



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

- 10 ILCS 5/Art. 17A heading new
- 10 ILCS 5/17A-5 new
- 10 ILCS 5/17A-10 new
- 10 ILCS 5/17A-15 new
- 10 ILCS 5/17A-20 new
- 10 ILCS 5/17A-25 new
- 10 ILCS 5/Art. 24D heading new
- 10 ILCS 5/24D-5 new
- 10 ILCS 5/24D-10 new
- 10 ILCS 5/24D-15 new
- 10 ILCS 5/24D-20 new
- 10 ILCS 5/24D-25 new
- 10 ILCS 5/17-13 rep.

Amends the Election Code. Requires the State Board of Elections by July 1, 2005 to set standards for polling place and voting accessibility for disabled and elderly citizens with which local election authorities must comply. Specifies minimum standards. Requires local election authorities to survey polling places and report by January 1, 2006 to the State Board of Elections. Permits a local election authority to provide a curbside voting service where there is no accessible alternative to the polling place. Requires local election authorities to train precinct judges in accessibility and designate one judge per precinct as accessibility coordinator. Requires the State Board of Elections to set accessibility standards for voting equipment and systems, and requires local election authorities to meet those standards when purchasing, upgrading, or replacing equipment and systems. Effective immediately.

LRB093 18352 JAM 44059 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 adding the
5 heading of Article 17A and Sections 17A-5, 17A-10, 17A-15,
6 17A-20, and 17A-25 and the heading of Article 24D and Sections
7 24D-5, 24D-10, 24D-15, 24D-20, and 24D-25 as follows:

8 (10 ILCS 5/Art. 17A heading new)

9 ARTICLE 17A. ACCESSIBILITY OF ELECTORAL PROCESS FOR VOTERS WITH
10 DISABILITIES

11 (10 ILCS 5/17A-5 new)

12 Sec. 17A-5. Definitions. As used in this Article:

13 "Access" means all of the following:

14 (1) Each polling place shall provide an accessible,
15 barrier-free path of travel from the parking area to the
16 polling area and voting machine.

17 (2) The voter can retrieve all of the information
18 contained in the ballot.

19 (3) The voter can retrieve any instructional
20 information necessary for the effective casting of the
21 ballot.

22 (4) The voter can make and verify all selections
23 contained in the ballot, including write-in selections.

24 (5) The voter can move freely through all the
25 information contained in paragraph (2), (3), and (4),
26 including, but not limited to, moving both forward and
27 backward through all items, skipping items, determining
28 the spelling of words, and controlling the speed of
29 synthesized speech.

30 "Modify" means the voter can access and control voting
31 systems and technology with devices in general use by voters

1 with disabilities, including, but not limited to, standard key
2 pads, breath-activated or eye-activated control, and the use of
3 magnified print.

4 "Nonvisual" means synthesized speech, Braille, or other
5 methods of information retrieval not requiring sight.

6 "Curbside voting" means a systematized procedure to enable
7 a voter with a disability, who is unable to enter his or her
8 designated polling place, to vote in his or her vehicle or
9 outside of the polling place on election day.

10 (10 ILCS 5/17A-10 new)

11 Sec. 17A-10. Accessible polling places.

12 (a) The State Board of Elections shall establish consistent
13 architectural standards for polling places in Illinois and all
14 of its political subdivisions that shall ensure that voters in
15 Illinois, including voters with disabilities, have full access
16 to their polling places. Any standards established by the State
17 Board of Elections shall be in addition to those standards set
18 forth in subsection (c).

19 (b) In setting standards for and requiring access to
20 polling places pursuant to subsections (a) and (c), the State
21 Board of Elections shall obtain recommendations from
22 representatives of organizations of and representing people
23 with disabilities (including but not limited to
24 representatives of consumers with visual impairments and
25 representatives of the deaf and hard-of-hearing community),
26 experts in accessible architecture and barrier-free design,
27 and any other individual or organization the State Board of
28 Elections determines to be appropriate.

29 (c) Notwithstanding any standards established by the State
30 Board of Elections, the minimum standards by which a facility
31 shall be considered an "accessible facility" for elderly voters
32 and voters with disabilities are as follows:

33 (1) The facility meets the standards for accessibility
34 for elderly voters and voters with disabilities
35 established under the Voting Accessibility for the Elderly

1 and Handicapped Act, 42 U.S.C. Section 1973ee-1(b) (1984)
2 ("VAEHA"), and the Americans With Disabilities Act, 42
3 U.S.C. Section 12101 et seq. (1998) ("ADA"), and complies
4 with the Illinois Accessibility Code, 71 Ill. Admin. Code
5 400.110 et seq. ("IAC"), and the implementing code for the
6 Illinois Environmental Barriers Act, 410 ILCS 25/.

