



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4687

by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-11	from Ch. 46, par. 17-11
10 ILCS 5/17-43	
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/18-40	
10 ILCS 5/19A-35	
10 ILCS 5/24-1	from Ch. 46, par. 24-1
10 ILCS 5/24A-16	from Ch. 46, par. 24A-16
10 ILCS 5/24B-16	
10 ILCS 5/24B-20	

Amends the Election Code. Removes the requirements that a voter be informed that his or her ballot was undervoted for statewide constitutional officers; that a non-early voter be informed that his or her ballot was accepted or rejected; and that the voter be permitted to vote another ballot if his or her ballot was rejected or undervoted. Effective immediately.

LRB096 15953 JAM 31197 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
5 Sections 17-11, 17-43, 18-5, 18-40, 19A-35, 24-1, 24A-16,
6 24B-16, and 24B-20 as follows:

7 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

8 Sec. 17-11. On receipt of his ballot the voter shall
9 forthwith, and without leaving the inclosed space, retire
10 alone, or accompanied by children as provided in Section 17-8,
11 to one of the voting booths so provided and shall prepare his
12 ballot by making in the appropriate margin or place a cross (X)
13 opposite the name of the candidate of his choice for each
14 office to be filled, or by writing in the name of the candidate
15 of his choice in a blank space on said ticket, making a cross
16 (X) opposite thereto; and in case of a question submitted to
17 the vote of the people, by making in the appropriate margin or
18 place a cross (X) against the answer he desires to give. A
19 cross (X) in the square in front of the bracket enclosing the
20 names of a team of candidates for Governor and Lieutenant
21 Governor counts as one vote for each of such candidates. Before
22 leaving the voting booth the voter shall fold his ballot in
23 such manner as to conceal the marks thereon. He shall then vote

1 forthwith in the manner herein provided, except that the number
2 corresponding to the number of the voter on the poll books
3 shall not be indorsed on the back of his ballot. He shall mark
4 and deliver his ballot without undue delay, and shall quit said
5 inclosed space as soon as he has voted; ~~except that immediately~~
6 ~~after voting, the voter shall be instructed whether the voting~~
7 ~~equipment, if used, accepted or rejected the ballot or~~
8 ~~identified the ballot as under voted for a statewide~~
9 ~~constitutional office. A voter whose ballot is identified as~~
10 ~~under voted may return to the voting booth and complete the~~
11 ~~voting of that ballot. A voter whose ballot is not accepted by~~
12 ~~the voting equipment may, upon surrendering the ballot, request~~
13 ~~and vote another ballot. The voter's surrendered ballot shall~~
14 ~~be initialed by the election judge and handled as provided in~~
15 ~~the appropriate Article governing that voting equipment.~~

16 No voter shall be allowed to occupy a voting booth already
17 occupied by another, nor remain within said inclosed space more
18 than ten minutes, nor to occupy a voting booth more than five
19 minutes in case all of said voting booths are in use and other
20 voters waiting to occupy the same. No voter not an election
21 officer, shall, after having voted, be allowed to re-enter said
22 inclosed space during said election. No person shall take or
23 remove any ballot from the polling place before the close of
24 the poll. No voter shall vote or offer to vote any ballot
25 except such as he has received from the judges of election in
26 charge of the ballots. Any voter who shall, by accident or

1 mistake, spoil his ballot, may, on returning said spoiled
2 ballot, receive another in place thereof only after the word
3 "spoiled" has been written in ink diagonally across the entire
4 face of the ballot returned by the voter.

5 Where voting machines or electronic voting systems are
6 used, the provisions of this section may be modified as
7 required or authorized by Article 24, 24A, 24B, or 24C,
8 whichever is applicable, except that the requirements of this
9 Section that (i) the voter must be notified of the voting
10 equipment's acceptance or rejection of the voter's ballot or
11 identification of an under-vote for a statewide constitutional
12 office and (ii) the voter shall have the opportunity to correct
13 an under-vote or surrender the ballot that was not accepted and
14 vote another ballot shall not be modified.

