



Rep. Gregory Harris

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10100SB1863ham004

LRB101 10839 SMS 64633 a

1 AMENDMENT TO SENATE BILL 1863

2 AMENDMENT NO. _____. Amend Senate Bill 1863 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from disclosure
10 under this Section, but also contains information that is not
11 exempt from disclosure, the public body may elect to redact the
12 information that is exempt. The public body shall make the
13 remaining information available for inspection and copying.
14 Subject to this requirement, the following shall be exempt from
15 inspection and copying:

16 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and regulations
2 implementing federal or State law.

3 (b) Private information, unless disclosure is required
4 by another provision of this Act, a State or federal law or
5 a court order.

6 (b-5) Files, documents, and other data or databases
7 maintained by one or more law enforcement agencies and
8 specifically designed to provide information to one or more
9 law enforcement agencies regarding the physical or mental
10 status of one or more individual subjects.

11 (c) Personal information contained within public
12 records, the disclosure of which would constitute a clearly
13 unwarranted invasion of personal privacy, unless the
14 disclosure is consented to in writing by the individual
15 subjects of the information. "Unwarranted invasion of
16 personal privacy" means the disclosure of information that
17 is highly personal or objectionable to a reasonable person
18 and in which the subject's right to privacy outweighs any
19 legitimate public interest in obtaining the information.
20 The disclosure of information that bears on the public
21 duties of public employees and officials shall not be
22 considered an invasion of personal privacy.

23 (d) Records in the possession of any public body
24 created in the course of administrative enforcement
25 proceedings, and any law enforcement or correctional
26 agency for law enforcement purposes, but only to the extent

1 that disclosure would:

2 (i) interfere with pending or actually and
3 reasonably contemplated law enforcement proceedings
4 conducted by any law enforcement or correctional
5 agency that is the recipient of the request;

6 (ii) interfere with active administrative
7 enforcement proceedings conducted by the public body
8 that is the recipient of the request;

9 (iii) create a substantial likelihood that a
10 person will be deprived of a fair trial or an impartial
11 hearing;

12 (iv) unavoidably disclose the identity of a
13 confidential source, confidential information
14 furnished only by the confidential source, or persons
15 who file complaints with or provide information to
16 administrative, investigative, law enforcement, or
17 penal agencies; except that the identities of
18 witnesses to traffic accidents, traffic accident
19 reports, and rescue reports shall be provided by
20 agencies of local government, except when disclosure
21 would interfere with an active criminal investigation
22 conducted by the agency that is the recipient of the
23 request;

24 (v) disclose unique or specialized investigative
25 techniques other than those generally used and known or
26 disclose internal documents of correctional agencies

1 related to detection, observation or investigation of
2 incidents of crime or misconduct, and disclosure would
3 result in demonstrable harm to the agency or public
4 body that is the recipient of the request;

5 (vi) endanger the life or physical safety of law
6 enforcement personnel or any other person; or

7 (vii) obstruct an ongoing criminal investigation
8 by the agency that is the recipient of the request.

9 (d-5) A law enforcement record created for law
10 enforcement purposes and contained in a shared electronic
11 record management system if the law enforcement agency that
12 is the recipient of the request did not create the record,
13 did not participate in or have a role in any of the events
14 which are the subject of the record, and only has access to
15 the record through the shared electronic record management
16 system.

17 (e) Records that relate to or affect the security of
18 correctional institutions and detention facilities.

19 (e-5) Records requested by persons committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail if those
22 materials are available in the library of the correctional
23 institution or facility or jail where the inmate is
24 confined.

25 (e-6) Records requested by persons committed to the
26 Department of Corrections, Department of Human Services

1 Division of Mental Health, or a county jail if those
2 materials include records from staff members' personnel
3 files, staff rosters, or other staffing assignment
4 information.

5 (e-7) Records requested by persons committed to the
6 Department of Corrections or Department of Human Services
7 Division of Mental Health if those materials are available
8 through an administrative request to the Department of
9 Corrections or Department of Human Services Division of
10 Mental Health.

11 (e-8) Records requested by a person committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail, the disclosure
14 of which would result in the risk of harm to any person or
15 the risk of an escape from a jail or correctional
16 institution or facility.

17 (e-9) Records requested by a person in a county jail or
18 committed to the Department of Corrections or Department of
19 Human Services Division of Mental Health, containing
20 personal information pertaining to the person's victim or
21 the victim's family, including, but not limited to, a
22 victim's home address, home telephone number, work or
23 school address, work telephone number, social security
24 number, or any other identifying information, except as may
25 be relevant to a requester's current or potential case or
26 claim.

1 (e-10) Law enforcement records of other persons
2 requested by a person committed to the Department of
3 Corrections, Department of Human Services Division of
4 Mental Health, or a county jail, including, but not limited
5 to, arrest and booking records, mug shots, and crime scene
6 photographs, except as these records may be relevant to the
7 requester's current or potential case or claim.

8 (f) Preliminary drafts, notes, recommendations,
9 memoranda and other records in which opinions are
10 expressed, or policies or actions are formulated, except
11 that a specific record or relevant portion of a record
12 shall not be exempt when the record is publicly cited and
13 identified by the head of the public body. The exemption
14 provided in this paragraph (f) extends to all those records
15 of officers and agencies of the General Assembly that
16 pertain to the preparation of legislative documents.

17 (g) Trade secrets and commercial or financial
18 information obtained from a person or business where the
19 trade secrets or commercial or financial information are
20 furnished under a claim that they are proprietary,
21 privileged, or confidential, and that disclosure of the
22 trade secrets or commercial or financial information would
23 cause competitive harm to the person or business, and only
24 insofar as the claim directly applies to the records
25 requested.

26 The information included under this exemption includes

1 all trade secrets and commercial or financial information
2 obtained by a public body, including a public pension fund,
3 from a private equity fund or a privately held company
4 within the investment portfolio of a private equity fund as
5 a result of either investing or evaluating a potential
6 investment of public funds in a private equity fund. The
7 exemption contained in this item does not apply to the
8 aggregate financial performance information of a private
9 equity fund, nor to the identity of the fund's managers or
10 general partners. The exemption contained in this item does
11 not apply to the identity of a privately held company
12 within the investment portfolio of a private equity fund,
13 unless the disclosure of the identity of a privately held
14 company may cause competitive harm.

15 Nothing contained in this paragraph (g) shall be
16 construed to prevent a person or business from consenting
17 to disclosure.

18 (h) Proposals and bids for any contract, grant, or
19 agreement, including information which if it were
20 disclosed would frustrate procurement or give an advantage
21 to any person proposing to enter into a contractor
22 agreement with the body, until an award or final selection
23 is made. Information prepared by or for the body in
24 preparation of a bid solicitation shall be exempt until an
25 award or final selection is made.

26 (i) Valuable formulae, computer geographic systems,

1 designs, drawings and research data obtained or produced by
2 any public body when disclosure could reasonably be
3 expected to produce private gain or public loss. The
4 exemption for "computer geographic systems" provided in
5 this paragraph (i) does not extend to requests made by news
6 media as defined in Section 2 of this Act when the
7 requested information is not otherwise exempt and the only
8 purpose of the request is to access and disseminate
9 information regarding the health, safety, welfare, or
10 legal rights of the general public.

11 (j) The following information pertaining to
12 educational matters:

13 (i) test questions, scoring keys and other
14 examination data used to administer an academic
15 examination;

16 (ii) information received by a primary or
17 secondary school, college, or university under its
18 procedures for the evaluation of faculty members by
19 their academic peers;

20 (iii) information concerning a school or
21 university's adjudication of student disciplinary
22 cases, but only to the extent that disclosure would
23 unavoidably reveal the identity of the student; and

24 (iv) course materials or research materials used
25 by faculty members.

26 (k) Architects' plans, engineers' technical

1 submissions, and other construction related technical
2 documents for projects not constructed or developed in
3 whole or in part with public funds and the same for
4 projects constructed or developed with public funds,
5 including, but not limited to, power generating and
6 distribution stations and other transmission and
7 distribution facilities, water treatment facilities,
8 airport facilities, sport stadiums, convention centers,
9 and all government owned, operated, or occupied buildings,
10 but only to the extent that disclosure would compromise
11 security.