7 (2) All the following are accessible to elderly voters
8 and voters with disabilities in a manner that provides the
9 same opportunity for access and participation (including
10 privacy and independence) as for other voters under the
11 standards for new construction set forth in the Americans
12 with Disabilities Act Accessibility Guidelines for
13 Buildings and Facilities (ADAAG):

14 (i) Parking spaces marked and available to conform
15 with 42 U.S.C. Sec. 1973ee except where no parking is
16 offered for any voters;

17 (ii) The path to the facility that an individual
18 must travel on the property where the facility is
19 located;

20 (iii) The entrances of the facility to be used by
21 voters including thresholds and entrance width. The
22 doors to the facilities must also meet the standards
23 set forth in IAC Section 400.310 J as to width, door
24 hardware, maneuvering clearance, and force or have an
25 accessible alternative; if the accessible entrance to
26 the polling place is not the main voter entrance, there
27 must be signage directing the voter to the accessible
28 entrance or a means of requesting assistance from an
29 election official with an escort to the accessible
30 entrance;

31 (iv) The paths of travel within the facility to the
32 rooms or areas where the voting systems are located;
33 and

34 (v) The rooms or areas in the facility where the
35 voting systems are located; and

36 (vi) Restrooms, except that they must be

1 accessible only if provided to all voters.

2 (3) Any materials provided to voters must be provided
3 in an alternative format or have an accessible alternative.

4 (4) Audiovisual and television monitors shall not be
5 required at any polling place. However, if such materials
6 are provided, they must be provided in an accessible
7 format, including audio as well as caption.

8 (d) The State Board of Elections shall permit, in order to
9 meet the standards of subsections (c)(1) and (c)(2), the
10 implementation of temporary measures such as portable ramps,
11 door hardware changes, accessible alternatives to door
12 hardware, or using only accessible areas within a facility.

13 (10 ILCS 5/17A-15 new)

14 Sec. 17A-15. Curbside voting.

15 (a) In the case of an emergency, as determined by the State
16 Board of Elections, or if the local election authority
17 determines that all potential polling places have been surveyed
18 by the election authority and that no accessible polling place,
19 as defined by rule of the State Board of Elections, is
20 available within a precinct and the local election authority is
21 not able to make a polling place within the precinct
22 temporarily accessible, the State Board of Elections, upon
23 written application by the local election authority, is
24 authorized to grant an exemption for that precinct from the
25 accessibility requirements of this Article and the VAEHA
26 through the use of curbside voting.

27 (b) Curbside voting shall only be used as an interim means
28 of compliance when no other alternative is available.

29 (c) In order for curbside voting to be permitted, the
30 following requirements must be met:

31 (1) The local election authority must determine that no
32 other alternative is possible for that precinct under the
33 survey provisions of subsection (d) of Section 17A-20.

34 (2) On election day, signage must be prominently
35 displayed outside of the main entrance of the polling place

1 (at the address as given by the local election authority)
2 that indicates how curbside service will be provided.

3 (3) Each polling location using curbside voting must
4 have either (i) an election official stationed outside to
5 assist individuals or (ii) a means by which voters with
6 disabilities can alert an election official inside that
7 they wish to participate in curbside service.

8 (d) Prior to each subsequent election, local election
9 authorities shall evaluate each exempted site where curbside
10 voting was offered for alternative locations or ways to make
11 the site permanently accessible.

12 (10 ILCS 5/17A-20 new)

13 Sec. 17A-20. Survey of polling places for accessibility.

14 (a) Pursuant to the standards set forth in Section 17A-10,
15 local election authorities shall evaluate for accessibility
16 all polling places in their jurisdiction prior to January 1,
17 2006.

18 (b) The State Board of Elections shall provide local
19 election authorities with a uniform set of standards for
20 evaluation of polling places prior to July 1, 2005. Prior to
21 providing these standards, the State Board of Elections shall
22 solicit the input of those organizations set forth in
23 subsection (b) of Section 17A-10. The State Board of Elections
24 may also, at its discretion, provide additional tools such as
25 survey forms, training for individuals to conduct surveys,
26 software, or such other materials as it shall determine.

27 (c) The local election authority shall then file a report
28 in a form designated by the State Board of Elections prior to
29 January 1, 2006.

30 (d) Not later than 60 days before each election day in 2007
31 and thereafter, local election authorities shall have
32 completed a survey of their polling places and determined which
33 sites may be made accessible through temporary means (such as
34 using only the accessible portion of the facility on election
35 day or portable ramps).

