



Sen. William R. Haine

Filed: 4/27/2010

09600SB2650sam001

LRB096 17237 JAM 40694 a

1 AMENDMENT TO SENATE BILL 2650

2 AMENDMENT NO. _____. Amend Senate Bill 2650 by replacing
3 everything after the enacting clause with the following:

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

1 the vote of the people, by making in the appropriate margin or
2 place a cross (X) against the answer he desires to give. A
3 cross (X) in the square in front of the bracket enclosing the
4 names of a team of candidates for Governor and Lieutenant
5 Governor counts as one vote for each of such candidates. Before
6 leaving the voting booth the voter shall fold his ballot in
7 such manner as to conceal the marks thereon. He shall then vote
8 forthwith in the manner herein provided, except that the number
9 corresponding to the number of the voter on the poll books
10 shall not be indorsed on the back of his ballot. He shall mark
11 and deliver his ballot without undue delay, and shall quit said
12 inclosed space as soon as he has voted; except that immediately
13 after voting, the voter shall be instructed whether the voting
14 equipment, if used, accepted or rejected the ballot or
15 identified the ballot as under-voted for a statewide
16 constitutional office. A voter whose ballot is identified as
17 under-voted may return to the voting booth and complete the
18 voting of that ballot. A voter whose ballot is not accepted by
19 the voting equipment may, upon surrendering the ballot, request
20 and vote another ballot. The voter's surrendered ballot shall
21 be initialed by the election judge and handled as provided in
22 the appropriate Article governing that voting equipment. The
23 voting equipment shall indicate only to the voter if the voter
24 under-voted for a statewide constitutional office. If the
25 existing voting equipment cannot meet that under-vote
26 notification requirement, the election authority may petition

1 the State Board of Elections for an exemption from the
2 under-vote notification requirement. All election authorities
3 shall have voting systems compatible with the under-vote
4 notification requirement by the 2014 general primary election.

5 No voter shall be allowed to occupy a voting booth already
6 occupied by another, nor remain within said inclosed space more
7 than ten minutes, nor to occupy a voting booth more than five
8 minutes in case all of said voting booths are in use and other
9 voters waiting to occupy the same. No voter not an election
10 officer, shall, after having voted, be allowed to re-enter said
11 inclosed space during said election. No person shall take or
12 remove any ballot from the polling place before the close of
13 the poll. No voter shall vote or offer to vote any ballot
14 except such as he has received from the judges of election in
15 charge of the ballots. Any voter who shall, by accident or
16 mistake, spoil his ballot, may, on returning said spoiled
17 ballot, receive another in place thereof only after the word
18 "spoiled" has been written in ink diagonally across the entire
19 face of the ballot returned by the voter.

20 Where voting machines or electronic voting systems are
21 used, the provisions of this section may be modified as
22 required or authorized by Article 24, 24A, 24B, or 24C,
23 whichever is applicable, except that the requirements of this
24 Section that (i) the voter must be notified of the voting
25 equipment's acceptance or rejection of the voter's ballot or
26 identification of an under-vote for a statewide constitutional

1 office and (ii) the voter shall have the opportunity to correct
2 an under-vote or surrender the ballot that was not accepted and
3 vote another ballot shall not be modified.

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

5 (10 ILCS 5/17-43)

6 Sec. 17-43. Voting.

7 (a) If the election authority has adopted the use of
8 Precinct Tabulation Optical Scan Technology voting equipment
9 pursuant to Article 24B of this Code, and the provisions of the
10 Article are in conflict with the provisions of this Article 17,
11 the provisions of Article 24B shall govern the procedures
12 followed by the election authority, its judges of elections,
13 and all employees and agents. In following the provisions of
14 Article 24B, the election authority is authorized to develop
15 and implement procedures to fully utilize Precinct Tabulation
16 Optical Scan Technology voting equipment authorized by the
17 State Board of Elections as long as the procedure is not in
18 conflict with either Article 24B or the administrative rules of
19 the State Board of Elections.