15 (Source: P.A. 94-288, eff. 1-1-06; 95-699, eff. 11-9-07.)

16 (10 ILCS 5/17-43)

17 Sec. 17-43. Voting.

18 ~~(a)~~ If the election authority has adopted the use of
19 Precinct Tabulation Optical Scan Technology voting equipment
20 pursuant to Article 24B of this Code, and the provisions of the
21 Article are in conflict with the provisions of this Article 17,
22 the provisions of Article 24B shall govern the procedures
23 followed by the election authority, its judges of elections,
24 and all employees and agents. In following the provisions of
25 Article 24B, the election authority is authorized to develop

1 and implement procedures to fully utilize Precinct Tabulation
2 Optical Scan Technology voting equipment authorized by the
3 State Board of Elections as long as the procedure is not in
4 conflict with either Article 24B or the administrative rules of
5 the State Board of Elections.

6 ~~(b) Notwithstanding subsection (a), when voting equipment~~
7 ~~governed by any Article of this Code is used, the requirements~~
8 ~~of Section 7-11 that (i) the voter must be notified of the~~
9 ~~voting equipment's acceptance or rejection of the ballot or~~
10 ~~identification of an under vote for a statewide constitutional~~
11 ~~office and (ii) the voter shall have the opportunity to correct~~
12 ~~an under vote for a statewide constitutional office or~~
13 ~~surrender the ballot that was not accepted and vote another~~
14 ~~ballot shall not be modified.~~

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

16 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

17 Sec. 18-5. Any person desiring to vote and whose name is
18 found upon the register of voters by the person having charge
19 thereof, shall then be questioned by one of the judges as to
20 his nativity, his term of residence at present address,
21 precinct, State and United States, his age, whether naturalized
22 and if so the date of naturalization papers and court from
23 which secured, and he shall be asked to state his residence
24 when last previously registered and the date of the election
25 for which he then registered. The judges of elections shall

1 check each application for ballot against the list of voters
2 registered in that precinct to whom grace period, absentee, and
3 early ballots have been issued for that election, which shall
4 be provided by the election authority and which list shall be
5 available for inspection by pollwatchers. A voter applying to
6 vote in the precinct on election day whose name appears on the
7 list as having been issued a grace period, absentee, or early
8 ballot shall not be permitted to vote in the precinct, except
9 that a voter to whom an absentee ballot was issued may vote in
10 the precinct if the voter submits to the election judges that
11 absentee ballot for cancellation. If the voter is unable to
12 submit the absentee ballot, it shall be sufficient for the
13 voter to submit to the election judges (i) a portion of the
14 absentee ballot if the absentee ballot was torn or mutilated or
15 (ii) an affidavit executed before the election judges
16 specifying that (A) the voter never received an absentee ballot
17 or (B) the voter completed and returned an absentee ballot and
18 was informed that the election authority did not receive that
19 absentee ballot. If such person so registered shall be
20 challenged as disqualified, the party challenging shall assign
21 his reasons therefor, and thereupon one of the judges shall
22 administer to him an oath to answer questions, and if he shall
23 take the oath he shall then be questioned by the judge or
24 judges touching such cause of challenge, and touching any other
25 cause of disqualification. And he may also be questioned by the
26 person challenging him in regard to his qualifications and

1 identity. But if a majority of the judges are of the opinion
2 that he is the person so registered and a qualified voter, his
3 vote shall then be received accordingly. But if his vote be
4 rejected by such judges, such person may afterward produce and
5 deliver an affidavit to such judges, subscribed and sworn to by
6 him before one of the judges, in which it shall be stated how
7 long he has resided in such precinct, and state; that he is a
8 citizen of the United States, and is a duly qualified voter in
9 such precinct, and that he is the identical person so
10 registered. In addition to such an affidavit, the person so
11 challenged shall provide to the judges of election proof of
12 residence by producing 2 forms of identification showing the
13 person's current residence address, provided that such
14 identification may include a lease or contract for a residence
15 and not more than one piece of mail addressed to the person at
16 his current residence address and postmarked not earlier than
17 30 days prior to the date of the election, or the person shall
18 procure a witness personally known to the judges of election,
19 and resident in the precinct (or district), or who shall be
20 proved by some legal voter of such precinct or district, known
21 to the judges to be such, who shall take the oath following,
22 viz:

