



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1452

Introduced 2/6/2015, by Rep. Lawrence M. Walsh, Jr.

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-14.1 new
10 ILCS 5/24C-11

Amends the Election Code. Provides that, if at least 5,000 voting-age citizens of a municipality are members of a single minority group and are limited-English proficient, and the 5,000 voting-age citizens constitute at least 5 percent of the voting-age citizens of that municipality, as determined by the United States Bureau of the Census by use of the most recent American Community Survey data available before the ballots for an election are certified by the State Board of Elections, then the election authority with jurisdiction of that municipality shall make a sufficient number of ballots in the language spoken by that single minority group available to voters of that municipality. Provides that, if a municipality lies within 2 or more counties and does not have a board of election commissioners that is coterminous with its borders, then each election authority shall provide the non-English ballots for the precincts in that municipality lying within the election authority's jurisdiction. Provides that the State Board of Elections shall adopt any rules necessary for the implementation of these provisions.

LRB099 05752 MGM 25796 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 Election Code is amended by changing Section
5 24C-11 and by adding Section 17-14.1 as follows:

6 (10 ILCS 5/17-14.1 new)

7 Sec. 17-14.1. Foreign language ballots. If at least 5,000
8 voting-age citizens of a municipality are members of a single
9 minority group and are limited-English proficient, and the
10 5,000 voting-age citizens constitute at least 5 percent of the
11 voting-age citizens of that municipality, as determined by the
12 United States Bureau of the Census by use of the most recent
13 American Community Survey data available before the ballots for
14 an election are certified by the State Board of Elections, then
15 the election authority with jurisdiction of that municipality
16 shall make a sufficient number of ballots in the language
17 spoken by that single minority group available to voters of
18 that municipality. If a municipality lies within 2 or more
19 counties and does not have a board of election commissioners
20 that is coterminous with its borders, then each election
21 authority shall provide the non-English ballots for the
22 precincts in that municipality lying within the election
23 authority's jurisdiction. The State Board of Elections shall

1 adopt any rules necessary for the implementation of this
2 Section.

3 (10 ILCS 5/24C-11)

4 (Text of Section before amendment by P.A. 98-1171)

5 Sec. 24C-11. Functional requirements. A Direct Recording
6 Electronic Voting System shall, in addition to satisfying the
7 other requirements of this Article, fulfill the following
8 functional requirements:

9 (a) Provide a voter in a primary election with the means of
10 casting a ballot containing votes for any and all candidates of
11 the party or parties of his or her choice, and for any and all
12 non-partisan candidates and public questions and preclude the
13 voter from voting for any candidate of any other political
14 party except when legally permitted. In a general election, the
15 system shall provide the voter with means of selecting the
16 appropriate number of candidates for any office, and of voting
17 on any public question on the ballot to which he or she is
18 entitled to vote.

19 (b) If a voter is not entitled to vote for particular
20 candidates or public questions appearing on the ballot, the
21 system shall prevent the selection of the prohibited votes.

22 (c) Once the proper ballot has been selected, the system
23 devices shall provide a means of enabling the recording of
24 votes and the casting of said ballot.

25 (d) System voting devices shall provide voting choices that

1 are clear to the voter and labels indicating the names of every
2 candidate and the text of every public question on the voter's
3 ballot. Each label shall identify the selection button or
4 switch, or the active area of the ballot associated with it.
5 The system shall be able to incorporate minimal, easy-to-follow
6 on-screen instruction for the voter on how to cast a ballot.

7 (e) Voting devices shall (i) enable the voter to vote for
8 any and all candidates and public questions appearing on the
9 ballot for which the voter is lawfully entitled to vote, in any
10 legal number and combination; (ii) detect and reject all votes
11 for an office or upon a public question when the voter has cast
12 more votes for the office or upon the public question than the
13 voter is entitled to cast; (iii) notify the voter if the
14 voter's choices as recorded on the ballot for an office or
15 public question are fewer than or exceed the number that the
16 voter is entitled to vote for on that office or public question
17 and the effect of casting more or fewer votes than legally
18 permitted; (iv) notify the voter if the voter has failed to
19 completely cast a vote for an office or public question
20 appearing on the ballot; and (v) permit the voter, in a private
21 and independent manner, to verify the votes selected by the
22 voter, to change the ballot or to correct any error on the
23 ballot before the ballot is completely cast and counted. A
24 means shall be provided to indicate each selection after it has
25 been made or canceled.

26 (f) System voting devices shall provide a means for the

1 voter to signify that the selection of candidates and public
2 questions has been completed. Upon activation, the system shall
3 record an image of the completed ballot, increment the proper
4 ballot position registers, and shall signify to the voter that
5 the ballot has been cast. The system shall then prevent any
6 further attempt to vote until it has been reset or re-enabled
7 by a judge of election.

