

SB3170



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3170

Introduced 2/2/2026, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Provides that the amendatory Act may be referred to as the Voting Rights Act of 2026. Creates the Voting Rights Act of 2026 Article in the Code. Provides that a political subdivision, State agency, or any other government official or entity responsible for election administration shall not implement or enforce any election policy or practice or take any other action or fail to take any action that results in, is likely to result in, or is intended to result in disparate outcomes. Creates the Language Access in Elections Article in the Code. Provides that a local election authority shall provide language assistance for elections conducted in a political subdivision if that political subdivision meets specified conditions. Amends the State Finance Act to make a conforming change. Effective July 1, 2026.

LRB104 18009 SPS 31446 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 1. This Act may be referred to as the Illinois
5 Voting Rights Act of 2026.

6 Section 5. The Election Code is amended by adding Article
7 3A and Article 3B as follows:

8 (10 ILCS 5/Art. 3A heading new)

9 ARTICLE 3A. VOTING RIGHTS ACT OF 2026

10 (10 ILCS 5/3A-1 new)

11 Sec. 3A-1. Purpose. In order to advance the protections
12 for the right to vote under Section 1 of Article III of the
13 Illinois Constitution; the right to free and equal elections
14 under Section 3 of Article III of the Illinois Constitution;
15 the protections against voter suppression and discrimination
16 provided under Section 8 of Article III of the Illinois
17 Constitution; the guarantees of equal protection, freedom of
18 expression, and freedom of association under the Illinois
19 Constitution and United States Constitution; and to protect
20 against the suppression, dilution, and abridgment of voting
21 rights on account of race, color, or membership in a language

1 minority group, it is the public policy of this State to:

2 (1) encourage participation in the elective franchise
3 by all eligible voters to the maximum extent; and

4 (2) ensure that eligible voters have an equal
5 opportunity to participate in the political processes of
6 this State and to exercise the elective franchise without
7 denying or abridging that opportunity on account of race,
8 color, or membership in a language minority group.

9 (10 ILCS 5/3A-5 new)

10 Sec. 3A-5. Definitions. As used in this Article:

11 "At-large method of election" means a method of election
12 in which candidates are voted on by all voters in the political
13 subdivision, voters are allowed or required to cast as many
14 votes as there are seats to fill, and voters cannot cast more
15 than one vote for a given candidate.

16 "District-based method of election" means a method of
17 election in which the political subdivision is divided into
18 districts, each district is represented by a single
19 representative, and candidates are voted on by only voters
20 residing in the district.

21 "Election policy or practice" includes any qualification
22 to be a voter, prerequisite to voting, or method of election,
23 as well as any law, statute, ordinance, resolution, charter or
24 code provision, regulation, rule, policy, practice, procedure,
25 standard, or action with respect to voting or the

1 administration or schedule of elections.

2 "Method of election" means the method by which candidates
3 are elected to a governmental body of a political subdivision,
4 and includes any at-large, district-based, share-based, or
5 other method of election, as well as any districting or
6 redistricting plan used to elect candidates to the
7 governmental body.

8 "Other method of election" means a method of election
9 other than an at-large, district-based, or share-based method
10 of election, or any combination of methods of election.

11 "Political subdivision" means a geographic area, which is
12 organized under State or local law for the provision of
13 government or other services, and which conducts elections
14 administered by a local election authority, including, but not
15 limited to, a county, city, town, village, school district,
16 any other district organized under State or local law, a
17 county clerk, or board of election commissioners.

18 "Protected class" means a class of eligible voters who are
19 members of a racial, color, or language minority group and
20 includes members of a reporting category that has ever been
21 established by the U.S. Office of Management and Budget
22 Statistical Policy Directive No. 15: Standards for
23 Maintaining, Collecting, and Presenting Federal Data on Race
24 and Ethnicity, and may include a class of 2 or more such
25 groups.

26 "Share-based method of election" means a method of

1 election in which more than one candidate is to be elected and
2 different groups of voters may each elect their preferred
3 candidates to the seats to fill based on their relative share
4 of the votes cast. "Share-based method of election" includes,
5 but is not limited to, the single transferable vote,
6 cumulative voting, limited voting, and party-list or
7 slate-list systems.

8 "Voting eligible population" and "eligible voters" means
9 individuals who are eligible to register and vote, regardless
10 of whether the individuals are registered to vote.

11 (10 ILCS 5/3A-10 new)

12 Sec. 3A-10. Construction in favor of the right to vote.
13 Any provision of this Article, any regulation, charter, home
14 rule ordinance, or other enactment of the State or any local
15 government relating to the right to vote shall be liberally
16 construed or applied in favor of the rights enumerated in
17 paragraphs (1) through (5). To the extent a court is afforded
18 discretion on an issue, including, but not limited to,
19 discovery, procedure, admissibility of evidence, or remedies,
20 the court shall exercise that discretion and weigh other
21 equitable discretion in favor of the rights enumerated in
22 paragraphs (1) through (5) as follows:

23 (1) protecting the right to cast a ballot and make the
24 ballot valid;

25 (2) ensuring eligible individuals seeking voter

1 registration are not impaired in being registered;

2 (3) ensuring eligible voters are not impaired in
3 voting, including, but not limited to, having their votes
4 counted;

5 (4) making the fundamental right to vote more
6 accessible to eligible voters; and

7 (5) ensuring equitable access for protected class
8 members to opportunities to be registered to vote and to
9 vote.

10 (10 ILCS 5/3A-15 new)

11 Sec. 3A-15. Prohibiting voter suppression.

12 (a) A political subdivision, State agency, or any other
13 government official or entity responsible for election
14 administration shall not implement or enforce any election
15 policy or practice, or take any other action or fail to take
16 any action that results in, is likely to result in, or is
17 intended to result in, either of the following:

18 (1) a material disparity in voter participation,
19 access to voting opportunities, or the opportunity or
20 ability to participate in any stage of the political
21 process between members of a protected class and other
22 members of the electorate; or

23 (2) based on the totality of the circumstances, the
24 opportunity or ability of members of a protected class to
25 participate in any stage of the political process is

1 impaired.

