



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1622

Introduced 2/15/2019, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

10 ILCS 5/24-2.1 new
10 ILCS 5/24A-16 from Ch. 46, par. 24A-16
10 ILCS 5/24B-16
10 ILCS 5/24C-16

Amends the Election Code. Provides that no voting machine used, adopted, or purchased by an election authority may be made, manufactured, or assembled outside the United States or constructed with parts made, manufactured, or assembled outside the United States, including, but not limited to, any hardware or software. In provisions concerning voting machines, precinct tabulation optical scan technology voting systems, and direct recording electronic voting systems, provides that the State Board of Elections shall not approve any voting equipment or system that is made, manufactured, or assembled outside the United States or constructed with parts made, manufactured, or assembled outside the United States, including, but not limited to, any hardware or software.

LRB101 10471 SMS 55577 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 24A-16, 24B-16, and 24C-16 and by adding Section
6 24-2.1 as follows:

7 (10 ILCS 5/24-2.1 new)

8 Sec. 24-2.1. Foreign voting machines prohibited. No voting
9 machine used, adopted, or purchased by an election authority
10 may be made, manufactured, or assembled outside the United
11 States or constructed with parts made, manufactured, or
12 assembled outside the United States, including, but not limited
13 to, any hardware or software.

14 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

17 No voting system shall be approved unless it fulfills the
18 following requirements:

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

20 (2) (Blank);

21 (3) It enables a voter to vote a ticket selected in
22 part from the nominees of one party, and in part from the

1 nominees of any or all parties, and in part from
2 independent candidates and in part of candidates whose
3 names are written in by the voter;

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

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

11 (5.5) It will identify when a voter has not voted for
12 all statewide constitutional offices;

13 (6) It will accommodate all propositions to be
14 submitted to the voters in the form provided by law or,
15 where no such form is provided, then in brief form, not to
16 exceed 75 words;

17 (7) It will accommodate the tabulation programming
18 requirements of Sections 24A-6.2, 24B-6.2, and 24C-6.2.

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

22 The State Board of Elections shall not approve any voting
23 equipment or system that is made, manufactured, or assembled
24 outside the United States or constructed with parts made,
25 manufactured, or assembled outside the United States,
26 including, but not limited to, any hardware or software.

1 The State Board of Elections is authorized to withdraw its
2 approval of a voting system if the system fails to fulfill the
3 above requirements.

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

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

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

1 Section.

2 (Source: P.A. 98-115, eff. 7-29-13; 98-756, eff. 7-16-14.)

3 (10 ILCS 5/24B-16)

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

8 No Precinct Tabulation Optical Scan Technology voting
9 system shall be approved unless it fulfills the following
10 requirements:

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

12 (b) (Blank);

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

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

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

25 (e-5) It will identify when a voter has not voted for

1 all statewide constitutional offices; and

2 (f) It will accommodate all propositions to be
3 submitted to the voters in the form provided by law or,
4 where no form is provided, then in brief form, not to
5 exceed 75 words.

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

9 The State Board of Elections shall not approve any voting
10 equipment or system that is made, manufactured, or assembled
11 outside the United States or constructed with parts made,
12 manufactured, or assembled outside the United States,
13 including, but not limited to, any hardware or software.

14 The State Board of Elections is authorized to withdraw its
15 approval of a Precinct Tabulation Optical Scan Technology
16 voting system if the system fails to fulfill the above
17 requirements.

18 The vendor, person, or other private entity shall be solely
19 responsible for the production and cost of: all application
20 fees; all ballots; additional temporary workers; and other
21 equipment or facilities needed and used in the testing of the
22 vendor's, person's, or other private entity's respective
23 equipment and software.

24 Any voting system vendor, person, or other private entity
25 seeking the State Board of Elections' approval of a voting
26 system shall, as part of the approval application, submit to

1 the State Board a non-refundable fee. The State Board of
2 Elections by rule shall establish an appropriate fee structure,
3 taking into account the type of voting system approval that is
4 requested (such as approval of a new system, a modification of
5 an existing system, the size of the modification, etc.). No
6 voting system or modification of a voting system shall be
7 approved unless the fee is paid.

8 No vendor, person, or other entity may sell, lease, or
9 loan, or have a written contract, including a contract
10 contingent upon State Board approval of the voting system or
11 voting system component, to sell, lease, or loan, a voting
12 system or Precinct Tabulation Optical Scan Technology voting
13 system component to any election jurisdiction unless the voting
14 system or voting system component is first approved by the
15 State Board of Elections pursuant to this Section.

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

17 (10 ILCS 5/24C-16)

18 Sec. 24C-16. Approval of Direct Recording Electronic
19 Voting Systems; Requisites. The State Board of Elections shall
20 approve all Direct Recording Electronic Voting Systems that
21 fulfill the functional requirements provided by Section 24C-11
22 of this Code, the mandatory requirements of the federal voting
23 system standards pertaining to Direct Recording Electronic
24 Voting Systems promulgated by the Federal Election Commission
25 or the Election Assistance Commission, the testing

1 requirements of an approved independent testing authority and
2 the rules of the State Board of Elections.

3 The State Board of Elections shall not approve any Direct
4 Recording Electronic Voting System that includes an external
5 Infrared Data Association (IrDA) communications port.

6 The State Board of Elections shall not approve any voting
7 equipment or system that is made, manufactured, or assembled
8 outside the United States or constructed with parts made,
9 manufactured, or assembled outside the United States,
10 including, but not limited to, any hardware or software.

11 The State Board of Elections is authorized to withdraw its
12 approval of a Direct Recording Electronic Voting System if the
13 System, once approved, fails to fulfill the above requirements.

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

20 Any voting system vendor, person, or other private entity
21 seeking the State Board of Elections' approval of a voting
22 system shall, as part of the approval application, submit to
23 the State Board a non-refundable fee. The State Board of
24 Elections by rule shall establish an appropriate fee structure,
25 taking into account the type of voting system approval that is
26 requested (such as approval of a new system, a modification of

1 an existing system, the size of the modification, etc.). No
2 voting system or modification of a voting system shall be
3 approved unless the fee is paid.

4 No vendor, person, or other entity may sell, lease, or
5 loan, or have a written contract, including a contract
6 contingent upon State Board approval of the voting system or
7 voting system component, to sell, lease, or loan, a Direct
8 Recording Electronic Voting System or system component to any
9 election jurisdiction unless the system or system component is
10 first approved by the State Board of Elections pursuant to this
11 Section.

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