Bill: SB 202
Sponsor: Sen. Burns/Rep. Fleming

Summary: SB 202 is the "Elections Integrity Act of 2021" and makes the following notable changes to our election code:

Establishes that the non-partisan chairperson of the State Election Board is to be elected by the General Assembly through a joint resolution. The secretary of state shall be an ex-officio, non-voting member of the State Election Board.

Authorizes the State Election Board to suspend a county or municipal election superintendent and appoint a temporary replacement. No more than four county or municipal superintendents can be suspended at the same time.

Permits the State Election Board to adopt emergency rules only in circumstances of imminent peril to public health, safety, or welfare and subject to specified notice requirements.

Requires the State Election Board, the secretary of state, or their designees to notify the General Assembly's Committees on Judiciary prior to entering into any relevant consent agreements, settlements, or consent orders.

Prohibits election superintendents from accepting any funds from any source other than a county, municipal, state, or federal governing authority.

Permits a local governing authority or the applicable members of the General Assembly to request a performance review of local election officials to be conducted by an independent performance review board at the direction of the State Election Board.

Prohibits boards of registrars from accepting any funds from any source other than a county, a municipal, state, or federal governing authority.

Specifies that buses and readily-movable facilities, used to supplement polling place capacity, shall only be used in governor-declared emergency situations.

Requires ballots, with exceptions, to be printed on security paper.

Allows an elector to apply for an absentee ballot beginning 78 days prior to the election until 11 days prior to the election.

Requires absentee ballot applications to be received by the board of registrars or an absentee ballot clerk no later than 11 days prior to the election.

For Absentee Ballots

Requires the submission of identifying information, including a driver's license or identification card number, when applying for an absentee ballot. If the applicant does not have a driver's license or identification card, a photocopy of an approved form of identification must be submitted with the application. The absentee ballot application must also include an oath for the elector or relative submitting the application to sign.

Prohibits the secretary of state, election superintendents, boards of registrars, or other governmental entities from sending unsolicited absentee ballot applications to electors. The bill prohibits any unauthorized person from sending an absentee ballot application with prefilled personal information to an elector. Other than specified exceptions, no person may handle or return an elector's completed absentee ballot application. Handling of a completed absentee ballot application by an unauthorized person is a misdemeanor.

Prohibits non-governmental entities from sending absentee ballot applications to individuals who have already requested, received, or voted via an absentee ballot. A person or entity who violates this prohibition will be subject to sanctions by the State Election Board.

In instances where the identifying information submitted with the absentee ballot application does not match the elector's identifying information on file with the board of registrars, a provisional absentee ballot will be sent to the applicant, along with information on how to cure the discrepancy. If the application is incomplete or the oath is unsigned, the registrar or clerk must promptly contact the applicant in writing to request the additional information or the signed oath.

Requires outer oath envelope of the absentee ballot to include a space for the elector to provide his or her driver's license or identification card number and his or her date of birth. If the elector does not have a driver's license or identification card, the elector must provide the last four digits of his or her social security number. If none of the above can be provided, the elector must include a copy of an approved form of identification.

For Drop Boxes

Requires boards of registrars and absentee ballot clerks to establish at least one absentee ballot drop box. Additional drop boxes are permitted, subject to limitations, and must be evenly geographically distributed by population in the county. Absentee ballot drop boxes must be located at the office of the board of registrars or absentee ballot clerk or inside advance voting locations. The drop boxes may be located outside such locations during a governor-declared emergency, under specified circumstances. The drop boxes will be available for ballot drop-off during the hours of advance voting.

The bill provides guidelines for the security, construction, and ballot collection process for the drop boxes.

For early voting

The advance voting period must begin on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff. Advance voting hours must begin at 9:00 a.m. and end at 5:00 p.m. on weekdays and, when applicable, Saturdays. Advance voting must be conducted on the second and third Saturdays of the advance voting period. The registrar or absentee ballot clerk may choose to hold advance voting on the second or third Sunday, or both the second and third Sunday, prior to a primary or election. The Sunday advance voting hours are determined by the registrar or absentee ballot clerk, but no longer than 7:00 a.m. through 7:00 p.m. Registrars may extend the early voting hours to permit voting from 7:00 a.m. until 7:00 p.m. Advance voting is only permitted to occur on the days specified in Code, and cannot be conducted on any other days.

The board of registrars must publish the dates, times, and locations of advance voting at least 14 days prior to the advance voting period for a primary or election and at least seven days prior to the advance voting period for a runoff. Once published, the board of registrars are prohibited from removing an advance voting location unless an emergency occurs.

The election superintendent is authorized to process and scan verified and accepted absentee ballots beginning at 8:00 a.m. on the third Monday prior to the day of the primary, election, or runoff. It is prohibited, unless otherwise provided in Code, to tabulate or tally in any way the absentee ballot votes until the closing of the polls on the day of the election.

The processing and scanning of absentee ballots must be open to the view of the public, but only the superintendent or their employee or designee is authorized to touch is the ballots or ballot container. Anyone involved in processing or scanning absentee ballots must swear an oath before beginning the process.

For Election Day

After polls have closed on election day, poll officials must report the following information to the election superintendent: the total number of ballots cast at the precinct and the total number of provisional ballots cast at the precinct. The chief manager and at least one assistance manager must immediately deliver ballots and election materials to the election superintendent or the counting and tabulating center. The election superintendent must ensure that all ballots are processed, counted, and tabulated as soon as possible and such counting and tabulation must not be stopped until all votes are counted. The superintendent must post the reported information publicly.

Requires the election superintendent, before 10:00 p.m. on election day, to report to the secretary of state and post in a prominent location specified information regarding the number of ballots cast on election day, the number of ballots cast during advance voting, and the number of returned absentee ballots. Once all votes have been counted, the previously reported totals must be compared with the total number of ballots cast and reported to the secretary of state.

Computation and canvassing of votes must take place following the close of the polls on election day.