2 (b) There shall be no violation under paragraph (1) of
3 subsection (a) if the political subdivision, State agency, or
4 any other government official or entity demonstrates by clear
5 and convincing evidence that (i) the election policy or
6 practice is necessary to significantly further an important
7 and particularized governmental interest and (ii) there is no
8 alternative election policy or practice that results in a
9 smaller disparity between protected class members and other
10 members of the electorate.

11 (c) Notwithstanding subsection (b), a violation exists
12 under paragraph (2) of subsection (a) in circumstances that
13 include, but are not limited to, any of the following:

14 (1) a political subdivision closes, moves, or
15 consolidates one or more precincts, polling places, early
16 voting sites, or ballot drop boxes or reassigns precincts
17 to polling places in a manner that makes it more difficult
18 for members of a protected class to cast their ballot or
19 results in a disparity in geographic access between
20 members of a protected class and other members of the
21 electorate;

22 (2) a political subdivision provides or changes the
23 hours or date of an election or for early voting in a
24 manner that impairs the right to vote of members of a
25 protected class, including, but not limited to, making the
26 change without proper notice as required by law; and

1 (3) a political subdivision or State agency fails to
2 provide voting or election materials in languages other
3 than English as required by federal, State, county, or
4 other local law.

5 (d) Implementing a reorganization of a political
6 subdivision, including, but not limited to, an annexation,
7 incorporation, dissolution, consolidation, or division of a
8 political subdivision, violates subsection (a) if, based on
9 the totality of the circumstances, the reorganization impairs
10 the opportunity of protected class members to nominate or
11 elect candidates of the protected class member's choice, or
12 otherwise influence the outcome of elections.

13 (10 ILCS 5/3A-20 new)

14 Sec. 3A-20. Prohibiting vote dilution in political
15 subdivisions.

16 (a) No political subdivision shall employ (i) an at-large
17 method of election, (ii) a district-based method of election,
18 (iii) a share-based method of election, or (iv) any other
19 method of election for any office that has the effect, will
20 likely have the effect, or is motivated in part by the intent,
21 of diluting the vote of protected class members.

22 (b) A political subdivision violates subsection (a) if:

23 (1) either: (A) elections in the political subdivision
24 exhibit racially polarized voting resulting in an
25 impairment of the equal opportunity or ability of

1 protected class members to nominate or elect candidates of
2 their choice; or (B) based on the totality of the
3 circumstances, the equal opportunity or ability of members
4 of a protected class to nominate or elect candidates of
5 their choice or influence the outcome of elections is
6 impaired; and

7 (2) one or more modifications to the existing method
8 of election or one or more new methods of election exist
9 which would cure or mitigate the impairment described in
10 subparagraph (1). For the purpose of satisfying this
11 requirement, it is not necessary for the total number or
12 share of protected class members to exceed any numerical
13 threshold in any district or in the political subdivision
14 as a whole.

15 (c) Members of different protected classes may jointly
16 file an action under this Section if that they demonstrate
17 that the combined voting preferences of the multiple protected
18 classes are polarized against the rest of the electorate.

19 (10 ILCS 5/3A-25 new)

20 Sec. 3A-25. Prohibiting vote dilution in Legislative and
21 Representative Districts.

22 (a) As required by Section 3 of Article III of the Illinois
23 Constitution which declares that "All elections shall be free
24 and equal," in any redistricting plan under Section 3 of
25 Article IV of the Illinois Constitution, the districts shall

1 be configured in such a way as to provide adequate
2 representation to protected classes protected by federal and
3 State law. Therefore, as explained in subsection (b), no
4 Legislative Districts and Representative Districts shall be
5 drawn such that the redistricting plan has the effect, or is
6 motived in part by the intent, of impairing the opportunity or
7 ability of members of a protected class to participate in the
8 political process and elect or nominate candidates of their
9 choice or otherwise influence the outcome of elections as a
10 result of diluting the vote of the protected class members.
11 The requirements imposed by this subsection (a) are in
12 addition and subordinate to any requirements or obligations
13 imposed by the United States Constitution, any federal law
14 regarding redistricting Legislative Districts or
15 Representative Districts, including, but not limited to, the
16 federal Voting Rights Act of 1965, and the Illinois
17 Constitution.

18 (b) A redistricting plan under Section 3 of Article IV of
19 the Illinois Constitution for Legislative Districts and
20 Representative Districts violates this subsection if:

21 (1) either: (A) elections in one or more Legislative
22 or Representative districts exhibit racially polarized
23 voting resulting in an impairment of the equal opportunity
24 or ability of protected class members to nominate or elect
25 candidates of their choice; or (B) based on the totality
26 of the circumstances, the equal opportunity or ability of

1 protected class members to nominate or elect candidates of
2 their choice or otherwise influence the outcome of
3 elections is impaired; and

4 (2) one or more reasonably configured alternative
5 redistricting plans exist which would cure or mitigate the
6 impairment described in sub-subparagraph (1) by providing
7 members of a protected class an equal opportunity or
8 ability to nominate and elect candidates of their choice.

9 For a reasonably configured alternative redistricting
10 plan, it is not necessary to show that members of a protected
11 class comprise a majority in the districts.

12 (c) A civil action to cure a violation of this Section may
13 be brought by the Attorney General or any individual or entity
14 aggrieved by a violation of this Section in the Illinois
15 Supreme Court, which holds exclusive jurisdiction over
16 redistricting matters.

17 (d) An entity aggrieved by a violation of this Section
18 includes, but is not limited to, any entity (1) whose
19 membership includes individuals aggrieved by a violation of
20 this Section; or (2) whose mission would be frustrated by a
21 violation of this Section, including, but not limited to, an
22 entity who would expend or divert resources to fulfill its
23 mission as a result of the violation or who shall expend
24 greater resources or efforts to advocate before an elected
25 body that is less responsive to the entity or its members due
26 to the alleged violation. An entity shall not be compelled to

1 disclose the identity of any specific member to pursue a claim
2 on behalf of its members.

