

# SB3743



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3743

Introduced 2/10/2012, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/24C-12

Amends the Election Code. Provides that, until December 31, 2015 (now, 2011), in elections at which fractional cumulative votes are cast and a Direct Recording Electronic Voting System is used, the tabulation of those votes may be made by the election authority at its central office location, and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulation equipment and shall be posted in 4 conspicuous places at the central office location. Effective July 1, 2012.

LRB097 18258 PJG 63484 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 24C-12 as follows:

6 (10 ILCS 5/24C-12)

7 Sec. 24C-12. Procedures for Counting and Tallying of  
8 Ballots. In an election jurisdiction where a Direct Recording  
9 Electronic Voting System is used, the following procedures for  
10 counting and tallying the ballots shall apply:

11 Before the opening of the polls, the judges of elections  
12 shall assemble the voting equipment and devices and turn the  
13 equipment on. The judges shall, if necessary, take steps to  
14 activate the voting devices and counting equipment by inserting  
15 into the equipment and voting devices appropriate data cards  
16 containing passwords and data codes that will select the proper  
17 ballot formats selected for that polling place and that will  
18 prevent inadvertent or unauthorized activation of the  
19 poll-opening function. Before voting begins and before ballots  
20 are entered into the voting devices, the judges of election  
21 shall cause to be printed a record of the following: the  
22 election's identification data, the device's unit  
23 identification, the ballot's format identification, the

1 contents of each active candidate register by office and of  
2 each active public question register showing that they contain  
3 all zero votes, all ballot fields that can be used to invoke  
4 special voting options, and other information needed to ensure  
5 the readiness of the equipment and to accommodate  
6 administrative reporting requirements. The judges must also  
7 check to be sure that the totals are all zeros in the counting  
8 columns and in the public counter affixed to the voting  
9 devices.

10 After the judges have determined that a person is qualified  
11 to vote, a voting device with the proper ballot to which the  
12 voter is entitled shall be enabled to be used by the voter. The  
13 ballot may then be cast by the voter by marking by appropriate  
14 means the designated area of the ballot for the casting of a  
15 vote for any candidate or for or against any public question.  
16 The voter shall be able to vote for any and all candidates and  
17 public measures appearing on the ballot in any legal number and  
18 combination and the voter shall be able to delete, change or  
19 correct his or her selections before the ballot is cast. The  
20 voter shall be able to select candidates whose names do not  
21 appear upon the ballot for any office by entering  
22 electronically as many names of candidates as the voter is  
23 entitled to select for each office.

24 Upon completing his or her selection of candidates or  
25 public questions, the voter shall signify that voting has been  
26 completed by activating the appropriate button, switch or

1 active area of the ballot screen associated with end of voting.  
2 Upon activation, the voting system shall record an image of the  
3 completed ballot, increment the proper ballot position  
4 registers, and shall signify to the voter that the ballot has  
5 been cast. Upon activation, the voting system shall also print  
6 a permanent paper record of each ballot cast as defined in  
7 Section 24C-2 of this Code. This permanent paper record shall  
8 (i) be printed in a clear, readily readable format that can be  
9 easily reviewed by the voter for completeness and accuracy and  
10 (ii) either be self-contained within the voting device or be  
11 deposited by the voter into a secure ballot box. No permanent  
12 paper record shall be removed from the polling place except by  
13 election officials as authorized by this Article. All permanent  
14 paper records shall be preserved and secured by election  
15 officials in the same manner as paper ballots and shall be  
16 available as an official record for any recount, redundant  
17 count, or verification or retabulation of the vote count  
18 conducted with respect to any election in which the voting  
19 system is used. The voter shall exit the voting station and the  
20 voting system shall prevent any further attempt to vote until  
21 it has been properly re-activated. If a voting device has been  
22 enabled for voting but the voter leaves the polling place  
23 without casting a ballot, 2 judges of election, one from each  
24 of the 2 major political parties, shall spoil the ballot.

25 Throughout the election day and before the closing of the  
26 polls, no person may check any vote totals for any candidate or

1 public question on the voting or counting equipment. Such  
2 equipment shall be programmed so that no person may reset the  
3 equipment for reentry of ballots unless provided the proper  
4 code from an authorized representative of the election  
5 authority.

6 The precinct judges of election shall check the public  
7 register to determine whether the number of ballots counted by  
8 the voting equipment agrees with the number of voters voting as  
9 shown by the applications for ballot. If the same do not agree,  
10 the judges of election shall immediately contact the offices of  
11 the election authority in charge of the election for further  
12 instructions. If the number of ballots counted by the voting  
13 equipment agrees with the number of voters voting as shown by  
14 the application for ballot, the number shall be listed on the  
15 "Statement of Ballots" form provided by the election authority.

16 The totals for all candidates and propositions shall be  
17 tabulated. One copy of an "In-Precinct Totals Report" shall be  
18 generated by the automatic tabulating equipment for return to  
19 the election authority. One copy of an "In-Precinct Totals  
20 Report" shall be generated and posted in a conspicuous place  
21 inside the polling place, provided that any authorized  
22 pollwatcher or other official authorized to be present in the  
23 polling place to observe the counting of ballots is present.  
24 The judges of election shall provide, if requested, a set for  
25 each authorized pollwatcher or other official authorized to be  
26 present in the polling place to observe the counting of

1 ballots. In addition, sufficient time shall be provided by the  
2 judges of election to the pollwatchers to allow them to copy  
3 information from the copy which has been posted.

4 Until December 31, 2015 ~~2011~~, in elections at which  
5 fractional cumulative votes are cast for candidates, the  
6 tabulation of those fractional cumulative votes may be made by  
7 the election authority at its central office location, and 4  
8 copies of a "Certificate of Results" shall be printed by the  
9 automatic tabulation equipment and shall be posted in 4  
10 conspicuous places at the central office location where those  
11 fractional cumulative votes have been tabulated.

12 If instructed by the election authority, the judges of  
13 election shall cause the tabulated returns to be transmitted  
14 electronically to the offices of the election authority via  
15 modem or other electronic medium.

16 The precinct judges of election shall select a bi-partisan  
17 team of 2 judges, who shall immediately return the ballots in a  
18 sealed container, along with all other election materials and  
19 equipment as instructed by the election authority; provided,  
20 however, that such container must first be sealed by the  
21 election judges with filament tape or other approved sealing  
22 devices provided for the purpose in a manner that the ballots  
23 cannot be removed from the container without breaking the seal  
24 or filament tape and disturbing any signatures affixed by the  
25 election judges to the container. The election authority shall  
26 keep the office of the election authority, or any receiving

1 stations designated by the authority, open for at least 12  
2 consecutive hours after the polls close or until the ballots  
3 and election material and equipment from all precincts within  
4 the jurisdiction of the election authority have been returned  
5 to the election authority. Ballots and election materials and  
6 equipment returned to the office of the election authority  
7 which are not signed and sealed as required by law shall not be  
8 accepted by the election authority until the judges returning  
9 the ballots make and sign the necessary corrections. Upon  
10 acceptance of the ballots and election materials and equipment  
11 by the election authority, the judges returning the ballots  
12 shall take a receipt signed by the election authority and  
13 stamped with the time and date of the return. The election  
14 judges whose duty it is to return any ballots and election  
15 materials and equipment as provided shall, in the event the  
16 ballots, materials or equipment cannot be found when needed, on  
17 proper request, produce the receipt which they are to take as  
18 above provided.

19 (Source: P.A. 95-699, eff. 11-9-07; 96-1549, eff. 3-10-11.)

20 Section 99. Effective date. This Act takes effect July 1,  
21 2012.