12 (l) Minutes of meetings of public bodies closed to the
13 public as provided in the Open Meetings Act until the
14 public body makes the minutes available to the public under
15 Section 2.06 of the Open Meetings Act.

16 (m) Communications between a public body and an
17 attorney or auditor representing the public body that would
18 not be subject to discovery in litigation, and materials
19 prepared or compiled by or for a public body in
20 anticipation of a criminal, civil, or administrative
21 proceeding upon the request of an attorney advising the
22 public body, and materials prepared or compiled with
23 respect to internal audits of public bodies.

24 (n) Records relating to a public body's adjudication of
25 employee grievances or disciplinary cases; however, this
26 exemption shall not extend to the final outcome of cases in

1 which discipline is imposed.

2 (o) Administrative or technical information associated
3 with automated data processing operations, including, but
4 not limited to, software, operating protocols, computer
5 program abstracts, file layouts, source listings, object
6 modules, load modules, user guides, documentation
7 pertaining to all logical and physical design of
8 computerized systems, employee manuals, and any other
9 information that, if disclosed, would jeopardize the
10 security of the system or its data or the security of
11 materials exempt under this Section.

12 (p) Records relating to collective negotiating matters
13 between public bodies and their employees or
14 representatives, except that any final contract or
15 agreement shall be subject to inspection and copying.

16 (q) Test questions, scoring keys, and other
17 examination data used to determine the qualifications of an
18 applicant for a license or employment.

19 (r) The records, documents, and information relating
20 to real estate purchase negotiations until those
21 negotiations have been completed or otherwise terminated.
22 With regard to a parcel involved in a pending or actually
23 and reasonably contemplated eminent domain proceeding
24 under the Eminent Domain Act, records, documents, and
25 information relating to that parcel shall be exempt except
26 as may be allowed under discovery rules adopted by the

1 Illinois Supreme Court. The records, documents, and
2 information relating to a real estate sale shall be exempt
3 until a sale is consummated.

4 (s) Any and all proprietary information and records
5 related to the operation of an intergovernmental risk
6 management association or self-insurance pool or jointly
7 self-administered health and accident cooperative or pool.
8 Insurance or self insurance (including any
9 intergovernmental risk management association or self
10 insurance pool) claims, loss or risk management
11 information, records, data, advice or communications.

12 (t) Information contained in or related to
13 examination, operating, or condition reports prepared by,
14 on behalf of, or for the use of a public body responsible
15 for the regulation or supervision of financial
16 institutions, insurance companies, or pharmacy benefit
17 managers, unless disclosure is otherwise required by State
18 law.

19 (u) Information that would disclose or might lead to
20 the disclosure of secret or confidential information,
21 codes, algorithms, programs, or private keys intended to be
22 used to create electronic or digital signatures under the
23 Electronic Commerce Security Act.

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a community's

1 population or systems, facilities, or installations, the
2 destruction or contamination of which would constitute a
3 clear and present danger to the health or safety of the
4 community, but only to the extent that disclosure could
5 reasonably be expected to jeopardize the effectiveness of
6 the measures or the safety of the personnel who implement
7 them or the public. Information exempt under this item may
8 include such things as details pertaining to the
9 mobilization or deployment of personnel or equipment, to
10 the operation of communication systems or protocols, or to
11 tactical operations.

12 (w) (Blank).

13 (x) Maps and other records regarding the location or
14 security of generation, transmission, distribution,
15 storage, gathering, treatment, or switching facilities
16 owned by a utility, by a power generator, or by the
17 Illinois Power Agency.

18 (y) Information contained in or related to proposals,
19 bids, or negotiations related to electric power
20 procurement under Section 1-75 of the Illinois Power Agency
21 Act and Section 16-111.5 of the Public Utilities Act that
22 is determined to be confidential and proprietary by the
23 Illinois Power Agency or by the Illinois Commerce
24 Commission.

25 (z) Information about students exempted from
26 disclosure under Sections 10-20.38 or 34-18.29 of the

1 School Code, and information about undergraduate students
2 enrolled at an institution of higher education exempted
3 from disclosure under Section 25 of the Illinois Credit
4 Card Marketing Act of 2009.

5 (aa) Information the disclosure of which is exempted
6 under the Viatical Settlements Act of 2009.

7 (bb) Records and information provided to a mortality
8 review team and records maintained by a mortality review
9 team appointed under the Department of Juvenile Justice
10 Mortality Review Team Act.

11 (cc) Information regarding interments, entombments, or
12 inurnments of human remains that are submitted to the
13 Cemetery Oversight Database under the Cemetery Care Act or
14 the Cemetery Oversight Act, whichever is applicable.

15 (dd) Correspondence and records (i) that may not be
16 disclosed under Section 11-9 of the Illinois Public Aid
17 Code or (ii) that pertain to appeals under Section 11-8 of
18 the Illinois Public Aid Code.

19 (ee) The names, addresses, or other personal
20 information of persons who are minors and are also
21 participants and registrants in programs of park
22 districts, forest preserve districts, conservation
23 districts, recreation agencies, and special recreation
24 associations.

25 (ff) The names, addresses, or other personal
26 information of participants and registrants in programs of

1 park districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations where such programs are targeted primarily to
4 minors.

5 (gg) Confidential information described in Section
6 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

7 (hh) The report submitted to the State Board of
8 Education by the School Security and Standards Task Force
9 under item (8) of subsection (d) of Section 2-3.160 of the
10 School Code and any information contained in that report.

11 (ii) Records requested by persons committed to or
12 detained by the Department of Human Services under the
13 Sexually Violent Persons Commitment Act or committed to the
14 Department of Corrections under the Sexually Dangerous
15 Persons Act if those materials: (i) are available in the
16 library of the facility where the individual is confined;
17 (ii) include records from staff members' personnel files,
18 staff rosters, or other staffing assignment information;
19 or (iii) are available through an administrative request to
20 the Department of Human Services or the Department of
21 Corrections.

22 (jj) Confidential information described in Section
23 5-535 of the Civil Administrative Code of Illinois.

24 (kk) The public body's credit card numbers, debit card
25 numbers, bank account numbers, Federal Employer
26 Identification Number, security code numbers, passwords,

1 and similar account information, the disclosure of which
2 could result in identity theft or impersonation or defrauding
3 of a governmental entity or a person.

4 (ll) ~~(kk)~~ Records concerning the work of the threat
5 assessment team of a school district.

6 (mm) Risk and vulnerability assessments, security
7 measures, schedules, certifications, and response policies
8 or plans that are designed to detect, defend against,
9 prevent, or respond to potential cyber attacks upon the
10 State's or an election authority's network systems or
11 records that the disclosure of which would constitute an
12 unreasonable risk to the proper administration of
13 elections or voter registration. Information under this
14 paragraph is exempt only to the extent that disclosure
15 could reasonably be expected to jeopardize the
16 effectiveness of the security measures or the safety of
17 computer systems used in the administration of elections.
18 Information exempt under this paragraph includes, but is
19 not limited to, details pertaining to the mobilization or
20 deployment of personnel or equipment, to the operation of
21 communication systems or protocols, or to tactical
22 operations. This exemption applies to records held by the
23 State Board of Elections, the Department of Innovation and
24 Technology, and election authorities.

25 (1.5) Any information exempt from disclosure under the
26 Judicial Privacy Act shall be redacted from public records

1 prior to disclosure under this Act.

2 (2) A public record that is not in the possession of a
3 public body but is in the possession of a party with whom the
4 agency has contracted to perform a governmental function on
5 behalf of the public body, and that directly relates to the
6 governmental function and is not otherwise exempt under this
7 Act, shall be considered a public record of the public body,
8 for purposes of this Act.

9 (3) This Section does not authorize withholding of
10 information or limit the availability of records to the public,
11 except as stated in this Section or otherwise provided in this
12 Act.