1 (e) Not later than 30 days before each election day in 2007
2 and thereafter, local election authority shall file a report
3 with the State Board of Elections listing each precinct in the
4 jurisdiction that has been made temporarily accessible and
5 those locations for which the local election authority was
6 unable to secure an accessible facility for election day. The
7 report shall specify how curbside service will be provided at
8 each of these locations. The report must include any other
9 information required by the State Board of Elections. For
10 subsequent elections if no polling locations within a given
11 election jurisdiction have changed and nothing has been done
12 that has lessened accessibility, the local election authority
13 shall not be required to file an additional report.

14 (f) Not later than 10 days before each election day in 2007
15 and thereafter, the local election authority shall give notice
16 of the place of voting in each precinct by publication,
17 specifying which polling locations are located in inaccessible
18 facilities and how curbside service will be provided.

19 (g) The State Board of Elections shall annually provide
20 programs and funding recommendations to assist local election
21 authorities in making their polling places accessible to all
22 voters, including voters with disabilities.

23 (10 ILCS 5/17A-25 new)

24 Sec. 17A-25. Training.

25 (a) Local election authorities shall conduct a training and
26 educational meeting for precinct election judges.

27 (b) The State Board of Elections shall provide local
28 election authorities with a uniform set of standards for
29 training prior to January 1, 2005. Prior to providing these
30 training materials, the State Board of Elections shall solicit
31 the input of those organizations set forth in subsection (b) of
32 Section 17A-10.

33 (c) Election Judges in each local election jurisdiction
34 shall be required to attend the meeting and the election
35 authority may require other election personnel to attend the

1 meeting.

2 (d) One judge for each polling place shall be designated as
3 the "accessibility coordinator" and shall have primary
4 responsibility for ensuring compliance with the standards set
5 pursuant to this Article.

6 (e) The meeting required under subsection (c) must include
7 information related to making polling places and voting systems
8 accessible to elderly voters and voters with disabilities. The
9 meeting shall also focus on helping judges individualize
10 service for voters with disabilities. The meeting may include
11 other information relating to the duties of election judges as
12 determined by the local election authority.

13 (f) The meeting required by subsection (c) must be held not
14 later than the day before the first election day of 2007.

15 (10 ILCS 5/Art. 24D heading new)

16 ARTICLE 24D. ACCESSIBLE VOTING TECHNOLOGY

17 (10 ILCS 5/24D-5 new)

18 Sec. 24D-5. Purpose. The purpose of this Article is to
19 ensure that all voters within the State of Illinois, including
20 those with visual, mobility, or other impairments, are able to
21 participate fully in the electoral process with the same
22 opportunity for privacy and independence as for other voters.

23 (10 ILCS 5/24D-10 new)

24 Sec. 24D-10. Voting equipment. Notwithstanding any other
25 provision of this Code, after December 31, 2005, the State
26 Board of Elections shall require (by certification or
27 otherwise) that the voting technology and systems used by the
28 State or any political subdivision must include at least one
29 voting system in each polling place that is accessible for
30 individuals with disabilities, including:

31 (1) accessibility for persons with limited or no manual
32 dexterity; and

33 (2) at least one form of nonvisual accessibility for

1 the blind and visually impaired in a manner that provides
2 the same opportunity for access and participation
3 (including privacy and independence) as for other voters,
4 including the ability for the voter to cast and verify all
5 sections, made by both visual and nonvisual means. An
6 optical scan marking method shall not be considered
7 sufficient to satisfy this requirement of an accessible
8 machine.

9 (10 ILCS 5/24D-15 new)

10 Sec. 24D-15. Federal standards. A voting system must meet
11 the Voting System Standards approved by the Federal Election
12 Commission on April 30, 2002. The State Board of Elections may
13 adopt rules to require a voting system to meet standards more
14 recent than standards described in this Section. If the State
15 Board of Elections adopts rules under this Section, a voting
16 system must meet those standards.

17 (10 ILCS 5/24D-20 new)

18 Sec. 24D-20. Recommendations. In requiring modified and
19 nonvisual access pursuant to Section 24D-10, the State Board of
20 Elections shall obtain recommendations from representatives of
21 blind and disabled consumer organizations, experts in
22 accessible software and hardware design, and any other
23 individual or organization the State Board of Elections
24 determines to be appropriate.

25 (10 ILCS 5/24D-25 new)

26 Sec. 24D-25. Existing equipment and systems. Compliance
27 with this Article in regard to voting technology and systems
28 purchased prior to the effective date of this amendatory Act of
29 the 93rd General Assembly shall be achieved at the time of
30 procurement of an upgrade or replacement of the existing
31 equipment or systems.

32 (10 ILCS 5/17-13 rep.)

1 Section 10. The Election Code is amended by repealing
2 Section 17-13.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.