23 I do solemnly swear (or affirm) that I am a resident of
24 this election precinct (or district), and entitled to vote at
25 this election, and that I have been a resident of this State
26 for 30 days last past, and am well acquainted with the person

1 whose vote is now offered; that he is an actual and bona fide
2 resident of this election precinct (or district), and has
3 resided herein 30 days, and as I verily believe, in this State,
4 30 days next preceding this election.

5 The oath in each case may be administered by one of the
6 judges of election, or by any officer, resident in the precinct
7 or district, authorized by law to administer oaths. Also
8 supported by an affidavit by a registered voter residing in
9 such precinct, stating his own residence, and that he knows
10 such person; and that he does reside at the place mentioned and
11 has resided in such precinct and state for the length of time
12 as stated by such person, which shall be subscribed and sworn
13 to in the same way. For purposes of this Section, the
14 submission of a photo identification issued by a college or
15 university, accompanied by either (i) a copy of the applicant's
16 contract or lease for a residence or (ii) one piece of mail
17 addressed to the person at his or her current residence address
18 and postmarked not earlier than 30 days prior to the date of
19 the election, shall be sufficient to establish proof of
20 residence. Whereupon the vote of such person shall be received,
21 and entered as other votes. But such judges, having charge of
22 such registers, shall state in their respective books the facts
23 in such case, and the affidavits, so delivered to the judges,
24 shall be preserved and returned to the office of the
25 commissioners of election. Blank affidavits of the character
26 aforesaid shall be sent out to the judges of all the precincts,

1 and the judges of election shall furnish the same on demand and
2 administer the oaths without criticism. Such oaths, if
3 administered by any other officer than such judge of election,
4 shall not be received. Whenever a proposal for a constitutional
5 amendment or for the calling of a constitutional convention is
6 to be voted upon at the election, the separate blue ballot or
7 ballots pertaining thereto shall be placed on top of the other
8 ballots to be voted at the election in such manner that the
9 legend appearing on the back thereof, as prescribed in Section
10 16-6 of this Act, shall be plainly visible to the voter, and in
11 this fashion the ballots shall be handed to the voter by the
12 judge.

13 ~~Immediately after voting, the voter shall be instructed~~
14 ~~whether the voting equipment, if used, accepted or rejected the~~
15 ~~ballot or identified the ballot as under voted. A voter whose~~
16 ~~ballot is identified as under voted for a statewide~~
17 ~~constitutional office may return to the voting booth and~~
18 ~~complete the voting of that ballot. A voter whose ballot is not~~
19 ~~accepted by the voting equipment may, upon surrendering the~~
20 ~~ballot, request and vote another ballot. The voter's~~
21 ~~surrendered ballot shall be initialed by the election judge and~~
22 ~~handled as provided in the appropriate Article governing that~~
23 ~~voting equipment.~~

24 The voter shall, upon quitting the voting booth, deliver to
25 one of the judges of election all of the ballots, properly
26 folded, which he received. The judge of election to whom the