13 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
14 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
15 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

16 Section 10. The Election Code is amended by changing the
17 heading of Article 24C and Sections 1A-8, 4-8, 4-8.03, 5-7,
18 6-35, 10-10.1, 18A-15, 19-2, 19-4, 19-7, 19-8, 24B-2, 24B-4,
19 24B-6, 24B-9, 24C-1, 24C-2, 24C-3, 24C-3.1, 24C-4, 24C-5,
20 24C-5.1, 24C-5.2, 24C-6, 24C-6.1, 24C-7, 24C-8, 24C-9, 24C-10,
21 24C-11, 24C-12, 24C-13, 24C-14, 24C-15, 24C-15.01, 24C-15.1,
22 24C-16, 24C-17, 24C-18, and 24C-19 and by adding Section 19-2.4
23 as follows:

24 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

1 Sec. 1A-8. The State Board of Elections shall exercise the
2 following powers and perform the following duties in addition
3 to any powers or duties otherwise provided for by law:

4 (1) Assume all duties and responsibilities of the State
5 Electoral Board and the Secretary of State as heretofore
6 provided in this Code;

7 (2) Disseminate information to and consult with
8 election authorities concerning the conduct of elections
9 and registration in accordance with the laws of this State
10 and the laws of the United States;

11 (3) Furnish to each election authority prior to each
12 primary and general election and any other election it
13 deems necessary, a manual of uniform instructions
14 consistent with the provisions of this Code which shall be
15 used by election authorities in the preparation of the
16 official manual of instruction to be used by the judges of
17 election in any such election. In preparing such manual,
18 the State Board shall consult with representatives of the
19 election authorities throughout the State. The State Board
20 may provide separate portions of the uniform instructions
21 applicable to different election jurisdictions which
22 administer elections under different options provided by
23 law. The State Board may by regulation require particular
24 portions of the uniform instructions to be included in any
25 official manual of instructions published by election
26 authorities. Any manual of instructions published by any

1 election authority shall be identical with the manual of
2 uniform instructions issued by the Board, but may be
3 adapted by the election authority to accommodate special or
4 unusual local election problems, provided that all manuals
5 published by election authorities must be consistent with
6 the provisions of this Code in all respects and must
7 receive the approval of the State Board of Elections prior
8 to publication; provided further that if the State Board
9 does not approve or disapprove of a proposed manual within
10 60 days of its submission, the manual shall be deemed
11 approved.

12 (4) Prescribe and require the use of such uniform
13 forms, notices, and other supplies not inconsistent with
14 the provisions of this Code as it shall deem advisable
15 which shall be used by election authorities in the conduct
16 of elections and registrations;

17 (5) Prepare and certify the form of ballot for any
18 proposed amendment to the Constitution of the State of
19 Illinois, or any referendum to be submitted to the electors
20 throughout the State or, when required to do so by law, to
21 the voters of any area or unit of local government of the
22 State;

23 (6) Require such statistical reports regarding the
24 conduct of elections and registration from election
25 authorities as may be deemed necessary;

26 (7) Review and inspect procedures and records relating

1 to conduct of elections and registration as may be deemed
2 necessary, and to report violations of election laws to the
3 appropriate State's Attorney or the Attorney General;

4 (8) Recommend to the General Assembly legislation to
5 improve the administration of elections and registration;

6 (9) Adopt, amend or rescind rules and regulations in
7 the performance of its duties provided that all such rules
8 and regulations must be consistent with the provisions of
9 this Article 1A or issued pursuant to authority otherwise
10 provided by law;

11 (10) Determine the validity and sufficiency of
12 petitions filed under Article XIV, Section 3, of the
13 Constitution of the State of Illinois of 1970;

14 (11) Maintain in its principal office a research
15 library that includes, but is not limited to, abstracts of
16 votes by precinct for general primary elections and general
17 elections, current precinct maps and current precinct poll
18 lists from all election jurisdictions within the State. The
19 research library shall be open to the public during regular
20 business hours. Such abstracts, maps and lists shall be
21 preserved as permanent records and shall be available for
22 examination and copying at a reasonable cost;

23 (12) Supervise the administration of the registration
24 and election laws throughout the State;

25 (13) Obtain from the Department of Central Management
26 Services, under Section 405-250 of the Department of

1 Central Management Services Law (20 ILCS 405/405-250),
2 such use of electronic data processing equipment as may be
3 required to perform the duties of the State Board of
4 Elections and to provide election-related information to
5 candidates, public and party officials, interested civic
6 organizations and the general public in a timely and
7 efficient manner;

8 (14) To take such action as may be necessary or
9 required to give effect to directions of the national
10 committee or State central committee of an established
11 political party under Sections 7-8, 7-11, and 7-14.1 or
12 such other provisions as may be applicable pertaining to
13 the selection of delegates and alternate delegates to an
14 established political party's national nominating
15 conventions or, notwithstanding any candidate
16 certification schedule contained within this Code, the
17 certification of the Presidential and Vice Presidential
18 candidate selected by the established political party's
19 national nominating convention;

20 (15) To post all early voting sites separated by
21 election authority and hours of operation on its website at
22 least 5 business days before the period for early voting
23 begins;

24 (16) To post on its website the statewide totals, and
25 totals separated by each election authority, for each of
26 the counts received pursuant to Section 1-9.2; and

1 (17) To post on its website, in a downloadable format,
2 the information received from each election authority
3 under Section 1-17.

4 (18) To facilitate the State's responsibility for the
5 collection of data as required by the U.S. Census Bureau
6 and provide the necessary resources to enable the General
7 Assembly to carry out their responsibilities related to
8 redistricting contained in subsection (b) of Section 3 of
9 Article IV of the Illinois Constitution.

10 The Board may by regulation delegate any of its duties or
11 functions under this Article, except that final determinations
12 and orders under this Article shall be issued only by the
13 Board.

14 The requirement for reporting to the General Assembly shall
15 be satisfied by filing copies of the report as required by
16 Section 3.1 of the General Assembly Organization Act, and
17 filing such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 (Source: P.A. 100-623, eff. 7-20-18; 100-863, eff. 8-14-18;
21 100-1148, eff. 12-10-18.)

22 (10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

23 Sec. 4-8. Blank forms; duplicate record cards;
24 identification of applicants' affidavit of registration;
25 registration record. The county clerk shall provide a

1 sufficient number of blank forms for the registration of
2 electors, which shall be known as registration record cards and
3 which shall consist of loose leaf sheets or cards, of suitable
4 size to contain in plain writing and figures the data
5 hereinafter required thereon or shall consist of computer cards
6 of suitable nature to contain the data required thereon. The
7 registration record cards, which shall include an affidavit of
8 registration as hereinafter provided, shall be executed in
9 duplicate.

10 The registration record card shall contain the following
11 and such other information as the county clerk may think it
12 proper to require for the identification of the applicant for
13 registration:

14 Name. The name of the applicant, giving surname and first
15 or Christian name in full, and the middle name or the initial
16 for such middle name, if any.

17 Sex.

18 Residence. The name and number of the street, avenue, or
19 other location of the dwelling, including the apartment, unit
20 or room number, if any, and in the case of a mobile home the lot
21 number, and such additional clear and definite description as
22 may be necessary to determine the exact location of the
23 dwelling of the applicant. Where the location cannot be
24 determined by street and number, then the section,
25 congressional township and range number may be used, or such
26 other description as may be necessary, including post-office

1 mailing address. In the case of a homeless individual, the
2 individual's voting residence that is his or her mailing
3 address shall be included on his or her registration record
4 card.

5 Term of residence in the State of Illinois and precinct.
6 This information shall be furnished by the applicant stating
7 the place or places where he resided and the dates during which
8 he resided in such place or places during the year next
9 preceding the date of the next ensuing election.

10 Nativity. The state or country in which the applicant was
11 born.

12 Citizenship. Whether the applicant is native born or
13 naturalized. If naturalized, the court, place, and date of
14 naturalization.

15 Date of application for registration, i.e., the day, month
16 and year when applicant presented himself for registration.

17 Age. Date of birth, by month, day and year.

18 Physical disability of the applicant, if any, at the time
19 of registration, which would require assistance in voting.

20 The county and state in which the applicant was last
21 registered.

22 Electronic mail address, if any.

23 Signature of voter. The applicant, after the registration
24 and in the presence of a deputy registrar or other officer of
25 registration shall be required to sign his or her name in ink
26 or digitized form to the affidavit on both the original and

1 duplicate registration record cards.