20 (b) Notwithstanding subsection (a), when voting equipment
21 governed by any Article of this Code is used, the requirements
22 of Section 7-11 that (i) the voter must be notified of the
23 voting equipment's acceptance or rejection of the ballot or
24 identification of an under-vote for a statewide constitutional
25 office and (ii) the voter shall have the opportunity to correct

1 an under-vote for a statewide constitutional office or
2 surrender the ballot that was not accepted and vote another
3 ballot shall not be modified. The voting equipment shall
4 indicate only to the voter if the voter under-voted for a
5 statewide constitutional office. If the existing voting
6 equipment cannot meet that under-vote notification
7 requirement, the election authority may petition the State
8 Board of Elections for an exemption from the under-vote
9 notification requirement. All election authorities shall have
10 voting systems compatible with the under-vote notification
11 requirement by the 2014 general primary election.

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

13 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

14 Sec. 18-5. Any person desiring to vote and whose name is
15 found upon the register of voters by the person having charge
16 thereof, shall then be questioned by one of the judges as to
17 his nativity, his term of residence at present address,
18 precinct, State and United States, his age, whether naturalized
19 and if so the date of naturalization papers and court from
20 which secured, and he shall be asked to state his residence
21 when last previously registered and the date of the election
22 for which he then registered. The judges of elections shall
23 check each application for ballot against the list of voters
24 registered in that precinct to whom grace period, absentee, and
25 early ballots have been issued for that election, which shall

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

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

20 I do solemnly swear (or affirm) that I am a resident of
21 this election precinct (or district), and entitled to vote at
22 this election, and that I have been a resident of this State
23 for 30 days last past, and am well acquainted with the person
24 whose vote is now offered; that he is an actual and bona fide
25 resident of this election precinct (or district), and has
26 resided herein 30 days, and as I verily believe, in this State,

1 30 days next preceding this election.

2 The oath in each case may be administered by one of the
3 judges of election, or by any officer, resident in the precinct
4 or district, authorized by law to administer oaths. Also
5 supported by an affidavit by a registered voter residing in
6 such precinct, stating his own residence, and that he knows
7 such person; and that he does reside at the place mentioned and
8 has resided in such precinct and state for the length of time
9 as stated by such person, which shall be subscribed and sworn
10 to in the same way. For purposes of this Section, the
11 submission of a photo identification issued by a college or
12 university, accompanied by either (i) a copy of the applicant's
13 contract or lease for a residence or (ii) one piece of mail
14 addressed to the person at his or her current residence address
15 and postmarked not earlier than 30 days prior to the date of
16 the election, shall be sufficient to establish proof of
17 residence. Whereupon the vote of such person shall be received,
18 and entered as other votes. But such judges, having charge of
19 such registers, shall state in their respective books the facts
20 in such case, and the affidavits, so delivered to the judges,
21 shall be preserved and returned to the office of the
22 commissioners of election. Blank affidavits of the character
23 aforesaid shall be sent out to the judges of all the precincts,
24 and the judges of election shall furnish the same on demand and
25 administer the oaths without criticism. Such oaths, if
26 administered by any other officer than such judge of election,

1 shall not be received. Whenever a proposal for a constitutional
2 amendment or for the calling of a constitutional convention is
3 to be voted upon at the election, the separate blue ballot or
4 ballots pertaining thereto shall be placed on top of the other
5 ballots to be voted at the election in such manner that the
6 legend appearing on the back thereof, as prescribed in Section
7 16-6 of this Act, shall be plainly visible to the voter, and in
8 this fashion the ballots shall be handed to the voter by the
9 judge.

