14, 2022. Any application received after May 12, 2022, shall be mailed within two business days after receipt of the application.
- in-person early voting for the general primary election shall begin on May 19, 2022.
- the last day for an established party managing committee to appoint someone to fill a vacancy for the general election when no candidate was nominated at the general primary election and for the appointee to file the required documentation is August 13, 2022.

QUICK FACTS

- Establishes the 2022 general primary election as occurring on June 28, 2022.
- Adjusts key dates in the election cycle to reflect the later date of the 2022 general primary.
- Provides county boards with additional time to complete county board reapportionment.
- Allows for continuation of vote by mail and curbside voting and creates a pilot program for vote centers.

- certificates of nomination and nomination papers for the nomination of new political parties and independent candidates for offices to be filled by electors of the entire State, or any district not entirely within a county, or for congressional, State legislative or judicial offices must be presented to the principal office of the State Board of Elections from July 5 – July 11, 2022.
- objections to certificates of nomination and nomination papers for new political parties and independent candidates for the general election shall be filed no later than July 18, 2022.
- a person for whom a petition for nomination has been filed for the general election may withdraw his or her petition with the appropriate election authority no later than August 13, 2022.
- the State Board of Elections shall certify to the county clerks the names of each of the candidates to appear on the ballot for the general election no later than September 6, 2022.
- The section in the new law establishing these dates and timetables is repealed on January 1, 2023.

Election Day State Holiday

- November 8, 2022, is declared a State holiday known as 2022 General Election Day and shall be observed throughout the State. Closed schools shall be made available to election authorities as polling places for the 2022 General Election Day.

County Board Reapportionment Outside of Cook County

- the bill includes two different deadlines for submitting county board reapportionment maps. The deadline written into the original amendment that included most of the provisions within the new law states that counties must complete their maps by December 31, 2021 (55 ILCS 5/2-3002). A second deadline added in a subsequent amendment that was adopted, quickly approved by the House, sent to the Senate and ultimately approved by that chamber establishes the third Wednesday in November 2021 as the deadline for completing reapportionment before a county apportionment commission is required (55 ILCS 5/2-3004). Consequently, the final bill includes both deadlines.
- in counties with a county-wide elected chair or executive, the chair or executive *may* present the reapportionment plan by the third Wednesday in November 2021.
- population may be determined “by any reasonable method” for reapportionment purposes, including the use of American Community Survey (ACS) data.

Commencement of Sheriff’s Duties

- The new law establishes the date a sheriff shall enter upon his or her duties as the December 1 following his or her election.

Cybersecurity Enhancement

Each election authority shall:

- begin utilizing a “.gov” website address and a “.gov” electronic mail address for each employee within one year of the June 17 effective date of the new law. This applies to election authorities that maintain a website.
- begin performing monthly vulnerability scans to defend against cyber breaches within 6 months of the June 17 effective date of the new law.
- begin using endpoint detection and response security tools on all computers utilized by employees within one year of the June 17 effective date of the new law.

Election Authority Guidance

90 days before any election, the State Board of Elections shall provide written guidance to election authorities on:

- ballot tracking procedures and the proper terminology to be used as part of those procedures.
- requirements for voting, curbside voting, early voting and vote by mail.

Vote Centers

Election authorities must establish one location to be located at an office of the election authority or in the largest municipality within its jurisdiction where all voters in its jurisdiction are allowed to vote on election day during polling place hours, regardless of the precinct in which they are registered. Election authorities must identify the location, hours of operation and health and safety requirements by the 40th day preceding the 2022 general primary election and certify it with the State Board of Elections. This provision is repealed on January 1, 2023.

Curbside Voting

Election authorities may establish curbside voting for ballots cast during early voting or on election day. A curbside voting program must designate at least two election judges from opposite parties per vehicle, and the voter shall have the opportunity to mark the ballot without interference from the election judges.

Vote by Mail

Electors can make application by mail or electronic notification to be added to a list of permanent vote by mail status voters. Requests submitted in this manner shall occur not more than 90 days nor less than 5 days prior to an election. A similar application can be made by personal delivery not more than 90 days nor less than one day prior to the election. These applications must be made to the county clerk or to the Board of Election Commissioners. Voters added to the permanent vote by mail list shall remain on the list until the voter requests to be removed, provides notice to the election authority of a change in registration or the election authority receives confirmation that the voter has subsequently registered to vote in another county.

Election authorities must notify all qualified voters, not more than 90 days nor less than 45 days before a general election of the option for permanent vote by mail status using a notice provided within the text of the new law. The new law also includes the text for vote by mail applications and how applications can be presented to voters.

Voting in County Jails

The new law provides permissive authority for county sheriffs in counties other than Cook County to establish temporary branch polling places in county jails. Cook County is mandated to establish polling places in its county jails by another law enacted in 2020.

Public Officer Simultaneous Tenure Act

The new law prohibits local governments from enacting ordinances, referenda or resolutions that require a member of the General Assembly to resign his or her office to be eligible to seek an office with the local government. This provision includes a home rule preemption and applies to ordinances, referenda or resolutions adopted on or after November 8, 2016.



Illinois State Association of Counties | 427 East Monroe | Suite 200 | Springfield, IL 62701
(217) 679-3368 | www.isacoil.org