2 Signature of deputy registrar or officer of registration.

3 In case applicant is unable to sign his name, he may affix
4 his mark to the affidavit. In such case the officer empowered
5 to give the registration oath shall write a detailed
6 description of the applicant in the space provided on the back
7 or at the bottom of the card or sheet; and shall ask the
8 following questions and record the answers thereto:

9 Father's first name.

10 Mother's first name.

11 From what address did the applicant last register?

12 Reason for inability to sign name.

13 Each applicant for registration shall make an affidavit in
14 substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS

COUNTY OF

18 I hereby swear (or affirm) that I am a citizen of the
19 United States; that on the date of the next election I shall
20 have resided in the State of Illinois and in the election
21 precinct in which I reside 30 days and that I intend that this
22 location shall be my residence; that I am fully qualified to
23 vote, and that the above statements are true.

24

(His or her signature or mark)

26 Subscribed and sworn to before me on (insert date).

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2

Signature of registration officer.

3 (To be signed in presence of registrant.)

4 Space shall be provided upon the face of each registration
5 record card for the notation of the voting record of the person
6 registered thereon.

7 Each registration record card shall be numbered according
8 to precincts, and may be serially or otherwise marked for
9 identification in such manner as the county clerk may
10 determine.

11 The registration cards shall be deemed public records and
12 shall be open to inspection during regular business hours,
13 except during the 27 days immediately preceding any election.
14 On written request of any candidate or objector or any person
15 intending to object to a petition, the election authority shall
16 extend its hours for inspection of registration cards and other
17 records of the election authority during the period beginning
18 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
19 28-3 and continuing through the termination of electoral board
20 hearings on any objections to petitions containing signatures
21 of registered voters in the jurisdiction of the election
22 authority. The extension shall be for a period of hours
23 sufficient to allow adequate opportunity for examination of the
24 records but the election authority is not required to extend
25 its hours beyond the period beginning at its normal opening for

1 business and ending at midnight. If the business hours are so
2 extended, the election authority shall post a public notice of
3 such extended hours. Registration record cards may also be
4 inspected, upon approval of the officer in charge of the cards,
5 during the 27 days immediately preceding any election.
6 Registration record cards shall also be open to inspection by
7 certified judges and poll watchers and challengers at the
8 polling place on election day, but only to the extent necessary
9 to determine the question of the right of a person to vote or
10 to serve as a judge of election. At no time shall poll watchers
11 or challengers be allowed to physically handle the registration
12 record cards.

13 ~~Updated copies of computer tapes or computer discs or other~~
14 ~~electronic data processing information containing voter~~
15 ~~registration information shall be furnished by the county clerk~~
16 ~~within 10 days after December 15 and May 15 each year and~~
17 ~~within 10 days after each registration period is closed to the~~
18 ~~State Board of Elections in a form prescribed by the Board. For~~
19 ~~the purposes of this Section, a registration period is closed~~
20 ~~27 days before the date of any regular or special election.~~
21 ~~Registration information shall include, but not be limited to,~~
22 ~~the following information: name, sex, residence, telephone~~
23 ~~number, if any, age, party affiliation, if applicable,~~
24 ~~precinct, ward, township, county, and representative,~~
25 ~~legislative and congressional districts. In the event of~~
26 ~~noncompliance, the State Board of Elections is directed to~~

1 ~~obtain compliance forthwith with this nondiscretionary duty of~~
2 ~~the election authority by instituting legal proceedings in the~~
3 ~~circuit court of the county in which the election authority~~
4 ~~maintains the registration information. The costs of~~
5 ~~furnishing updated copies of tapes or discs shall be paid at a~~
6 ~~rate of \$.00034 per name of registered voters in the election~~
7 ~~jurisdiction, but not less than \$50 per tape or disc and shall~~
8 ~~be paid from appropriations made to the State Board of~~
9 ~~Elections for reimbursement to the election authority for such~~
10 ~~purpose.~~ The State Board shall furnish copies of ~~such tapes,~~
11 ~~discs,~~ other electronic data or compilations thereof,
12 including, but not limited to, the following information: name,
13 sex, residence, telephone number or email address, if
14 applicable, date of birth, party affiliation, if applicable,
15 precinct, ward, township, county, and representative,
16 legislative, and congressional districts, to state political
17 committees registered pursuant to the Illinois Campaign
18 Finance Act or the Federal Election Campaign Act and to
19 governmental entities at least once a month, ~~at their request~~
20 and at a reasonable cost. To protect the privacy and
21 confidentiality of voter registration information, the
22 disclosure of electronic voter registration records to any
23 person or entity other than to a State or local political
24 committee and other than to a governmental entity for a
25 governmental purpose is specifically prohibited except as
26 follows: subject to security measures adopted by the State

1 Board of Elections which, at a minimum, shall include the
2 keeping of a catalog or database, available for public view,
3 including the name, address, and telephone number of the person
4 viewing the list as well as the time of that viewing, any
5 person may view the centralized statewide voter registration
6 list on a computer screen at the Springfield office of the
7 State Board of Elections, during normal business hours other
8 than during the 27 days before an election, but the person
9 viewing the list under this exception may not print, duplicate,
10 transmit, or alter the list. Copies of the tapes, discs, or
11 other electronic data shall be furnished by the county clerk to
12 local political committees and governmental entities at their
13 request and at a reasonable cost. Reasonable cost of the tapes,
14 discs, et cetera for this purpose would be the cost of
15 duplication plus 15% for administration. The individual
16 representing a political committee requesting copies of such
17 tapes shall make a sworn affidavit that the information shall
18 be used only for bona fide political purposes, including by or
19 for candidates for office or incumbent office holders. Such
20 tapes, discs or other electronic data shall not be used under
21 any circumstances by any political committee or individuals for
22 purposes of commercial solicitation or other business
23 purposes. If such tapes contain information on county residents
24 related to the operations of county government in addition to
25 registration information, that information shall not be used
26 under any circumstances for commercial solicitation or other

1 business purposes. The prohibition in this Section against
2 using the computer tapes or computer discs or other electronic
3 data processing information containing voter registration
4 information for purposes of commercial solicitation or other
5 business purposes shall be prospective only from the effective
6 date of this amended Act of 1979. Any person who violates this
7 provision shall be guilty of a Class 4 felony.

8 The State Board of Elections shall promulgate, by October
9 1, 1987, such regulations as may be necessary to ensure
10 uniformity throughout the State in electronic data processing
11 of voter registration information. The regulations shall
12 include, but need not be limited to, specifications for uniform
13 medium, communications protocol and file structure to be
14 employed by the election authorities of this State in the
15 electronic data processing of voter registration information.
16 Each election authority utilizing electronic data processing
17 of voter registration information shall comply with such
18 regulations on and after May 15, 1988.

19 If the applicant for registration was last registered in
20 another county within this State, he shall also sign a
21 certificate authorizing cancellation of the former
22 registration. The certificate shall be in substantially the
23 following form:

24 To the County Clerk of.... County, Illinois. (or)

25 To the Election Commission of the City of, Illinois.

26 This is to certify that I am registered in your (county)

1 (city) and that my residence was

2 Having moved out of your (county) (city), I hereby authorize
3 you to cancel said registration in your office.

4 Dated at, Illinois, on (insert date).

5

6 (Signature of Voter)

7 Attest:, County Clerk,

8 County, Illinois.

9 The cancellation certificate shall be mailed immediately
10 by the County Clerk to the County Clerk (or election commission
11 as the case may be) where the applicant was formerly
12 registered. Receipt of such certificate shall be full authority
13 for cancellation of any previous registration.

14 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

15 (10 ILCS 5/4-8.03) (from Ch. 46, par. 4-8.03)

16 Sec. 4-8.03. The State Board of Elections shall design a
17 registration record card which, except as otherwise provided in
18 this Section, shall be used in triplicate by all election
19 authorities in the State, except those election authorities
20 adopting a computer-based voter registration file authorized
21 under Section 4-33. The Board shall prescribe the form and
22 specifications, ~~including but not limited to the weight of~~
23 ~~paper, color and print of such cards~~. Such cards shall contain
24 boxes or spaces for the information required under Sections 4-8
25 and 4-21 of this Code; provided, that such cards shall also

1 contain a box or space for the applicant's social security
2 number, which shall be required to the extent allowed by law
3 but in no case shall the applicant provide fewer than the last
4 4 digits of the social security number, and a box for the
5 applicant's telephone number, if available.