10 Immediately after voting, the voter shall be instructed
11 whether the voting equipment, if used, accepted or rejected the
12 ballot or identified the ballot as under-voted. A voter whose
13 ballot is identified as under-voted for a statewide
14 constitutional office may return to the voting booth and
15 complete the voting of that ballot. A voter whose ballot is not
16 accepted by the voting equipment may, upon surrendering the
17 ballot, request and vote another ballot. The voter's
18 surrendered ballot shall be initialed by the election judge and
19 handled as provided in the appropriate Article governing that
20 voting equipment. The voting equipment shall indicate only to
21 the voter if the voter under-voted for a statewide
22 constitutional office. If the existing voting equipment cannot
23 meet that under-vote notification requirement, the election
24 authority may petition the State Board of Elections for an
25 exemption from the under-vote notification requirement. All
26 election authorities shall have voting systems compatible with

1 the under-vote notification requirement by the 2014 general
2 primary election.

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

1 voter who has failed to deliver all the ballots received by him
2 refuses to return to the voting booth after being advised by
3 the judge of election as herein provided, the judge shall
4 inform the other judges of such refusal, and thereupon the
5 ballot or ballots returned to the judge shall be deposited in
6 the ballot box, the voter shall be permitted to depart from the
7 polling place, and a new voter shall be permitted to enter the
8 voting booth.

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

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

1 Section.

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

3 (10 ILCS 5/18-40)

4 Sec. 18-40. Voting equipment.

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

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

1 ballot shall not be modified. The voting equipment shall
2 indicate only to the voter if the voter under-voted for a
3 statewide constitutional office. If the existing voting
4 equipment cannot meet that under-vote notification
5 requirement, the election authority may petition the State
6 Board of Elections for an exemption from the under-vote
7 notification requirement. All election authorities shall have
8 voting systems compatible with the under-vote notification
9 requirement by the 2014 general primary election.

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

11 (10 ILCS 5/19A-35)

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

13 (a) Not more than 23 days before the start of the election,
14 the county clerk shall make available to the election official
15 conducting early voting by personal appearance a sufficient
16 number of early ballots, envelopes, and printed voting
17 instruction slips for the use of early voters. The election
18 official shall receipt for all ballots received and shall
19 return unused or spoiled ballots at the close of the early
20 voting period to the county clerk and must strictly account for
21 all ballots received. The ballots delivered to the election
22 official must include early ballots for each precinct in the
23 election authority's jurisdiction and must include separate
24 ballots for each political subdivision conducting an election
25 of officers or a referendum at that election.

1 (b) In conducting early voting under this Article, the
2 election judge or official is required to verify the signature
3 of the early voter by comparison with the signature on the
4 official registration card, and the judge or official must
5 verify (i) the identity of the applicant, (ii) that the
6 applicant is a registered voter, (iii) the precinct in which
7 the applicant is registered, and (iv) the proper ballots of the
8 political subdivision in which the applicant resides and is
9 entitled to vote before providing an early ballot to the
10 applicant. The applicant's identity must be verified by the
11 applicant's presentation of an Illinois driver's license, a
12 non-driver identification card issued by the Illinois
13 Secretary of State, a photo identification card issued by a
14 university or college, or another government-issued
15 identification document containing the applicant's photograph.
16 The election judge or official must verify the applicant's
17 registration from the most recent poll list provided by the
18 election authority, and if the applicant is not listed on that
19 poll list, by telephoning the office of the election authority.

20 (b-5) A person requesting an early voting ballot to whom an
21 absentee ballot was issued may vote early if the person submits
22 that absentee ballot to the judges of election or official
23 conducting early voting for cancellation. If the voter is
24 unable to submit the absentee ballot, it shall be sufficient
25 for the voter to submit to the judges or official (i) a portion
26 of the absentee ballot if the absentee ballot was torn or

1 mutilated or (ii) an affidavit executed before the judges or
2 official specifying that (A) the voter never received an
3 absentee ballot or (B) the voter completed and returned an
4 absentee ballot and was informed that the election authority
5 did not receive that absentee ballot.