3 (e) In an action involving a districting plan, any
4 individual who resides in the defendant jurisdiction and is a
5 member of the affected protected class or classes, whether
6 they reside in any particular district, may challenge the
7 districting plan as a whole.

8 (f) A person whose rights have been violated under this
9 Section is entitled to injunctive relief against district maps
10 that constitute a violation of subsection (b).

11 (g) This Section is intended to benefit and protect the
12 rights of individual voters and to provide a remedy for
13 infringing on the rights granted under this Section. This
14 Section shall be construed liberally to confer standing as
15 broadly as the Illinois Constitution permits.

16 (10 ILCS 5/3A-30 new)

17 Sec. 3A-30. Guidelines and relevant circumstances to
18 evaluate compliance.

19 (a) To evaluate the totality of the circumstances under
20 paragraph (2) of subsection (a) of Section 3A-15, subparagraph
21 (B) of paragraph (1) of subsection (b) of Section 3A-20, and
22 subparagraph (B) of paragraph (1) of subsection (b) of Section
23 3A-25:

24 (1) the following factors may be relevant:

25 (A) whether members of the protected class vote at

1 a lower rate than other voters;

2 (B) the history of discrimination affecting
3 members of the protected class;

4 (C) the extent to which members of a protected
5 class are disadvantaged, or otherwise bear the effects
6 of past public or private discrimination, in any areas
7 that may hinder the member's ability to participate
8 effectively in any stage of the political process,
9 including education, employment, health, criminal
10 justice involvement, housing, transportation, land
11 use, or environmental protection;

12 (D) the use of overt or subtle racial appeals in
13 political campaigns or by government officials, or in
14 connection with the adoption or maintenance of the
15 election policy or practice;

16 (E) the extent to which members of a protected
17 class have been elected to office;

18 (F) the extent to which members of a protected
19 class have faced barriers with respect to accessing
20 the ballot, receiving financial support, or receiving
21 any other support for an election;

22 (G) the extent to which members of a protected
23 class contribute to political campaigns at lower
24 rates;

25 (H) the extent to which candidates face hostility
26 or barriers while campaigning due to their membership

1 in a protected class;

2 (I) the use of any election policy or practice
3 that may enhance the dilutive effects of a method of
4 election in the local government;

5 (J) the lack of responsiveness by elected
6 officials to the particularized needs of protected
7 class members or a community of protected class
8 members;

9 (K) whether the election policy or practice was
10 designed to advance, and does materially advance, a
11 valid and substantial State interest; and

12 (L) other factors deemed relevant;

13 (2) no set number or combination of these factors
14 shall be required to determine that a violation occurred;
15 and

16 (3) evidence of these factors is most probative if it
17 relates to the political subdivision in which the alleged
18 violation occurred, but is still probative if it relates
19 to the geographic region in which that political
20 subdivision is located or to this State.

21 (b) When evaluating whether a violation of Section 3A-15,
22 Section 3A-20, or Section 3A-25 has occurred:

23 (1) the following circumstances are never relevant:

24 (A) the total number or share of members of a
25 protected class on whom the election policy or
26 practice does not impose a material burden;

1 (B) the degree to which the election policy or
2 practice has a long pedigree or was in widespread use
3 at some earlier date;

4 (C) the use of an identical or similar election
5 policy or practice in another political subdivision;
6 and

7 (D) the availability of other forms of voting not
8 impacted by the election policy or practice;

9 (2) evidence concerning the intent of voters, elected
10 officials, or public officials to discriminate against
11 protected class members is never required;

12 (3) a State interest in preventing voter fraud or
13 bolstering voter confidence in the integrity of elections
14 is not relevant unless there is substantial evidence that
15 criminal activity by individual voters has occurred in the
16 local government in substantial numbers and the connection
17 between the election policy or practice and a State
18 interest in preventing voter fraud or bolstering voter
19 confidence in the integrity of elections is supported by
20 substantial evidence;

21 (4) whether protected class members typically elect
22 candidates of their choice to the governing body in
23 approximate proportion to their total number or share of
24 the population may be relevant under Sections 3A-20 or
25 3A-25.

26 (c) For the purposes of demonstrating that a violation of

1 subparagraph (A) of paragraph (1) of subsection (b) of Section
2 3A-20 or subparagraph (A) of paragraph (1) of subsection (b)
3 of Section 3A-25 has occurred, including for the purposes of
4 demonstrating that racially polarized voting exists:

5 (1) racially polarized voting shall be assessed based
6 on relevant election results, which may include, but are
7 not limited to, elections for offices of the political
8 subdivision; elections held in the political subdivision
9 for other offices, such as State or federal offices;
10 ballot measures; and other electoral choices that bear on
11 the rights and privileges of the protected class;

12 (A) no set number or combination of elections
13 shall be required to establish the existence of
14 racially polarized voting;

15 (B) evidence of non-polarized voting in elections
16 for offices outside the political subdivision shall
17 not preclude a finding of racially polarized voting
18 based on elections for offices of the political
19 subdivision;

20 (C) non-statistical or non-quantitative evidence
21 shall not preclude a finding of racially polarized
22 voting based on statistical or quantitative evidence;
23 and

24 (D) low turnout or registration rates among
25 protected class members shall not preclude a finding
26 of racially polarized voting;

1 (2) racially polarized voting shall be assessed based
2 only on the combined electoral preferences of members of a
3 protected class or classes. There is no requirement that
4 the electoral preferences of each protected class or any
5 subgroup within a protected class be separately polarized
6 from those of other voters; and

7 (3) the causes of or reasons for racially polarized
8 voting, including partisan explanations or discriminatory
9 intent, are not relevant.