1 voter delivers his ballots shall not accept the same unless all
2 of the ballots given to the voter are returned by him. If a
3 voter delivers less than all of the ballots given to him, the
4 judge to whom the same are offered shall advise him in a voice
5 clearly audible to the other judges of election that the voter
6 must return the remainder of the ballots. The statement of the
7 judge to the voter shall clearly express the fact that the
8 voter is not required to vote such remaining ballots but that
9 whether or not he votes them he must fold and deliver them to
10 the judge. In making such statement the judge of election shall
11 not indicate by word, gesture or intonation of voice that the
12 unreturned ballots shall be voted in any particular manner. No
13 new voter shall be permitted to enter the voting booth of a
14 voter who has failed to deliver the total number of ballots
15 received by him until such voter has returned to the voting
16 booth pursuant to the judge's request and again quit the booth
17 with all of the ballots required to be returned by him. Upon
18 receipt of all such ballots the judges of election shall enter
19 the name of the voter, and his number, as above provided in
20 this Section, and the judge to whom the ballots are delivered
21 shall immediately put the ballots into the ballot box. If any
22 voter who has failed to deliver all the ballots received by him
23 refuses to return to the voting booth after being advised by
24 the judge of election as herein provided, the judge shall
25 inform the other judges of such refusal, and thereupon the
26 ballot or ballots returned to the judge shall be deposited in

1 the ballot box, the voter shall be permitted to depart from the
2 polling place, and a new voter shall be permitted to enter the
3 voting booth.

4 The judge of election who receives the ballot or ballots
5 from the voter shall announce the residence and name of such
6 voter in a loud voice. The judge shall put the ballot or
7 ballots received from the voter into the ballot box in the
8 presence of the voter and the judges of election, and in plain
9 view of the public. The judges having charge of such registers
10 shall then, in a column prepared thereon, in the same line of,
11 the name of the voter, mark "Voted" or the letter "V".

12 No judge of election shall accept from any voter less than
13 the full number of ballots received by such voter without first
14 advising the voter in the manner above provided of the
15 necessity of returning all of the ballots, nor shall any such
16 judge advise such voter in a manner contrary to that which is
17 herein permitted, or in any other manner violate the provisions
18 of this Section; provided, that the acceptance by a judge of
19 election of less than the full number of ballots delivered to a
20 voter who refuses to return to the voting booth after being
21 properly advised by such judge shall not be a violation of this
22 Section.

23 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

24 (10 ILCS 5/18-40)

25 Sec. 18-40. Voting equipment.

1 ~~(a)~~ If the election authority has adopted the use of
2 Precinct Tabulation Optical Scan Technology voting equipment
3 pursuant to Article 24B of this Code, and the provisions of the
4 Article are in conflict with the provisions of this Article 18,
5 the provisions of Article 24B shall govern the procedures
6 followed by the election authority, its judges of elections,
7 and all employees and agents. In following the provisions of
8 Article 24B, the election authority is authorized to develop
9 and implement procedures to fully utilize Precinct Tabulation
10 Optical Scan Technology voting equipment authorized by the
11 State Board of Elections as long as the procedure is not in
12 conflict with either Article 24B or the administrative rules of
13 the State Board of Elections.

14 ~~(b) Notwithstanding subsection (a), when voting equipment~~
15 ~~governed by any Article of this Code is used, the requirements~~
16 ~~of Section 18-5 that (i) the voter must be notified of the~~
17 ~~voting equipment's acceptance or rejection of the ballot or~~
18 ~~identification of an under vote for a statewide constitutional~~
19 ~~office and (ii) the voter shall have the opportunity to correct~~
20 ~~an under vote for a statewide constitutional office or~~
21 ~~surrender the ballot that was not accepted and vote another~~
22 ~~ballot shall not be modified.~~

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

24 (10 ILCS 5/19A-35)

25 Sec. 19A-35. Procedure for voting.

1 (a) Not more than 23 days before the start of the election,
2 the county clerk shall make available to the election official
3 conducting early voting by personal appearance a sufficient
4 number of early ballots, envelopes, and printed voting
5 instruction slips for the use of early voters. The election
6 official shall receipt for all ballots received and shall
7 return unused or spoiled ballots at the close of the early
8 voting period to the county clerk and must strictly account for
9 all ballots received. The ballots delivered to the election
10 official must include early ballots for each precinct in the
11 election authority's jurisdiction and must include separate
12 ballots for each political subdivision conducting an election
13 of officers or a referendum at that election.