6 Except for those election authorities adopting a
7 computer-based voter registration file authorized under
8 Section 4-33, the original and duplicate cards shall
9 respectively constitute the master file and precinct binder
10 registration records of the voter. A copy shall be given to the
11 applicant upon completion of his or her registration or
12 completed transfer of registration.

13 Whenever a voter moves to another precinct within the same
14 election jurisdiction or to another election jurisdiction in
15 the State, such voter may transfer his or her registration by
16 presenting his or her copy to the election authority or a
17 deputy registrar. If such voter is not in possession of or has
18 lost his or her copy, he or she may effect a transfer of
19 registration by executing an Affidavit of Cancellation of
20 Previous Registration.

21 In the case of a transfer of registration to a new election
22 jurisdiction, the election authority shall transmit the
23 voter's copy or such affidavit to the election authority of the
24 voter's former election jurisdiction, which shall immediately
25 cause the transmission of the voter's previous registration
26 card to the voter's new election authority. No transfer of

1 registration to a new election jurisdiction shall be complete
2 until the voter's old election authority receives
3 notification.

4 Deputy registrars shall return all copies of registration
5 record cards or Affidavits of Cancellation of Previous
6 Registration to the election authority within 7 working days
7 after the receipt thereof, except that such copies or
8 Affidavits of Cancellation of Previous Registration received
9 by the deputy registrars between the 35th and 28th day
10 preceding an election shall be returned by the deputy
11 registrars to the election authority within 48 hours after
12 receipt. The deputy registrars shall return the copies or
13 Affidavits of Cancellation of Previous Registration received
14 by them on the 28th day preceding an election to the election
15 authority within 24 hours after receipt thereof.

16 (Source: P.A. 91-73, eff. 7-9-99; 92-816, eff. 8-21-02.)

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

18 Sec. 5-7. The county clerk shall provide a sufficient
19 number of blank forms for the registration of electors which
20 shall be known as registration record cards and which shall
21 consist of loose leaf sheets or cards, of suitable size to
22 contain in plain writing and figures the data hereinafter
23 required thereon or shall consist of computer cards of suitable
24 nature to contain the data required thereon. The registration
25 record cards, which shall include an affidavit of registration

1 as hereinafter provided, shall be executed in duplicate.

2 The registration record card shall contain the following
3 and such other information as the county clerk may think it
4 proper to require for the identification of the applicant for
5 registration:

6 Name. The name of the applicant, giving surname and first
7 or Christian name in full, and the middle name or the initial
8 for such middle name, if any.

9 Sex.

10 Residence. The name and number of the street, avenue, or
11 other location of the dwelling, including the apartment, unit
12 or room number, if any, and in the case of a mobile home the lot
13 number, and such additional clear and definite description as
14 may be necessary to determine the exact location of the
15 dwelling of the applicant, including post-office mailing
16 address. In the case of a homeless individual, the individual's
17 voting residence that is his or her mailing address shall be
18 included on his or her registration record card.

19 Term of residence in the State of Illinois and the
20 precinct. Which questions may be answered by the applicant
21 stating, in excess of 30 days in the State and in excess of 30
22 days in the precinct.

23 Nativity. The State or country in which the applicant was
24 born.

25 Citizenship. Whether the applicant is native born or
26 naturalized. If naturalized, the court, place and date of

1 naturalization.

2 Date of application for registration, i.e., the day, month
3 and year when applicant presented himself for registration.

4 Age. Date of birth, by month, day and year.

5 Physical disability of the applicant, if any, at the time
6 of registration, which would require assistance in voting.

7 The county and state in which the applicant was last
8 registered.

9 Electronic mail address, if any.

10 Signature of voter. The applicant, after the registration
11 and in the presence of a deputy registrar or other officer of
12 registration shall be required to sign his or her name in ink
13 or digitized form to the affidavit on the original and
14 duplicate registration record card.

15 Signature of Deputy Registrar.

16 In case applicant is unable to sign his name, he may affix
17 his mark to the affidavit. In such case the officer empowered
18 to give the registration oath shall write a detailed
19 description of the applicant in the space provided at the
20 bottom of the card or sheet; and shall ask the following
21 questions and record the answers thereto:

22 Father's first name

23 Mother's first name

24 From what address did you last register?

25 Reason for inability to sign name.

26 Each applicant for registration shall make an affidavit in

1 substantially the following form:

2 AFFIDAVIT OF REGISTRATION

3 State of Illinois)

4) ss

5 County of)

6 I hereby swear (or affirm) that I am a citizen of the
7 United States; that on the date of the next election I shall
8 have resided in the State of Illinois and in the election
9 precinct in which I reside 30 days; that I am fully qualified
10 to vote. That I intend that this location shall be my residence
11 and that the above statements are true.

12
13 (His or her signature or mark)

14 Subscribed and sworn to before me on (insert date).

15

16 Signature of Registration Officer.

17 (To be signed in presence of Registrant.)

18 Space shall be provided upon the face of each registration
19 record card for the notation of the voting record of the person
20 registered thereon.

21 Each registration record card shall be numbered according
22 to towns and precincts, wards, cities and villages, as the case
23 may be, and may be serially or otherwise marked for
24 identification in such manner as the county clerk may
25 determine.

1 The registration cards shall be deemed public records and
2 shall be open to inspection during regular business hours,
3 except during the 27 days immediately preceding any election.
4 On written request of any candidate or objector or any person
5 intending to object to a petition, the election authority shall
6 extend its hours for inspection of registration cards and other
7 records of the election authority during the period beginning
8 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
9 28-3 and continuing through the termination of electoral board
10 hearings on any objections to petitions containing signatures
11 of registered voters in the jurisdiction of the election
12 authority. The extension shall be for a period of hours
13 sufficient to allow adequate opportunity for examination of the
14 records but the election authority is not required to extend
15 its hours beyond the period beginning at its normal opening for
16 business and ending at midnight. If the business hours are so
17 extended, the election authority shall post a public notice of
18 such extended hours. Registration record cards may also be
19 inspected, upon approval of the officer in charge of the cards,
20 during the 27 days immediately preceding any election.
21 Registration record cards shall also be open to inspection by
22 certified judges and poll watchers and challengers at the
23 polling place on election day, but only to the extent necessary
24 to determine the question of the right of a person to vote or
25 to serve as a judge of election. At no time shall poll watchers
26 or challengers be allowed to physically handle the registration

1 record cards.

2 ~~Updated copies of computer tapes or computer discs or other~~
3 ~~electronic data processing information containing voter~~
4 ~~registration information shall be furnished by the county clerk~~
5 ~~within 10 days after December 15 and May 15 each year and~~
6 ~~within 10 days after each registration period is closed to the~~
7 ~~State Board of Elections in a form prescribed by the Board. For~~
8 ~~the purposes of this Section, a registration period is closed~~
9 ~~27 days before the date of any regular or special election.~~
10 ~~Registration information shall include, but not be limited to,~~
11 ~~the following information: name, sex, residence, telephone~~
12 ~~number, if any, age, party affiliation, if applicable,~~
13 ~~precinct, ward, township, county, and representative,~~
14 ~~legislative and congressional districts. In the event of~~
15 ~~noncompliance, the State Board of Elections is directed to~~
16 ~~obtain compliance forthwith with this nondiscretionary duty of~~
17 ~~the election authority by instituting legal proceedings in the~~
18 ~~circuit court of the county in which the election authority~~
19 ~~maintains the registration information. The costs of~~
20 ~~furnishing updated copies of tapes or discs shall be paid at a~~
21 ~~rate of \$.00034 per name of registered voters in the election~~
22 ~~jurisdiction, but not less than \$50 per tape or disc and shall~~
23 ~~be paid from appropriations made to the State Board of~~
24 ~~Elections for reimbursement to the election authority for such~~
25 ~~purpose.~~ The State Board shall furnish copies of ~~such tapes,~~
26 ~~discs,~~ other electronic data or compilations thereof. L