10 (10 ILCS 5/3A-35 new)

11 Sec. 3A-35. Pre-litigation notification letter for
12 political subdivisions.

13 (a) Before commencing legal action alleging a violation of
14 Sections 3A-15 or 3A-20, a prospective plaintiff shall send a
15 notification letter to the political subdivision or State
16 agency asserting that the political subdivision or State
17 agency may be in violation of Sections 3A-15 or 3A-20. The
18 prospective plaintiff shall not commence an action against
19 that political subdivision or State agency within 60 days
20 after sending that notification letter. If a political
21 subdivision or State agency passes a resolution, ordinance, or
22 takes other official action approved by its legislative or
23 governing body or its chief executive that indicates a good
24 faith intention to seek a remedy to the alleged violation, a
25 prospective plaintiff shall not commence an action against

1 that political subdivision or State agency for 60 days from
2 the approval date of the resolution, ordinance or other
3 official action.

4 (b) Notwithstanding subsection (a), a pre-litigation
5 notice letter is not required if:

6 (1) the prospect of obtaining relief would be futile;

7 (2) another party has already submitted a notification
8 letter alleging a substantially similar violation and that
9 party is eligible to bring a cause of action;

10 (3) the prospective plaintiff is seeking preliminary
11 injunctive relief;

12 (4) the prospective plaintiff is seeking preliminary
13 relief with respect to an upcoming election;

14 (5) the prospective plaintiff is seeking to intervene
15 in or join an existing action;

16 (6) following the prospective plaintiff's submission
17 of a notice letter, the political subdivision or State
18 agency enacted a remedy that would not remedy the
19 violation identified in the letter;

20 (7) the prospective plaintiff is challenging an action
21 taken by the political subdivision or State agency in the
22 past year; or

23 (8) the prospective plaintiff is facing other exigent
24 circumstances.

1 Sec. 3A-50. Civil actions.

2 (a) A civil action to cure a violation of Sections 3A-15 or
3 3A-20 may be brought by the Attorney General or any individual
4 or entity aggrieved by a violation of these Sections in any
5 State or federal court of competent jurisdiction.

6 (b) An entity aggrieved by a violation of these Sections
7 includes, but is not limited to, any entity (1) whose
8 membership includes individuals aggrieved by a violation of
9 these Sections, or (2) whose mission would be frustrated by a
10 violation of these Sections, including, but not limited to, an
11 entity who would expend or divert resources to fulfill its
12 mission as a result of the violation or who shall expend
13 greater resources or efforts to advocate before an elected
14 body that is less responsive to the entity or its members due
15 to the alleged violation. An entity shall not be compelled to
16 disclose the identity of any specific member to pursue a claim
17 on behalf of its members.

18 (c) In an action involving a districting plan, any
19 individual who resides in the defendant jurisdiction and is a
20 member of the affected protected class or classes, whether
21 they reside in any particular district, may challenge the
22 districting plan as a whole.

23 (d) This Article is intended to benefit and protect the
24 rights of individual voters and to provide a remedy for
25 infringing on the rights granted under this Section. This
26 Article shall be construed liberally to confer standing as

1 broadly as the Illinois Constitution permits.

2 (10 ILCS 5/3A-55 new)

3 Sec. 3A-55. Remedies.

4 (a) In any action brought under this Article, except for
5 Section 3A-25, the court has broad authority to order adequate
6 remedies that are tailored to address the violation,
7 notwithstanding any other provisions of State or local law.
8 Unless otherwise prohibited by law, adequate remedies include,
9 but are not limited to, any of the following:

10 (1) drawing new or revised districting or
11 redistricting plans;

12 (2) adopting a different method of election or
13 reasonably increasing the size of the elected legislative
14 or governing body of a political subdivision;

15 (3) adding or changing voting days or hours;

16 (4) adding or moving polling places or ballot drop
17 boxes;

18 (5) eliminating staggered elections so that all
19 members of the elected legislative or governing body are
20 elected at the same time;

21 (6) ordering a special election;

22 (7) restoring or adding individuals to a voter
23 registration list or requiring expanded opportunities for
24 admitting voters;

25 (8) reorganizing a political subdivision, including,

1 but not limited to, an annexation, incorporation,
2 dissolution, consolidation, or division of a political
3 subdivision;

4 (9) imposing nominal or compensatory damages;

5 (10) imposing punitive damages in the form of a civil
6 fine that shall be deposited into the Voter Outreach and
7 Education Fund;

8 (11) any other form of declaratory or injunctive
9 relief that, in the court's judgment, is tailored to
10 address the violation; and

11 (12) retaining jurisdiction for a period of time the
12 court considers appropriate.

13 (b) In any action in which a court finds a violation of
14 this Article, the federal Voting Rights Act of 1965, the
15 Illinois Constitution, the Fourteenth Amendment of the United
16 States Constitution concerning the right to vote, the
17 Fifteenth Amendment of the United States Constitution, or any
18 other State or federal law concerning the right to vote for
19 protected class members, in addition to the remedies available
20 under subsection (a), the court may retain jurisdiction and
21 require that, for a period of 10 years, the local government
22 obtain a court order before enacting any election policy or
23 practice as follows:

24 (1) a court shall retain jurisdiction following a
25 violation described in subsection (b) if the violation is
26 susceptible to repetition, the remedy is susceptible to

1 circumvention, there is evidence of intentional
2 discrimination by the local government, or the local
3 government failed to adopt broad prophylactic measures
4 that prevent any future violations. Otherwise, the court
5 may retain jurisdiction following a violation described in
6 subsection (b) based on the severity of the violation and
7 whether the local government has any previous violations;
8 and

9 (2) a request for judicial preapproval submitted to a
10 court under this subsection may be granted only if the
11 court concludes that:

12 (A) the proposed election policy or practice will
13 not diminish, in relation to the status quo before the
14 enactment or implementation of the election policy or
15 practice, the equal opportunity or ability of members
16 of a protected class whose voting rights are
17 implicated by the election policy or practice to
18 participate in any stage of the political process or
19 to nominate or elect candidates of their choice; and

20 (B) that the proposed election policy or practice
21 is unlikely to violate any of the provisions of this
22 Article.