14 (b) In conducting early voting under this Article, the
15 election judge or official is required to verify the signature
16 of the early voter by comparison with the signature on the
17 official registration card, and the judge or official must
18 verify (i) the identity of the applicant, (ii) that the
19 applicant is a registered voter, (iii) the precinct in which
20 the applicant is registered, and (iv) the proper ballots of the
21 political subdivision in which the applicant resides and is
22 entitled to vote before providing an early ballot to the
23 applicant. The applicant's identity must be verified by the
24 applicant's presentation of an Illinois driver's license, a
25 non-driver identification card issued by the Illinois
26 Secretary of State, a photo identification card issued by a

1 university or college, or another government-issued
2 identification document containing the applicant's photograph.
3 The election judge or official must verify the applicant's
4 registration from the most recent poll list provided by the
5 election authority, and if the applicant is not listed on that
6 poll list, by telephoning the office of the election authority.

7 (b-5) A person requesting an early voting ballot to whom an
8 absentee ballot was issued may vote early if the person submits
9 that absentee ballot to the judges of election or official
10 conducting early voting for cancellation. If the voter is
11 unable to submit the absentee ballot, it shall be sufficient
12 for the voter to submit to the judges or official (i) a portion
13 of the absentee ballot if the absentee ballot was torn or
14 mutilated or (ii) an affidavit executed before the judges or
15 official specifying that (A) the voter never received an
16 absentee ballot or (B) the voter completed and returned an
17 absentee ballot and was informed that the election authority
18 did not receive that absentee ballot.

19 (b-10) Within one day after a voter casts an early voting
20 ballot, the election authority shall transmit the voter's name,
21 street address, and precinct, ward, township, and district
22 numbers, as the case may be, to the State Board of Elections,
23 which shall maintain those names and that information in an
24 electronic format on its website, arranged by county and
25 accessible to State and local political committees.

26 (b-15) Immediately after voting an early ballot, the voter

1 shall be instructed whether the voting equipment accepted or
2 rejected the ballot ~~or identified that ballot as under voted~~
3 ~~for a statewide constitutional office. A voter whose ballot is~~
4 ~~identified as under voted may return to the voting booth and~~
5 ~~complete the voting of that ballot. A voter whose early voting~~
6 ~~ballot is not accepted by the voting equipment may, upon~~
7 ~~surrendering the ballot, request and vote another early voting~~
8 ~~ballot.~~ The voter's surrendered ballot shall be initialed by
9 the election judge or official conducting the early voting and
10 handled as provided in the appropriate Article governing the
11 voting equipment used.

12 (c) The sealed early ballots in their carrier envelope
13 shall be delivered by the election authority to the central
14 ballot counting location before the close of the polls on the
15 day of the election.

16 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

17 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

18 Sec. 24-1. The election authority in all jurisdictions when
19 voting machines are used shall, except as otherwise provided in
20 this Code, provide a voting machine or voting machines for any
21 or all of the election precincts or election districts, as the
22 case may be, for which the election authority is by law charged
23 with the duty of conducting an election or elections. A voting
24 machine or machines sufficient in number to provide a machine
25 for each 400 voters or fraction thereof shall be supplied for

1 use at all elections. However, no such voting machine shall be
2 used, purchased, or adopted, and no person or entity may have a
3 written contract, including a contract contingent upon
4 certification of the voting machines, to sell, lease, or loan
5 voting machines to an election authority, until the board of
6 voting machine commissioners hereinafter provided for, or a
7 majority thereof, shall have made and filed a report certifying
8 that they have examined such machine; that it affords each
9 elector an opportunity to vote in absolute secrecy; that it
10 enables each elector to vote a ticket selected in part from the
11 nominees of one party, and in part from the nominees of any or
12 all other parties, and in part from independent nominees
13 printed in the columns of candidates for public office, and in
14 part of persons not in nomination by any party or upon any
15 independent ticket; that it enables each elector to vote a
16 written or printed ballot of his own selection, for any person
17 for any office for whom he may desire to vote; that it enables
18 each elector to vote for all candidates for whom he is entitled
19 to vote, and prevents him from voting for any candidate for any
20 office more than once, unless he is lawfully entitled to cast
21 more than one vote for one candidate, and in that event permits
22 him to cast only as many votes for that candidate as he is by
23 law entitled, and no more; that it prevents the elector from
24 voting for more than one person for the same office, unless he
25 is lawfully entitled to vote for more than one person therefor,
26 and in that event permits him to vote for as many persons for