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

13 (b-15) Immediately after voting an early ballot, the voter
14 shall be instructed whether the voting equipment accepted or
15 rejected the ballot or identified that ballot as under-voted
16 for a statewide constitutional office. A voter whose ballot is
17 identified as under-voted may return to the voting booth and
18 complete the voting of that ballot. A voter whose early voting
19 ballot is not accepted by the voting equipment may, upon
20 surrendering the ballot, request and vote another early voting
21 ballot. The voting equipment shall indicate only to the voter
22 if the voter under-voted for a statewide constitutional office.
23 If the existing voting equipment cannot meet that under-vote
24 notification requirement, the election authority may petition
25 the State Board of Elections for an exemption from the
26 under-vote notification requirement. All election authorities

1 shall have voting systems compatible with the under-vote
2 notification requirement by the 2014 general primary election.

3 The voter's surrendered ballot shall be initialed by the
4 election judge or official conducting the early voting and
5 handled as provided in the appropriate Article governing the
6 voting equipment used.

7 (c) The sealed early ballots in their carrier envelope
8 shall be delivered by the election authority to the central
9 ballot counting location before the close of the polls on the
10 day of the election.

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

12 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

13 Sec. 24-1. The election authority in all jurisdictions when
14 voting machines are used shall, except as otherwise provided in
15 this Code, provide a voting machine or voting machines for any
16 or all of the election precincts or election districts, as the
17 case may be, for which the election authority is by law charged
18 with the duty of conducting an election or elections. A voting
19 machine or machines sufficient in number to provide a machine
20 for each 400 voters or fraction thereof shall be supplied for
21 use at all elections. However, no such voting machine shall be
22 used, purchased, or adopted, and no person or entity may have a
23 written contract, including a contract contingent upon
24 certification of the voting machines, to sell, lease, or loan
25 voting machines to an election authority, until the board of

1 voting machine commissioners hereinafter provided for, or a
2 majority thereof, shall have made and filed a report certifying
3 that they have examined such machine; that it affords each
4 elector an opportunity to vote in absolute secrecy; that it
5 enables each elector to vote a ticket selected in part from the
6 nominees of one party, and in part from the nominees of any or
7 all other parties, and in part from independent nominees
8 printed in the columns of candidates for public office, and in
9 part of persons not in nomination by any party or upon any
10 independent ticket; that it enables each elector to vote a
11 written or printed ballot of his own selection, for any person
12 for any office for whom he may desire to vote; that it enables
13 each elector to vote for all candidates for whom he is entitled
14 to vote, and prevents him from voting for any candidate for any
15 office more than once, unless he is lawfully entitled to cast
16 more than one vote for one candidate, and in that event permits
17 him to cast only as many votes for that candidate as he is by
18 law entitled, and no more; that it prevents the elector from
19 voting for more than one person for the same office, unless he
20 is lawfully entitled to vote for more than one person therefor,
21 and in that event permits him to vote for as many persons for
22 that office as he is by law entitled, and no more; that it
23 identifies when an elector has not voted for all statewide
24 constitutional offices by indicating only to the voter which
25 office the voter under-voted (if the existing voting equipment
26 cannot meet that under-vote notification requirement, the

1 election authority may petition the State Board of Elections
2 for an exemption from the under-vote notification requirement;
3 all election authorities shall have voting systems compatible
4 with the under-vote notification requirement by the 2014
5 general primary election); and that such machine will register
6 correctly by means of exact counters every vote cast for the
7 regular tickets thereon; and has the capacity to contain the
8 tickets of at least 5 political parties with the names of all
9 the candidates thereon, together with all propositions in the
10 form provided by law, where such form is prescribed, and where
11 no such provision is made for the form thereof, then in brief
12 form, not to exceed 75 words; that all votes cast on the
13 machine on a regular ballot or ballots shall be registered;
14 that voters may, by means of irregular ballots or otherwise
15 vote for any person for any office, although such person may
16 not have been nominated by any party and his name may not
17 appear on such machine; that when a vote is cast for any person
18 for any such office, when his name does not appear on the
19 machine, the elector cannot vote for any other name on the
20 machine for the same office; that each elector can,
21 understandingly and within the period of 4 minutes cast his
22 vote for all candidates of his choice; that the machine is so
23 constructed that the candidates for presidential electors of
24 any party can be voted for only by voting for the ballot label
25 containing a bracket within which are the names of the
26 candidates for President and Vice-President of the party or