23 (c) In any action brought under this Article, the court
24 may order a remedy only if the remedy will not impair the
25 ability of protected class members to participate in the
26 political process and elect the protected class member's

1 preferred candidates, or otherwise influence the outcome of
2 elections.

3 (d) In any action brought under this Article, the court
4 shall consider remedies proposed by any parties and interested
5 non-parties and shall not provide deference or priority to a
6 proposed remedy offered by the defendant or the political
7 subdivision because the remedy has been proposed by the
8 defendant or the political subdivision.

9 (10 ILCS 5/3A-60 new)

10 Sec. 3A-60. Attorney's fees. A prevailing party in any
11 action brought under this Article or under Section 3A-35 shall
12 be entitled to reasonable attorney's fees and costs, including
13 expert witness fees and other litigation expenses.

14 For the purpose of this Section, the term "prevailing
15 party" includes:

16 (1) a plaintiff who obtains some of its requested
17 relief through a judicial judgment in its favor;

18 (2) a plaintiff who obtains some of its requested
19 relief through any settlement agreement approved by the
20 court; or

21 (3) an individual or group whose pursuit of a
22 nonfrivolous claim or notice of a claim following the
23 procedure under Section 3A-35 was a catalyst for a
24 unilateral change in position by the opposing party
25 relative to the relief sought.

1 To the extent parties are unable to come to mutual
2 agreement, any party may file a motion or action for
3 clarification of rights.

4 (10 ILCS 5/3A-65 new)

5 Sec. 3A-65. Expedient litigation and preliminary relief.
6 Because of the frequency of elections, the severe consequences
7 and irreparable harm of holding elections under unlawful
8 conditions, and the expenditure to defend potentially unlawful
9 conditions that benefit incumbent officials, actions brought
10 under this Article are subject to expedited pretrial and trial
11 proceedings and shall receive an automatic calendar
12 preference. In any action alleging a violation of this Article
13 or any other law concerning voting rights or elections in
14 which a plaintiff party seeks preliminary relief with respect
15 to an upcoming election, the court shall grant relief if the
16 court determines that the plaintiffs are more likely than not
17 to succeed on the merits, and it is possible to implement an
18 adequate remedy before an upcoming primary or general election
19 that would resolve the alleged violation.

20 (10 ILCS 5/3A-70 new)

21 Sec. 3A-70. Voter Outreach and Education Fund. There is
22 created in the State treasury a special fund to be known as the
23 Voter Outreach and Education Fund. All penalties and charges
24 directed to the Fund by Section 3A-55 and all other funds from

1 any public or private source directed to the Fund shall be paid
2 into the Fund. Interest earned on moneys in the Fund shall
3 remain in the Fund and be credited to it. Moneys in the Fund
4 shall be used solely for the purposes of educating voters and
5 persons qualified to be voters on the rights ensured to them
6 under federal and State constitutional and statutory law and
7 remedies.

8 (10 ILCS 5/3A-80 new)

9 Sec. 3A-80. Construction and severability.

10 (a) No act of the General Assembly shall be construed to
11 supersede, amend, abrogate, or limit the applicability or
12 scope of this Article, unless it explicitly states that it
13 supersedes, amends, abrogates, or limits the applicability or
14 scope of the Illinois Voting Rights Act, even if the act may be
15 construed as contradicting, conflicting with, or interpreting
16 this Article or violating any of its provisions. When
17 evaluating whether a political subdivision or government
18 official or entity responsible for election administration has
19 violated Section 3A-20, other acts of the General Assembly
20 shall not be considered.

21 (b) The provisions of this Article shall be severable and
22 if any section, subsection, paragraph, subparagraph, sentence,
23 or other portion of this Article is for any reason held or
24 declared by any court of competent jurisdiction to be
25 unconstitutional or preempted by federal law, or the

1 applicability of that portion to any person or facility is
2 held invalid, the remainder of this Article shall not thereby
3 be deemed to be unconstitutional, preempted, or invalid.

4 (10 ILCS 5/Art. 3B heading new)

5 ARTICLE 3B. LANGUAGE ACCESS IN ELECTIONS

6 (10 ILCS 5/3B-1 new)

7 Sec. 3B-1. Definitions. As used in this Article:

8 "Limited-English proficient individuals" means
9 individuals who self-report speaking, reading, or
10 understanding the English language less than "very well"
11 according to the U.S. Census Bureau data from the American
12 Community Survey or data of comparable quality collected by a
13 governmental entity, including as data self-reported to a
14 governmental entity.

15 "Local election authority" means a county clerk or board
16 of election commissioners.

17 "Political subdivision" means a geographic area which is
18 organized under State or local law for the provision of
19 government or other services, and which conducts elections
20 administered by a local election authority, including, but not
21 limited to, a county, city, town, village, school district,
22 any other district organized under State or local law, county
23 clerk, or board of election commissioners.

1 (10 ILCS 5/3B-5 new)

2 Sec. 3B-5. Designating language access for political
3 subdivisions and required languages.

4 (a) By July 1, 2027, and at least every 2 years thereafter,
5 the State Board of Elections shall determine which political
6 subdivisions meet the demographic threshold for language
7 access coverage under Section 3B-10, and no later than 30 days
8 after making the determinations shall post the following
9 information on its website:

10 (1) a list of each political subdivision that is
11 required under Section 3B-10 to provide language
12 assistance for elections; and

13 (2) a list of each language in which the political
14 subdivisions listed in paragraph (1) of subsection (a) are
15 required to provide language assistance for elections and
16 the corresponding requirements accompanying the coverage.

17 (b) All coverage determinations made by the State Board of
18 Elections shall be made based on the most recent U.S. Census
19 Bureau data from the American Community Survey, or data of
20 comparable quality collected by a governmental entity. To the
21 extent that necessary data is not available, the State Board
22 of Elections shall base coverage determinations on estimates
23 derived from available data using validated methodologies.