1 including, but not limited to, the following information: name,
2 sex, residence, telephone number or email address, if
3 applicable, date of birth, party affiliation, if applicable,
4 precinct, ward, township, county, and representative,
5 legislative, and congressional districts, to state political
6 committees registered pursuant to the Illinois Campaign
7 Finance Act or the Federal Election Campaign Act and to
8 governmental entities at least once a month, ~~at their request~~
9 and at a reasonable cost. To protect the privacy and
10 confidentiality of voter registration information, the
11 disclosure of electronic voter registration records to any
12 person or entity other than to a State or local political
13 committee and other than to a governmental entity for a
14 governmental purpose is specifically prohibited except as
15 follows: subject to security measures adopted by the State
16 Board of Elections which, at a minimum, shall include the
17 keeping of a catalog or database, available for public view,
18 including the name, address, and telephone number of the person
19 viewing the list as well as the time of that viewing, any
20 person may view the centralized statewide voter registration
21 list on a computer screen at the Springfield office of the
22 State Board of Elections, during normal business hours other
23 than during the 27 days before an election, but the person
24 viewing the list under this exception may not print, duplicate,
25 transmit, or alter the list. Copies of the tapes, discs or
26 other electronic data shall be furnished by the county clerk to

1 local political committees and governmental entities at their
2 request and at a reasonable cost. Reasonable cost of the tapes,
3 discs, et cetera for this purpose would be the cost of
4 duplication plus 15% for administration. The individual
5 representing a political committee requesting copies of such
6 tapes shall make a sworn affidavit that the information shall
7 be used only for bona fide political purposes, including by or
8 for candidates for office or incumbent office holders. Such
9 tapes, discs or other electronic data shall not be used under
10 any circumstances by any political committee or individuals for
11 purposes of commercial solicitation or other business
12 purposes. If such tapes contain information on county residents
13 related to the operations of county government in addition to
14 registration information, that information shall not be used
15 under any circumstances for commercial solicitation or other
16 business purposes. The prohibition in this Section against
17 using the computer tapes or computer discs or other electronic
18 data processing information containing voter registration
19 information for purposes of commercial solicitation or other
20 business purposes shall be prospective only from the effective
21 date of this amended Act of 1979. Any person who violates this
22 provision shall be guilty of a Class 4 felony.

23 The State Board of Elections shall promulgate, by October
24 1, 1987, such regulations as may be necessary to ensure
25 uniformity throughout the State in electronic data processing
26 of voter registration information. The regulations shall

1 include, but need not be limited to, specifications for uniform
 2 medium, communications protocol and file structure to be
 3 employed by the election authorities of this State in the
 4 electronic data processing of voter registration information.
 5 Each election authority utilizing electronic data processing
 6 of voter registration information shall comply with such
 7 regulations on and after May 15, 1988.

8 If the applicant for registration was last registered in
 9 another county within this State, he shall also sign a
 10 certificate authorizing cancellation of the former
 11 registration. The certificate shall be in substantially the
 12 following form:

13 To the County Clerk of County, Illinois. To the Election
 14 Commission of the City of, Illinois.

15 This is to certify that I am registered in your (county)
 16 (city) and that my residence was

17 Having moved out of your (county) (city), I hereby
 18 authorize you to cancel said registration in your office.

19 Dated at Illinois, on (insert date).

20
 21 (Signature of Voter)

22 Attest, County Clerk, County, Illinois.

23 The cancellation certificate shall be mailed immediately
 24 by the county clerk to the county clerk (or election commission
 25 as the case may be) where the applicant was formerly
 26 registered. Receipt of such certificate shall be full authority

1 for cancellation of any previous registration.

2 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

3 (10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

4 Sec. 6-35. The Boards of Election Commissioners shall
5 provide a sufficient number of blank forms for the registration
6 of electors which shall be known as registration record cards
7 and which shall consist of loose leaf sheets or cards, of
8 suitable size to contain in plain writing and figures the data
9 hereinafter required thereon or shall consist of computer cards
10 of suitable nature to contain the data required thereon. The
11 registration record cards, which shall include an affidavit of
12 registration as hereinafter provided, shall be executed in
13 duplicate. The duplicate of which may be a carbon copy of the
14 original or a copy of the original made by the use of other
15 method or material used for making simultaneous true copies or
16 duplications.

17 The registration record card shall contain the following
18 and such other information as the Board of Election
19 Commissioners may think it proper to require for the
20 identification of the applicant for registration:

21 Name. The name of the applicant, giving surname and first
22 or Christian name in full, and the middle name or the initial
23 for such middle name, if any.

24 Sex.

25 Residence. The name and number of the street, avenue, or

1 other location of the dwelling, including the apartment, unit
2 or room number, if any, and in the case of a mobile home the lot
3 number, and such additional clear and definite description as
4 may be necessary to determine the exact location of the
5 dwelling of the applicant, including post-office mailing
6 address. In the case of a homeless individual, the individual's
7 voting residence that is his or her mailing address shall be
8 included on his or her registration record card.

9 Term of residence in the State of Illinois and the
10 precinct.

11 Nativity. The state or country in which the applicant was
12 born.

13 Citizenship. Whether the applicant is native born or
14 naturalized. If naturalized, the court, place, and date of
15 naturalization.

16 Date of application for registration, i.e., the day, month
17 and year when the applicant presented himself for registration.

18 Age. Date of birth, by month, day and year.

19 Physical disability of the applicant, if any, at the time
20 of registration, which would require assistance in voting.

21 The county and state in which the applicant was last
22 registered.

23 Electronic mail address, if any.

24 Signature of voter. The applicant, after registration and
25 in the presence of a deputy registrar or other officer of
26 registration shall be required to sign his or her name in ink

1 or digitized form to the affidavit on both the original and the
2 duplicate registration record card.

3 Signature of deputy registrar.

4 In case applicant is unable to sign his name, he may affix
5 his mark to the affidavit. In such case the registration
6 officer shall write a detailed description of the applicant in
7 the space provided at the bottom of the card or sheet; and
8 shall ask the following questions and record the answers
9 thereto:

10 Father's first name

11 Mother's first name

12 From what address did you last register?

13 Reason for inability to sign name

14 Each applicant for registration shall make an affidavit in
15 substantially the following form:

AFFIDAVIT OF REGISTRATION

17 State of Illinois)

18)ss

19 County of)

20 I hereby swear (or affirm) that I am a citizen of the
21 United States, that on the day of the next election I shall
22 have resided in the State of Illinois and in the election
23 precinct 30 days and that I intend that this location is my
24 residence; that I am fully qualified to vote, and that the
25 above statements are true.

26

1 (His or her signature or mark)

2 Subscribed and sworn to before me on (insert date).

3

4 Signature of registration officer

5 (to be signed in presence of registrant).

6 Space shall be provided upon the face of each registration
7 record card for the notation of the voting record of the person
8 registered thereon.

9 Each registration record card shall be numbered according
10 to wards or precincts, as the case may be, and may be serially
11 or otherwise marked for identification in such manner as the
12 Board of Election Commissioners may determine.

13 The registration cards shall be deemed public records and
14 shall be open to inspection during regular business hours,
15 except during the 27 days immediately preceding any election.
16 On written request of any candidate or objector or any person
17 intending to object to a petition, the election authority shall
18 extend its hours for inspection of registration cards and other
19 records of the election authority during the period beginning
20 with the filing of petitions under Sections 7-10, 8-8, 10-6 or
21 28-3 and continuing through the termination of electoral board
22 hearings on any objections to petitions containing signatures
23 of registered voters in the jurisdiction of the election
24 authority. The extension shall be for a period of hours
25 sufficient to allow adequate opportunity for examination of the
26 records but the election authority is not required to extend

1 its hours beyond the period beginning at its normal opening for
2 business and ending at midnight. If the business hours are so
3 extended, the election authority shall post a public notice of
4 such extended hours. Registration record cards may also be
5 inspected, upon approval of the officer in charge of the cards,
6 during the 27 days immediately preceding any election.
7 Registration record cards shall also be open to inspection by
8 certified judges and poll watchers and challengers at the
9 polling place on election day, but only to the extent necessary
10 to determine the question of the right of a person to vote or
11 to serve as a judge of election. At no time shall poll watchers
12 or challengers be allowed to physically handle the registration
13 record cards.