8 (g) Each system voting device shall be equipped with a
9 public counter that can be set to zero prior to the opening of
10 the polling place, and that records the number of ballots cast
11 at a particular election. The counter shall be incremented only
12 by the casting of a ballot. The counter shall be designed to
13 prevent disabling or resetting by other than authorized persons
14 after the polls close. The counter shall be visible to all
15 judges of election so long as the device is installed at the
16 polling place.

17 (h) Each system voting device shall be equipped with a
18 protective counter that records all of the testing and election
19 ballots cast since the unit was built. This counter shall be
20 designed so that its reading cannot be changed by any cause
21 other than the casting of a ballot. The protective counter
22 shall be incapable of ever being reset and it shall be visible
23 at all times when the device is configured for testing,
24 maintenance, or election use.

25 (i) All system devices shall provide a means of preventing
26 further voting once the polling place has closed and after all

1 eligible voters have voted. Such means of control shall
2 incorporate a visible indication of system status. Each device
3 shall prevent any unauthorized use, prevent tampering with
4 ballot labels and preclude its re-opening once the poll closing
5 has been completed for that election.

6 (j) The system shall produce a printed summary report of
7 the votes cast upon each voting device. Until the proper
8 sequence of events associated with closing the polling place
9 has been completed, the system shall not allow the printing of
10 a report or the extraction of data. The printed report shall
11 also contain all system audit information to be required by the
12 election authority. Data shall not be altered or otherwise
13 destroyed by report generation and the system shall ensure the
14 integrity and security of data for a period of at least 6
15 months after the polls close.

16 (k) If more than one voting device is used in a polling
17 place, the system shall provide a means to manually or
18 electronically consolidate the data from all such units into a
19 single report even if different voting systems are used to
20 record absentee ballots. The system shall also be capable of
21 merging the vote tabulation results produced by other vote
22 tabulation systems, if necessary.

23 (l) System functions shall be implemented such that
24 unauthorized access to them is prevented and the execution of
25 authorized functions in an improper sequence is precluded.
26 System functions shall be executable only in the intended

1 manner and order, and only under the intended conditions. If
2 the preconditions to a system function have not been met, the
3 function shall be precluded from executing by the system's
4 control logic.

5 (m) All system voting devices shall incorporate at least 3
6 memories in the machine itself and in its programmable memory
7 devices.

8 (n) The system shall include capabilities of recording and
9 reporting the date and time of normal and abnormal events and
10 of maintaining a permanent record of audit information that
11 cannot be turned off. Provisions shall be made to detect and
12 record significant events (e.g., casting a ballot, error
13 conditions that cannot be disposed of by the system itself,
14 time-dependent or programmed events that occur without the
15 intervention of the voter or a judge of election).

16 (o) The system and each system voting device must be
17 capable of creating, printing and maintaining a permanent paper
18 record and an electronic image of each ballot that is cast such
19 that records of individual ballots are maintained by a
20 subsystem independent and distinct from the main vote
21 detection, interpretation, processing and reporting path. The
22 electronic images of each ballot must protect the integrity of
23 the data and the anonymity of each voter, for example, by means
24 of storage location scrambling. The ballot image records may be
25 either machine-readable or manually transcribed, or both, at
26 the discretion of the election authority.

1 (p) The system shall include built-in test, measurement and
2 diagnostic software and hardware for detecting and reporting
3 the system's status and degree of operability.

4 (q) The system shall contain provisions for maintaining the
5 integrity of memory voting and audit data during an election
6 and for a period of at least 6 months thereafter and shall
7 provide the means for creating an audit trail.

8 (r) The system shall be fully accessible so as to permit
9 blind or visually impaired voters as well as physically
10 disabled voters to exercise their right to vote in private and
11 without assistance.

12 (s) The system shall provide alternative language
13 accessibility if required pursuant to Section 203 of the Voting
14 Rights Act of 1965 and Section 17-14.1 of this Code.

15 (t) Each voting device shall enable a voter to vote for a
16 person whose name does not appear on the ballot.

17 (u) The system shall record and count accurately each vote
18 properly cast for or against any candidate and for or against
19 any public question, including the names of all candidates
20 whose names are written in by the voters.

21 (v) The system shall allow for accepting provisional
22 ballots and for separating such provisional ballots from
23 precinct totals until authorized by the election authority.

24 (w) The system shall provide an effective audit trail as
25 defined in Section 24C-2 in this Code.

26 (x) The system shall be suitably designed for the purpose

1 used, be durably constructed, and be designed for safety,
2 accuracy and efficiency.

3 (y) The system shall comply with all provisions of federal,
4 State and local election laws and regulations and any future
5 modifications to those laws and regulations.

6 (Source: P.A. 95-699, eff. 11-9-07.)

7 (Text of Section after amendment by P.A. 98-1171)

8 Sec. 24C-11. Functional requirements. A Direct Recording
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19 appropriate number of candidates for any office, and of voting
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21 entitled to vote.

22 (b) If a voter is not entitled to vote for particular
23 candidates or public questions appearing on the ballot, the
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25 (c) Once the proper ballot has been selected, the system

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9 (Source: P.A. 98-1171, eff. 6-1-15.)