24 (c) The State Board of Elections shall provide notice
25 directly to each local election authority responsible for
26 administering elections for a covered political subdivision

1 specifying the language or languages for which the political
2 subdivision is covered, and the corresponding requirements
3 accompanying the coverage.

4 (d) The State Board of Elections may adopt rules to
5 implement this Section.

6 (10 ILCS 5/3B-10 new)

7 Sec. 3B-10. Covered political subdivisions.

8 (a) Local election authorities responsible for elections
9 in political subdivisions shall implement language assistance
10 programs when found to meet certain demographic thresholds for
11 voting-eligible limited-English proficient individuals in
12 accordance with this Section.

13 (b) The State Board of Elections shall designate one or
14 more languages, other than English, for which language
15 assistance in voting and elections shall be provided Tier 1
16 assistance as required by subsection (b) of Section 3B-15 by a
17 State agency or a political subdivision responsible for
18 election administration if:

19 (1) more than 3%, but in no instance fewer than 100
20 individuals, of the voting-eligible population of a
21 political subdivision are members of a single language
22 minority and are limited-English proficient individuals;
23 or

24 (2) more than 5,000 of the voting-eligible population
25 of the political subdivision are members of a single

1 language minority and are limited-English proficient
2 individuals.

3 (c) If the voting-eligible population in one or more
4 political subdivisions does not meet the criteria necessary
5 for Tier 1 assistance under subsection (b) of this Section,
6 the State Board of Elections shall designate one or more
7 languages, other than English, for which Tier 2 language
8 assistance in voting and elections shall be provided as
9 required by subsection (c) of Section 3B-15 by a State agency
10 or a political subdivision responsible for election
11 administration if:

12 (1) more than 2%, but in no instance fewer than 100
13 individuals, of the voting-eligible population of a
14 political subdivision are members of a single language
15 minority and are limited-English proficient individuals;

16 or

17 (2) more than 2,000 of the voting-eligible population
18 of the political subdivision are members of a single
19 language minority and are limited-English proficient
20 individuals.

21 (10 ILCS 5/3B-15 new)

22 Sec. 3B-15. Requirements for covered political
23 subdivisions.

24 (a) A local election authority responsible for elections
25 for a political subdivision covered under subsection (b) or

1 (c) of Section 3B-10 shall provide language assistance in
2 accordance with the requirements of this Section. In order to
3 comply with this Section, materials and assistance shall be
4 provided in a way designed to allow voters who speak a
5 particular shared language other than English to be
6 effectively informed of and participate effectively in
7 voting-connected activities. A local election authority shall
8 analyze relevant data and shall consult community leaders and
9 non-partisan organizations to determine prioritized precincts
10 where voting materials and assistance shall be provided for
11 the election.

12 (b) A local election authority responsible for elections
13 for a political subdivision required to provide Tier 1
14 language assistance in a particular language other than
15 English in accordance with subsection (b) of Section 3B-10
16 shall ensure that each of the following forms of voting
17 assistance is provided to limited-English proficient
18 individuals:

19 (1) all official and sample ballots used for the
20 election shall be fully translated into the covered
21 language and made available to voters in all voting
22 locations and online;

23 (2) all forms used for voter registration, and any
24 explanatory materials shall be provided in the covered
25 language;

26 (3) all public notices relating to the electoral

1 process, including notices about registration deadlines,
2 polling location changes, voter education materials, and
3 voting instructions that provide direction during the
4 voting process shall be fully translated and disseminated
5 in the covered language to the same extent that
6 English-language notices are made available;

7 (4) in-language signage identifying the availability
8 of translated ballots, bilingual poll workers, and live
9 over-the-phone interpretation services shall be made
10 available in the covered language on the political
11 subdivision's website, at local elections offices, and at
12 polling locations;

13 (5) sufficient trained bilingual election judges or
14 interpreters shall be made available at in-person voting
15 sites to provide effective language assistance in the
16 covered language to any voters who need it and shall be
17 easily identifiable to limited-English proficient
18 individuals through prominently displayed badges or other
19 identifying materials indicating their bilingual
20 capabilities;

21 (6) a bilingual staff member who is trained in
22 election and voting procedures shall be made available
23 year-round to respond to questions, issues, and the needs
24 of covered language speakers within the political
25 subdivision;

26 (7) live language interpretation services shall be

1 made available by telephone, allowing voters to request
2 and receive real-time assistance in the covered language
3 during early voting, on Election Day, and for any
4 voter-related inquiries year-round; and

5 (8) any information relating to voter registration,
6 polling locations, official ballots, or other
7 voting-related materials and notifications provided on the
8 website used by a political subdivision to share
9 information related to elections and voting shall be made
10 available in the covered language.

11 (c) A local election authority responsible for elections
12 for a political subdivision required to provide Tier 2
13 language assistance in a particular language other than
14 English in accordance with subsection (c) of Section 3B-10
15 shall provide the following physical and online voting
16 materials in the covered language:

17 (1) sample ballots shall be translated into the
18 covered language and made available at polling locations
19 and online, if English-language sample ballots are
20 provided online;

21 (2) voter registration forms and instructions shall be
22 provided in the covered language and instructions shall be
23 provided in the covered language to the same extent and
24 manner as made available in English, including direct
25 mailings requested by a voter;

26 (3) any notifications about polling location changes

1 or relocations shall be provided in the covered language
2 to the same extent that English-language notices are made
3 available;

4 (4) in-language signage identifying the availability
5 of covered language sample ballots and live over-the-phone
6 interpretation services shall be made available on the
7 political subdivision's website, a local elections office,
8 and at polling locations during voting periods;

9 (5) sufficient trained bilingual election judges or
10 interpreters shall be made available at a minimum of one
11 vote center to provide effective language assistance in
12 the covered language to any voters who need it and shall be
13 easily identifiable to limited-English proficient
14 individuals through prominently displayed badges or other
15 identifying materials indicating their bilingual
16 capabilities;

17 (6) live language interpretation services shall be
18 made available by telephone, allowing voters to request
19 and receive real-time assistance in the covered language
20 during early voting and on Election Day; and

21 (7) any information relating to voter registration,
22 polling locations, official ballots, or other
23 voting-related materials and notifications provided on the
24 website used by a political subdivision to share
25 information related to elections and voting shall be made
26 available in the covered language.