14 ~~Updated copies of computer tapes or computer discs or other~~
15 ~~electronic data processing information containing voter~~
16 ~~registration information shall be furnished by the Board of~~
17 ~~Election Commissioners within 10 days after December 15 and May~~
18 ~~15 each year and within 10 days after each registration period~~
19 ~~is closed to the State Board of Elections in a form prescribed~~
20 ~~by the State Board. For the purposes of this Section, a~~
21 ~~registration period is closed 27 days before the date of any~~
22 ~~regular or special election. Registration information shall~~
23 ~~include, but not be limited to, the following information:~~
24 ~~name, sex, residence, telephone number, if any, age, party~~
25 ~~affiliation, if applicable, precinct, ward, township, county,~~
26 ~~and representative, legislative and congressional districts.~~

1 ~~In the event of noncompliance, the State Board of Elections is~~
2 ~~directed to obtain compliance forthwith with this~~
3 ~~nondiscretionary duty of the election authority by instituting~~
4 ~~legal proceedings in the circuit court of the county in which~~
5 ~~the election authority maintains the registration information.~~
6 ~~The costs of furnishing updated copies of tapes or discs shall~~
7 ~~be paid at a rate of \$.00034 per name of registered voters in~~
8 ~~the election jurisdiction, but not less than \$50 per tape or~~
9 ~~disc and shall be paid from appropriations made to the State~~
10 ~~Board of Elections for reimbursement to the election authority~~
11 ~~for such purpose.~~ The State Board shall furnish copies of ~~such~~
12 ~~tapes, discs, other~~ electronic data or compilations thereof,
13 including, but not limited to, the following information: name,
14 sex, residence, telephone number or email address, if
15 applicable, date of birth, party affiliation, if applicable,
16 precinct, ward, township, county, and representative,
17 legislative, and congressional districts, to state political
18 committees registered pursuant to the Illinois Campaign
19 Finance Act or the Federal Election Campaign Act and to
20 governmental entities at least once a month, ~~at their request~~
21 and at a reasonable cost. To protect the privacy and
22 confidentiality of voter registration information, the
23 disclosure of electronic voter registration records to any
24 person or entity other than to a State or local political
25 committee and other than to a governmental entity for a
26 governmental purpose is specifically prohibited except as

1 follows: subject to security measures adopted by the State
2 Board of Elections which, at a minimum, shall include the
3 keeping of a catalog or database, available for public view,
4 including the name, address, and telephone number of the person
5 viewing the list as well as the time of that viewing, any
6 person may view the centralized statewide voter registration
7 list on a computer screen at the Springfield office of the
8 State Board of Elections, during normal business hours other
9 than during the 27 days before an election, but the person
10 viewing the list under this exception may not print, duplicate,
11 transmit, or alter the list. Copies of the tapes, discs or
12 other electronic data shall be furnished by the Board of
13 Election Commissioners to local political committees and
14 governmental entities at their request and at a reasonable
15 cost. Reasonable cost of the tapes, discs, et cetera for this
16 purpose would be the cost of duplication plus 15% for
17 administration. The individual representing a political
18 committee requesting copies of such tapes shall make a sworn
19 affidavit that the information shall be used only for bona fide
20 political purposes, including by or for candidates for office
21 or incumbent office holders. Such tapes, discs or other
22 electronic data shall not be used under any circumstances by
23 any political committee or individuals for purposes of
24 commercial solicitation or other business purposes. If such
25 tapes contain information on county residents related to the
26 operations of county government in addition to registration

1 information, that information shall not be used under any
2 circumstances for commercial solicitation or other business
3 purposes. The prohibition in this Section against using the
4 computer tapes or computer discs or other electronic data
5 processing information containing voter registration
6 information for purposes of commercial solicitation or other
7 business purposes shall be prospective only from the effective
8 date of this amended Act of 1979. Any person who violates this
9 provision shall be guilty of a Class 4 felony.

10 The State Board of Elections shall promulgate, by October
11 1, 1987, such regulations as may be necessary to ensure
12 uniformity throughout the State in electronic data processing
13 of voter registration information. The regulations shall
14 include, but need not be limited to, specifications for uniform
15 medium, communications protocol and file structure to be
16 employed by the election authorities of this State in the
17 electronic data processing of voter registration information.
18 Each election authority utilizing electronic data processing
19 of voter registration information shall comply with such
20 regulations on and after May 15, 1988.

21 If the applicant for registration was last registered in
22 another county within this State, he shall also sign a
23 certificate authorizing cancellation of the former
24 registration. The certificate shall be in substantially the
25 following form:

26 To the County Clerk of County, Illinois.

1 To the Election Commission of the City of, Illinois.

2 This is to certify that I am registered in your (county)
3 (city) and that my residence was, Having moved out of your
4 (county), (city), I hereby authorize you to cancel that
5 registration in your office.

6 Dated at, Illinois, on (insert date).

7

8 (Signature of Voter)

9 Attest, Clerk, Election Commission of the City of.....,
10 Illinois.

11 The cancellation certificate shall be mailed immediately
12 by the clerk of the Election Commission to the county clerk,
13 (or Election Commission as the case may be) where the applicant
14 was formerly registered. Receipt of such certificate shall be
15 full authority for cancellation of any previous registration.

16 (Source: P.A. 98-115, eff. 10-1-13; 99-522, eff. 6-30-16.)

17 (10 ILCS 5/10-10.1) (from Ch. 46, par. 10-10.1)

18 Sec. 10-10.1. (a) Except as otherwise provided in this
19 Section, a candidate or objector aggrieved by the decision of
20 an electoral board may secure judicial review of such decision
21 in the circuit court of the county in which the hearing of the
22 electoral board was held. The party seeking judicial review
23 must file a petition with the clerk of the court and must serve
24 a copy of the petition upon the electoral board and other
25 parties to the proceeding by registered or certified mail

1 within 5 days after service of the decision of the electoral
2 board as provided in Section 10-10. The petition shall contain
3 a brief statement of the reasons why the decision of the board
4 should be reversed. The petitioner shall file proof of service
5 with the clerk of the court within 5 days after service of the
6 decision. No answer to the petition need be filed, but the
7 electoral board shall cause the record of proceedings before
8 the electoral board to be filed with the clerk of the court on
9 or before the date of the hearing on the petition or as ordered
10 by the court.

11 The court shall set the matter for hearing to be held
12 within 30 days after the filing of the petition and shall make
13 its decision promptly after such hearing.

14 (b) An objector or proponent aggrieved by the decision of
15 an electoral board regarding a petition filed pursuant to
16 Section 18-120 of the Property Tax Code may secure a review of
17 such decision by the State Board of Elections. The party
18 seeking such review must file a petition therefor with the
19 State Board of Elections within 10 days after the decision of
20 the electoral board. Any such objector or proponent may apply
21 for and obtain judicial review of a decision of the State Board
22 of Elections entered under this amendatory Act of 1985, in
23 accordance with the provisions of the Administrative Review
24 Law, as amended.

25 (Source: P.A. 96-1008, eff. 7-6-10.)

1 (10 ILCS 5/18A-15)

2 Sec. 18A-15. Validating and counting provisional ballots.

3 (a) The county clerk or board of election commissioners
4 shall complete the validation and counting of provisional
5 ballots within 14 calendar days of the day of the election. The
6 county clerk or board of election commissioners shall have 7
7 calendar days from the completion of the validation and
8 counting of provisional ballots to conduct its final canvass.
9 The State Board of Elections shall complete within 31 calendar
10 days of the election or sooner if all the returns are received,
11 its final canvass of the vote for all public offices.