1 that office as he is by law entitled, and no more; ~~that it~~
2 ~~identifies when an elector has not voted for all statewide~~
3 ~~constitutional offices;~~ and that such machine will register
4 correctly by means of exact counters every vote cast for the
5 regular tickets thereon; and has the capacity to contain the
6 tickets of at least 5 political parties with the names of all
7 the candidates thereon, together with all propositions in the
8 form provided by law, where such form is prescribed, and where
9 no such provision is made for the form thereof, then in brief
10 form, not to exceed 75 words; that all votes cast on the
11 machine on a regular ballot or ballots shall be registered;
12 that voters may, by means of irregular ballots or otherwise
13 vote for any person for any office, although such person may
14 not have been nominated by any party and his name may not
15 appear on such machine; that when a vote is cast for any person
16 for any such office, when his name does not appear on the
17 machine, the elector cannot vote for any other name on the
18 machine for the same office; that each elector can,
19 understandingly and within the period of 4 minutes cast his
20 vote for all candidates of his choice; that the machine is so
21 constructed that the candidates for presidential electors of
22 any party can be voted for only by voting for the ballot label
23 containing a bracket within which are the names of the
24 candidates for President and Vice-President of the party or
25 group; that the machine is provided with a lock or locks by the
26 use of which any movement of the voting or registering

1 mechanism is absolutely prevented so that it cannot be tampered
2 with or manipulated for any purpose; that the machine is
3 susceptible of being closed during the progress of the voting
4 so that no person can see or know the number of votes
5 registered for any candidate; that each elector is permitted to
6 vote for or against any question, proposition or amendment upon
7 which he is entitled to vote, and is prevented from voting for
8 or against any question, proposition or amendment upon which he
9 is not entitled to vote; that the machine is capable of
10 adjustment by the election authority, so as to permit the
11 elector, at a party primary election, to vote only for the
12 candidates seeking nomination by the political party in which
13 primary he is entitled to vote: Provided, also that no such
14 machine or machines shall be purchased, unless the party or
15 parties making the sale shall guarantee in writing to keep the
16 machine or machines in good working order for 5 years without
17 additional cost and shall give a sufficient bond conditioned to
18 that effect.

19 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

20 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

21 Sec. 24A-16. The State Board of Elections shall approve all
22 voting systems provided by this Article.

23 No voting system shall be approved unless it fulfills the
24 following requirements:

25 (1) It enables a voter to vote in absolute secrecy;

1 (2) (Blank);

2 (3) It enables a voter to vote a ticket selected in
3 part from the nominees of one party, and in part from the
4 nominees of any or all parties, and in part from
5 independent candidates and in part of candidates whose
6 names are written in by the voter;

7 (4) It enables a voter to vote a written or printed
8 ticket of his own selection for any person for any office
9 for whom he may desire to vote;

10 (5) It will reject all votes for an office or upon a
11 proposition when the voter has cast more votes for such
12 office or upon such proposition than he is entitled to
13 cast; and

14 ~~(5.5) It will identify when a voter has not voted for~~
15 ~~all statewide constitutional offices;~~

16 (6) It will accommodate all propositions to be
17 submitted to the voters in the form provided by law or,
18 where no such form is provided, then in brief form, not to
19 exceed 75 words.

20 The State Board of Elections shall not approve any voting
21 equipment or system that includes an external Infrared Data
22 Association (IrDA) communications port.

23 The State Board of Elections is authorized to withdraw its
24 approval of a voting system if the system fails to fulfill the
25 above requirements.

26 The vendor, person, or other private entity shall be solely

1 responsible for the production and cost of: all application
2 fees; all ballots; additional temporary workers; and other
3 equipment or facilities needed and used in the testing of the
4 vendor's, person's, or other private entity's respective
5 equipment and software.