1 (d) All materials and notices provided by a election
2 authority responsible for elections for a political
3 subdivision as required by this Section in a particular
4 language other than English shall be of an equal quality to the
5 corresponding English-language materials and produced at the
6 same time or within a reasonable time as the corresponding
7 English-language materials. All provided translated materials
8 shall convey the intent and essential meaning of the original
9 English language text or communication. Translated materials
10 produced solely by automated translation services are presumed
11 to be insufficient to completely convey intent and essential
12 meaning.

13 (e) A local election authority responsible for elections
14 for a political subdivision providing language services in
15 accordance with this Section shall hold public meetings to
16 solicit feedback about:

17 (1) the quality of all materials and services provided
18 in a particular language other than English; and

19 (2) barriers to voting and registration for voters
20 and communities with limited-English proficiency.

21 The meetings required under this subsection shall be
22 advertised at least 2 months in advance, held at a time and
23 location generally convenient for the majority of the
24 electorate, and include live translation services in any
25 covered language. Local election authorities shall develop
26 effective recruitment practices for bilingual staff and

1 election judges based on community feedback from the meetings.
2 Political subdivisions covered under subsection (b) of Section
3 3B-10 shall hold such a meeting at least twice a year.
4 Political subdivisions covered under subsection (c) of Section
5 3B-10 shall hold the meetings following elections in which
6 language services are provided, but shall not be required to
7 hold the meetings more than once per year.

8 (f) The State Board of Elections shall produce electronic
9 copies of any election materials that the State Board of
10 Elections makes public in each language that has been
11 designated under subsection (a) or (b).

12 (g) Nothing in this Section prohibits a political
13 subdivision or local election authority from voluntarily
14 providing language assistance for elections beyond what is
15 required under this Section or adopting ordinances requiring
16 additional language assistance for elections beyond what is
17 required under this Section if the political subdivision or
18 local election authority determine that language assistance
19 for elections would be beneficial for the limited-English
20 proficiency residents in that political subdivision.

21 (h) This Section takes effect January 1, 2028.

22 (10 ILCS 5/3B-20 new)

23 Sec. 3B-20. Review process for additional in-language
24 services.

25 (a) The State Board of Elections shall establish a review

1 process under which the State Board of Elections shall
2 determine, upon receipt of a request submitted under this
3 Section, whether a significant and substantial need exists in
4 a political subdivision for a language to be designated for
5 additional language access and assistance in voting and
6 elections if a need has not been found under Section 3B-10.

7 (b) The process required under subsection (a) shall
8 include, at a minimum:

9 (1) an opportunity for any individual or entity who
10 has standing under Section 3B-30 and who has been
11 aggrieved by a failure to provide the assistance to submit
12 a request for the State Board of Elections to consider
13 designating a new language for coverage or providing
14 additional in-language services;

15 (2) a timeline specifying when requests for additional
16 in-language services may be submitted to be considered
17 timely for the next election; and

18 (3) consideration of the following:

19 (A) community-based evidence indicating the need
20 for in-language services including, but not limited
21 to, school enrollment data, public health or social
22 service records, language-specific outreach from
23 community-based organizations, and other reliable
24 evidence;

25 (B) testimony or affidavits from individuals or
26 entities representing or serving the language minority

1 community, including impacted voters; and

2 (C) evidence of structural, procedural, or
3 informational barriers that disproportionately impact
4 limited-English proficient individuals in the language
5 group, including low turnout rates, high provisional
6 ballot use, or lack of access to translated materials.

7 (c) Upon receipt of a request under subsection (a), the
8 State Board of Elections shall:

9 (1) respond in writing with 60 days of receipt of the
10 request;

11 (2) provide an opportunity for public comment
12 following the publication of a proposed determination; and

13 (3) issue a written decision that includes all factors
14 considered and publish that decision on the website of the
15 State Board of Elections.

16 (d) Implementation of newly granted language services
17 shall correspond to the next scheduled election in the
18 relevant covered political subdivision. If a request is
19 granted too close to an election to allow for meaningful
20 implementation, the designation shall take effect for the
21 following election.

22 (10 ILCS 5/3B-25 new)

23 Sec. 3B-25. Pre-litigation notification letter.

24 (a) Before commencing legal action alleging a violation of
25 this Article, a prospective plaintiff shall send a

1 notification letter to the political subdivision or State
2 agency asserting that the political subdivision or State
3 agency may be in violation of this Article. The prospective
4 plaintiff shall not commence an action against that political
5 subdivision or State agency within 60 days after sending that
6 notification letter. If a political subdivision or State
7 agency passes a resolution, ordinance, or takes other official
8 action approved by its legislative or governing body or its
9 chief executive that indicates a good faith intention to seek
10 a remedy to the alleged violation, a prospective plaintiff
11 shall not commence an action against that political
12 subdivision or State agency for 60 days after the approval
13 date of the resolution, ordinance, or other official action.

14 (b) Notwithstanding subsection (a), a pre-litigation
15 notice letter is not required if:

16 (1) the prospect of obtaining relief would be futile;

17 (2) another party has already submitted a notification
18 letter alleging a substantially similar violation and that
19 party is eligible to bring a cause of action;

20 (3) the prospective plaintiff is seeking preliminary
21 injunctive relief;

22 (4) the prospective plaintiff is seeking preliminary
23 relief with respect to an upcoming election;

24 (5) the prospective plaintiff is seeking to intervene
25 in or join an existing action;

26 (6) following the prospective plaintiff's submission

1 of a notice letter, the political subdivision or State
2 agency enacted a remedy that would not remedy the
3 violation identified in the letter;

4 (7) the prospective plaintiff is challenging an action
5 taken by the political subdivision or State agency in the
6 past year; or

7 (8) the prospective plaintiff is facing other exigent
8 circumstances.

