

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 11-4.2, 24A-16, 24A-20, and 24B-16 as follows:

6 (10 ILCS 5/11-4.2) (from Ch. 46, par. 11-4.2)

7 Sec. 11-4.2. (a) By March 1, 2004 ~~Except as otherwise~~
8 ~~provided in subsection (b)~~ all polling places shall be
9 accessible to ~~handicapped and~~ elderly voters and persons with
10 disabilities in compliance with the federal Rehabilitation
11 Act of 1973 (29 U.S.C. Section 794) and with Title II of the
12 Americans with Disabilities Act (42 U.S.C. Section 12131, et
13 seq.) as determined by rule of the State Board of Elections.

14 (b) (Blank). ~~Subsection (a) of this Section shall not~~
15 ~~apply to a polling place (1) in the case of an emergency, as~~
16 ~~determined by the State Board of Elections; or (2) if the~~
17 ~~State Board of Elections (A) determines that all potential~~
18 ~~polling places have been surveyed and no such accessible~~
19 ~~place is available, nor is the election authority able to~~
20 ~~make one accessible; and (B) assures that any handicapped or~~
21 ~~elderly voter assigned to an inaccessible polling place, upon~~
22 ~~advance request of such voter (pursuant to procedures~~
23 ~~established by rule of the State Board of Elections) will be~~
24 ~~provided with an alternative means for casting a ballot on~~
25 ~~the day of the election or will be assigned to an accessible~~
26 ~~polling place.~~

27 (c) No later than December 31 of each even numbered
28 year, the State Board of Elections shall report to the
29 Federal Election Commission the number of accessible and
30 inaccessible polling places in the State on the date of the
31 next preceding general election, and the reasons for any

1 instance of inaccessibility.

2 (Source: P.A. 84-808.)

3 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

6 No voting system shall be approved unless it fulfills the
7 following requirements:

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

9 (2) (Blank);

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

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

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

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

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

27 No vendor, person or other entity may sell, lease or loan
28 a voting system or voting system component to any election
29 jurisdiction unless the voting system or voting system
30 component is first approved by the State Board of Elections
31 pursuant to this Section.

32 By March 1, 2004, all voting systems shall be accessible
33 to persons with disabilities in compliance with the federal

1 Rehabilitation Act of 1973 (29 U.S.C. Section 794) and with
 2 Title II of the Americans with Disabilities Act (42 U.S.C.
 3 Section 12131, et seq.), while providing an effective means
 4 for voters with disabilities to cast a secret ballot. The
 5 State Board of Elections shall not approve any voting system
 6 that is acquired or modified after January 1, 2003, unless it
 7 complies with the federal Rehabilitation Act of 1973 and with
 8 Title II of the Americans with Disabilities Act.

9 (Source: P.A. 89-700, eff. 1-17-97.)

10 (10 ILCS 5/24A-20)

11 Sec. 24A-20. State Board testing of electronic ballot
 12 forms using direct recording electronic voting systems. The
 13 State Board of Elections may test direct recording electronic
 14 voting systems. Testing by the State Board of Elections shall
 15 include the operation of direct recording electronic voting
 16 systems during a mock voting procedure and during a mock
 17 contested election in which ballots are objected to or
 18 recounted. The State Board of Elections shall certify to the
 19 General Assembly the results of any tests it performs under
 20 this Section.

21 The State Board of Elections shall adopt rules that
 22 specify the criteria direct recording electronic voting
 23 systems must meet for approval by the Board. The criteria
 24 must include, but need not be limited to, the requirements
 25 specified in Section 24A-16. Election authorities may use
 26 direct recording electronic voting systems approved by the
 27 State Board of Elections Notwithstanding-the-results-of-the
 28 State-Board-of-Elections-test-and-its--certification--to--the
 29 General-Assembly, nothing in this Section shall authorize the
 30 use--of--a--direct--recording-electronic-voting-system-unless
 31 further-authorized-by-the-General-Assembly.

32 (Source: P.A. 90-745, eff. 8-14-98.)

1 (10 ILCS 5/24B-16)

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

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

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

10 (b) (Blank);

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

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

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

23 (f) It will accommodate all propositions to be
24 submitted to the voters in the form provided by law or,
25 where no form is provided, then in brief form, not to
26 exceed 75 words.

27 The State Board of Elections is authorized to withdraw
28 its approval of a Precinct Tabulation Optical Scan Technology
29 voting system if the system fails to fulfill the above
30 requirements.

31 No vendor, person or other entity may sell, lease or loan
32 a voting system or Precinct Tabulation Optical Scan
33 Technology voting system component to any election
34 jurisdiction unless the voting system or voting system

1 component is first approved by the State Board of Elections
2 pursuant to this Section.

3 By March 1, 2004, all voting systems shall be accessible
4 to persons with disabilities in compliance with the federal
5 Rehabilitation Act of 1973 (29 U.S.C. Section 794) and with
6 Title II of the Americans with Disabilities Act (42 U.S.C.
7 Section 12131, et seq.), while providing an effective means
8 for voters with disabilities to cast a secret ballot. The
9 State Board of Elections shall not approve any voting system
10 that is acquired or modified after January 1, 2003, unless it
11 complies with the federal Rehabilitation Act of 1973 and with
12 Title II of the Americans with Disabilities Act.

13 (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.