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

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

22 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

25 No voting system shall be approved unless it fulfills the

1 following requirements:

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

3 (2) (Blank);

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

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

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

16 (5.5) It will identify when a voter has not voted for
17 all statewide constitutional offices by indicating only to
18 the voter which office the voter under-voted (if the
19 existing voting equipment cannot meet that under-vote
20 notification requirement, the election authority may
21 petition the State Board of Elections for an exemption from
22 the under-vote notification requirement; all election
23 authorities shall have voting systems compatible with the
24 under-vote notification requirement by the 2014 general
25 primary election);

26 (6) It will accommodate all propositions to be

1 submitted to the voters in the form provided by law or,
2 where no such form is provided, then in brief form, not to
3 exceed 75 words.

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

7 The State Board of Elections is authorized to withdraw its
8 approval of a voting system if the system fails to fulfill the
9 above requirements.

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

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

26 No vendor, person, or other entity may sell, lease, or

1 loan, or have a written contract, including a contract
2 contingent upon State Board approval of the voting system or
3 voting system component, to sell, lease, or loan, a voting
4 system or voting system component to any election jurisdiction
5 unless the voting system or voting system component is first
6 approved by the State Board of Elections pursuant to this
7 Section.

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

9 (10 ILCS 5/24B-16)

10 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
11 Technology Voting Systems; Requisites. The State Board of
12 Elections shall approve all Precinct Tabulation Optical Scan
13 Technology voting systems provided by this Article.

14 No Precinct Tabulation Optical Scan Technology voting
15 system shall be approved unless it fulfills the following
16 requirements:

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

18 (b) (Blank);

19 (c) It enables a voter to vote a ticket selected in
20 part from the nominees of one party, and in part from the
21 nominees of any or all parties, and in part from
22 independent candidates, and in part of candidates whose
23 names are written in by the voter;

24 (d) It enables a voter to vote a written or printed
25 ticket of his or her own selection for any person for any

1 office for whom he or she may desire to vote;

2 (e) It will reject all votes for an office or upon a
3 proposition when the voter has cast more votes for the
4 office or upon the proposition than he or she is entitled
5 to cast;

6 (e-5) It will identify when a voter has not voted for
7 all statewide constitutional offices by indicating only to
8 the voter which office the voter under-voted (if the
9 existing voting equipment cannot meet that under-vote
10 notification requirement, the election authority may
11 petition the State Board of Elections for an exemption from
12 the under-vote notification requirement; all election
13 authorities shall have voting systems compatible with the
14 under-vote notification requirement by the 2014 general
15 primary election); and

16 (f) It will accommodate all propositions to be
17 submitted to the voters in the form provided by law or,
18 where no 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 Precinct Tabulation Optical Scan Technology
25 voting system if the system fails to fulfill the above
26 requirements.

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

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

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

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

1 (10 ILCS 5/24B-20)

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

3 An election authority is required to use the Voting Defect
4 Identification capabilities of the automatic tabulating
5 equipment when used in-precinct, including both the capability
6 of identifying an under-vote (by indicating only to the voter
7 which office the voter under-voted) and the capability of
8 identifying an over-vote. If the existing voting equipment
9 cannot meet that under-vote notification requirement, the
10 election authority may petition the State Board of Elections
11 for an exemption from the under-vote notification requirement.
12 All election authorities shall have voting systems compatible
13 with the under-vote notification requirement by the 2014
14 general primary election.

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

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