9 (10 ILCS 5/3B-30 new)

10 Sec. 3B-30. Civil actions.

11 (a) A civil action to cure a violation of this Article may
12 be brought by the Attorney General or any individual or entity
13 aggrieved by a violation of this Article in any State or
14 federal court of competent jurisdiction.

15 (b) An entity aggrieved by a violation of this Article
16 includes, but is not limited to, any entity: (i) whose
17 membership includes individuals aggrieved by a violation of
18 this Article; or (ii) whose mission would be frustrated by a
19 violation of this Article, including, but not limited to, an
20 entity who would expend or divert resources to fulfill its
21 mission as a result of the violation or who shall expend
22 greater resources or efforts to advocate before an elected
23 body that is less responsive to the entity or its members due
24 to the alleged violation. An entity shall not be compelled to
25 disclose the identity of any specific member to pursue a claim

1 on behalf of its members.

2 (c) This Article is intended to benefit and protect the
3 rights of individual voters and to provide a remedy for
4 infringing on the rights granted under this Section. This
5 Article shall be construed liberally to confer standing as
6 broadly as the Illinois Constitution permits.

7 (10 ILCS 5/3B-35 new)

8 Sec. 3B-35. Remedies.

9 (a) In any action brought under this Article, the court
10 has broad authority to order adequate remedies that are
11 tailored to address the violation. Unless otherwise prohibited
12 by law, adequate remedies include, but are not limited to, any
13 of the following:

14 (1) adding voting days or hours;

15 (2) adding polling places or absent voter ballot drop
16 boxes;

17 (3) ordering a special election;

18 (4) imposing nominal or compensatory damages;

19 (5) imposing punitive damages in the form of a civil
20 fine that shall be deposited into the Voter Outreach and
21 Education Fund;

22 (6) any other form of declaratory or injunctive relief
23 that, in the court's judgment, is tailored to address the
24 violation; or

25 (7) retaining jurisdiction for a period of time the

1 court considers appropriate.

2 (b) In any action brought under this Article, the court
3 may order a remedy only if the remedy will not impair the
4 ability of limited-English proficient voters to participate in
5 the political process and elect the limited-English proficient
6 voter's preferred candidates or otherwise influence the
7 outcome of elections.

8 (c) In any action brought under this Article, the court
9 shall consider remedies proposed by any parties and interested
10 non-parties and shall not provide deference or priority to a
11 proposed remedy offered by the defendant or the political
12 subdivision or State agency because the remedy has been
13 proposed by the defendant or the political subdivision or
14 State agency.

15 (d) In any action brought under this Article, the court
16 has the authority to order remedies that may be inconsistent
17 with other provisions of State or local law, when the
18 inconsistent provisions of law would otherwise preclude the
19 court from ordering an adequate remedy.

20 (10 ILCS 5/3B-40 new)

21 Sec. 3B-40. Attorney's fees.

22 (a) A prevailing party in any action brought under this
23 Article or under procedures under Section 3B-25 shall be
24 entitled to reasonable attorney's fees and costs, including
25 expert witness fees and other litigation expenses.

1 (b) For the purpose of this Section, the term "prevailing
2 party" includes:

3 (1) a plaintiff party who obtains some of their
4 requested relief through a judicial judgment in their
5 favor;

6 (2) a plaintiff party who obtains some of their
7 requested relief through any settlement agreement approved
8 by the court; or

9 (3) an individual or group whose pursuit of a
10 non-frivolous claim or notice of a claim following the
11 procedure under Section 3B-25 was a catalyst for a
12 unilateral change in position by the opposing party
13 relative to the relief sought. To the extent parties are
14 unable to come to mutual agreement, any party may file a
15 motion or action for clarification of rights.

16 (10 ILCS 5/3B-45 new)

17 Sec. 3B-45. Expedient litigation. Because of the frequency
18 of elections, the severe consequences and irreparable harm of
19 holding elections under unlawful conditions, and the
20 expenditure to defend potentially unlawful conditions that
21 benefit incumbent officials, actions brought under this
22 Article are subject to expedited pretrial and trial
23 proceedings and shall receive an automatic calendar
24 preference.

1 Section 10. The State Finance Act is amended by adding
2 Section 5.1038 as follows:

3 (30 ILCS 105/5.1038 new)

4 Sec. 5.1038. The Voter Outreach and Education Fund.

5 Section 99. Effective date. This Act takes effect July 1,
6 2026.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/Art. 3A heading

4 new

5 10 ILCS 5/3A-1 new

6 10 ILCS 5/3A-5 new

7 10 ILCS 5/3A-10 new

8 10 ILCS 5/3A-15 new

9 10 ILCS 5/3A-20 new

10 10 ILCS 5/3A-25 new

11 10 ILCS 5/3A-30 new

12 10 ILCS 5/3A-35 new

13 10 ILCS 5/3A-50 new

14 10 ILCS 5/3A-55 new

15 10 ILCS 5/3A-60 new

16 10 ILCS 5/3A-65 new

17 10 ILCS 5/3A-70 new

18 10 ILCS 5/3A-80 new

19 10 ILCS 5/Art. 3B heading

20 new

21 10 ILCS 5/3B-1 new

22 10 ILCS 5/3B-5 new

23 10 ILCS 5/3B-10 new

24 10 ILCS 5/3B-15 new

25 10 ILCS 5/3B-20 new

- 1 10 ILCS 5/3B-25 new
- 2 10 ILCS 5/3B-30 new
- 3 10 ILCS 5/3B-35 new
- 4 10 ILCS 5/3B-40 new
- 5 10 ILCS 5/3B-45 new
- 6 30 ILCS 105/5.1038 new