6 Any voting system vendor, person, or other private entity
7 seeking the State Board of Elections' approval of a voting
8 system shall, as part of the approval application, submit to
9 the State Board a non-refundable fee. The State Board of
10 Elections by rule shall establish an appropriate fee structure,
11 taking into account the type of voting system approval that is
12 requested (such as approval of a new system, a modification of
13 an existing system, the size of the modification, etc.). No
14 voting system or modification of a voting system shall be
15 approved unless the fee is paid.

16 No vendor, person, or other entity may sell, lease, or
17 loan, or have a written contract, including a contract
18 contingent upon State Board approval of the voting system or
19 voting system component, to sell, lease, or loan, a voting
20 system or voting system component to any election jurisdiction
21 unless the voting system or voting system component is first
22 approved by the State Board of Elections pursuant to this
23 Section.

24 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

1 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
2 Technology Voting Systems; Requisites. The State Board of
3 Elections shall approve all Precinct Tabulation Optical Scan
4 Technology voting systems provided by this Article.

5 No Precinct Tabulation Optical Scan Technology voting
6 system shall be approved unless it fulfills the following
7 requirements:

8 (a) It enables a voter to vote in absolute secrecy;

9 (b) (Blank);

10 (c) It enables a voter to vote a ticket selected in
11 part from the nominees of one party, and in part from the
12 nominees of any or all parties, and in part from
13 independent candidates, and in part of candidates whose
14 names are written in by the voter;

15 (d) It enables a voter to vote a written or printed
16 ticket of his or her own selection for any person for any
17 office for whom he or she may desire to vote;

18 (e) It will reject all votes for an office or upon a
19 proposition when the voter has cast more votes for the
20 office or upon the proposition than he or she is entitled
21 to cast; and

22 ~~(e 5) It will identify when a voter has not voted for~~
23 ~~all statewide constitutional offices; and~~

24 (f) It will accommodate all propositions to be
25 submitted to the voters in the form provided by law or,
26 where no form is provided, then in brief form, not to

1 exceed 75 words.

2 The State Board of Elections shall not approve any voting
3 equipment or system that includes an external Infrared Data
4 Association (IrDA) communications port.

5 The State Board of Elections is authorized to withdraw its
6 approval of a Precinct Tabulation Optical Scan Technology
7 voting system if the system fails to fulfill the above
8 requirements.

9 The vendor, person, or other private entity shall be solely
10 responsible for the production and cost of: all application
11 fees; all ballots; additional temporary workers; and other
12 equipment or facilities needed and used in the testing of the
13 vendor's, person's, or other private entity's respective
14 equipment and software.

15 Any voting system vendor, person, or other private entity
16 seeking the State Board of Elections' approval of a voting
17 system shall, as part of the approval application, submit to
18 the State Board a non-refundable fee. The State Board of
19 Elections by rule shall establish an appropriate fee structure,
20 taking into account the type of voting system approval that is
21 requested (such as approval of a new system, a modification of
22 an existing system, the size of the modification, etc.). No
23 voting system or modification of a voting system shall be
24 approved unless the fee is paid.

25 No vendor, person, or other entity may sell, lease, or
26 loan, or have a written contract, including a contract

1 contingent upon State Board approval of the voting system or
2 voting system component, to sell, lease, or loan, a voting
3 system or Precinct Tabulation Optical Scan Technology voting
4 system component to any election jurisdiction unless the voting
5 system or voting system component is first approved by the
6 State Board of Elections pursuant to this Section.

7 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

8 (10 ILCS 5/24B-20)

9 Sec. 24B-20. Voting Defect Identification Capabilities.

10 An election authority is required to use the Voting Defect
11 Identification capabilities of the automatic tabulating
12 equipment when used in-precinct, ~~including both the capability~~
13 ~~of identifying an under vote and the capability of identifying~~
14 ~~an over vote.~~

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.