12 (b) If a county clerk or board of election commissioners
13 determines that all of the following apply, then a provisional
14 ballot is valid and shall be counted as a vote:

15 (1) the provisional voter cast the provisional ballot
16 in the correct precinct based on the address provided by
17 the provisional voter. The provisional voter's affidavit
18 shall serve as a change of address request by that voter
19 for registration purposes for the next ensuing election if
20 it bears an address different from that in the records of
21 the election authority. Votes for federal and statewide
22 offices on a provisional ballot cast in the incorrect
23 precinct that meet the other requirements of this
24 subsection shall be valid and counted in accordance with
25 this Article. As used in this item, "federal office" is
26 defined as provided in Section 20-1 and "statewide office"

1 means the Governor, Attorney General, Secretary of State,
2 Comptroller, and Treasurer. Votes for General Assembly,
3 countywide, citywide, or township office on a provisional
4 ballot cast in the incorrect precinct but in the correct
5 legislative district, representative district, county,
6 municipality, or township, as the case may be, shall be
7 valid and counted in accordance with this Article. As used
8 in this item, "citywide office" means an office elected by
9 the electors of an entire municipality. As used in this
10 item, "township office" means an office elected by the
11 electors of an entire township;

12 (2) the affidavit executed by the provisional voter
13 pursuant to subsection (b) (2) of Section 18A-5 contains, at
14 a minimum, the provisional voter's first and last name,
15 house number and street name, and signature or mark;

16 (3) except as permitted by item (5) of subsection (b)
17 of this Section, the provisional voter is a registered
18 voter based on information available to the county clerk or
19 board of election commissioners provided by or obtained
20 from any of the following:

21 i. the provisional voter;

22 ii. an election judge;

23 iii. the statewide voter registration database
24 maintained by the State Board of Elections;

25 iv. the records of the county clerk or board of
26 election commissioners' database; or

1 v. the records of the Secretary of State; and

2 (4) for a provisional ballot cast under item (6) of
3 subsection (a) of Section 18A-5, the voter did not vote by
4 vote by mail ballot in the election at which the
5 provisional ballot was cast; or

6 (5) for a provisional ballot cast under item (7) of
7 subsection (a) of Section 18A-5, the voter provides the
8 election authority with the necessary documentation before
9 the close of the period for counting provisional ballots
10 ~~within 7 days of election day.~~

11 (c) With respect to subsection (b) (3) of this Section, the
12 county clerk or board of election commissioners shall
13 investigate and record whether or not the specified information
14 is available from each of the 5 identified sources. If the
15 information is available from one or more of the identified
16 sources, then the county clerk or board of election
17 commissioners shall seek to obtain the information from each of
18 those sources until satisfied, with information from at least
19 one of those sources, that the provisional voter is registered
20 and entitled to vote. The county clerk or board of election
21 commissioners shall use any information it obtains as the basis
22 for determining the voter registration status of the
23 provisional voter. If a conflict exists among the information
24 available to the county clerk or board of election
25 commissioners as to the registration status of the provisional
26 voter, then the county clerk or board of election commissioners

1 shall make a determination based on the totality of the
2 circumstances. In a case where the above information equally
3 supports or opposes the registration status of the voter, the
4 county clerk or board of election commissioners shall decide in
5 favor of the provisional voter as being duly registered to
6 vote. If the statewide voter registration database maintained
7 by the State Board of Elections indicates that the provisional
8 voter is registered to vote, but the county clerk's or board of
9 election commissioners' voter registration database indicates
10 that the provisional voter is not registered to vote, then the
11 information found in the statewide voter registration database
12 shall control the matter and the provisional voter shall be
13 deemed to be registered to vote. If the records of the county
14 clerk or board of election commissioners indicates that the
15 provisional voter is registered to vote, but the statewide
16 voter registration database maintained by the State Board of
17 Elections indicates that the provisional voter is not
18 registered to vote, then the information found in the records
19 of the county clerk or board of election commissioners shall
20 control the matter and the provisional voter shall be deemed to
21 be registered to vote. If the provisional voter's signature on
22 his or her provisional ballot request varies from the signature
23 on an otherwise valid registration application solely because
24 of the substitution of initials for the first or middle name,
25 the election authority may not reject the provisional ballot.

26 (d) In validating the registration status of a person

1 casting a provisional ballot, the county clerk or board of
2 election commissioners shall not require a provisional voter to
3 complete any form other than the affidavit executed by the
4 provisional voter under subsection (b) (2) of Section 18A-5. In
5 addition, the county clerk or board of election commissioners
6 shall not require all provisional voters or any particular
7 class or group of provisional voters to appear personally
8 before the county clerk or board of election commissioners or
9 as a matter of policy require provisional voters to submit
10 additional information to verify or otherwise support the
11 information already submitted by the provisional voter. Within
12 2 calendar days after the election, the election authority
13 shall transmit by electronic means pursuant to a process
14 established by the State Board of Elections the name, street
15 address, e-mail address, and precinct, ward, township, and
16 district numbers, as the case may be, of each person casting a
17 provisional ballot to the State Board of Elections, which shall
18 maintain those names and that information in an electronic
19 format on its website, arranged by county and accessible to
20 State and local political committees. The provisional voter
21 may, within 7 calendar days after the election, submit
22 additional information to the county clerk or board of election
23 commissioners. This information must be received by the county
24 clerk or board of election commissioners within the
25 7-calendar-day period.

26 (e) If the county clerk or board of election commissioners

1 determines that subsection (b) (1), (b) (2), or (b) (3) does not
2 apply, then the provisional ballot is not valid and may not be
3 counted. The provisional ballot envelope containing the ballot
4 cast by the provisional voter may not be opened. The county
5 clerk or board of election commissioners shall write on the
6 provisional ballot envelope the following: "Provisional ballot
7 determined invalid."

8 (f) If the county clerk or board of election commissioners
9 determines that a provisional ballot is valid under this
10 Section, then the provisional ballot envelope shall be opened.
11 The outside of each provisional ballot envelope shall also be
12 marked to identify the precinct and the date of the election.

13 (g) Provisional ballots determined to be valid shall be
14 counted at the election authority's central ballot counting
15 location and shall not be counted in precincts. The provisional
16 ballots determined to be valid shall be added to the vote
17 totals for the precincts from which they were cast in the order
18 in which the ballots were opened. The validation and counting
19 of provisional ballots shall be subject to the provisions of
20 this Code that apply to pollwatchers. If the provisional
21 ballots are a ballot of a punch card voting system, then the
22 provisional ballot shall be counted in a manner consistent with
23 Article 24A. If the provisional ballots are a ballot of optical
24 scan or other type of approved electronic voting system, then
25 the provisional ballots shall be counted in a manner consistent
26 with Article 24B.

1 (h) As soon as the ballots have been counted, the election
2 judges or election officials shall, in the presence of the
3 county clerk or board of election commissioners, place each of
4 the following items in a separate envelope or bag: (1) all
5 provisional ballots, voted or spoiled; (2) all provisional
6 ballot envelopes of provisional ballots voted or spoiled; and
7 (3) all executed affidavits of the provisional ballots voted or
8 spoiled. All provisional ballot envelopes for provisional
9 voters who have been determined not to be registered to vote
10 shall remain sealed. The county clerk or board of election
11 commissioners shall treat the provisional ballot envelope
12 containing the written affidavit as a voter registration
13 application for that person for the next election and process
14 that application. The election judges or election officials
15 shall then securely seal each envelope or bag, initial the
16 envelope or bag, and plainly mark on the outside of the
17 envelope or bag in ink the precinct in which the provisional
18 ballots were cast. The election judges or election officials
19 shall then place each sealed envelope or bag into a box, secure
20 and seal it in the same manner as described in item (6) of
21 subsection (b) of Section 18A-5. Each election judge or
22 election official shall take and subscribe an oath before the
23 county clerk or board of election commissioners that the
24 election judge or election official securely kept the ballots
25 and papers in the box, did not permit any person to open the
26 box or otherwise touch or tamper with the ballots and papers in

1 the box, and has no knowledge of any other person opening the
2 box. For purposes of this Section, the term "election official"
3 means the county clerk, a member of the board of election
4 commissioners, as the case may be, and their respective
5 employees.

6 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
7 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

8 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

9 Sec. 19-2. Any elector as defined in Section 19-1 may by
10 mail or electronically on the website of the appropriate
11 election authority or the State Board of Elections, not more
12 than 90 nor less than 5 days prior to the date of such
13 election, or by personal delivery not more than 90 nor less
14 than one day prior to the date of such election, make
15 application to the county clerk or to the Board of Election
16 Commissioners for an official ballot for the voter's precinct
17 to be voted at such election. Within 24 hours upon receiving an
18 application under this Section, the State Board of Elections
19 shall transmit the request to the appropriate election
20 authority. The URL address at which voters may electronically
21 request a vote by mail ballot shall be fixed no later than 90
22 calendar days before an election and shall not be changed until
23 after the election. Such a ballot shall be delivered to the
24 elector only upon separate application by the elector for each
25 election.

1 (Source: P.A. 97-81, eff. 7-5-11; 98-115, eff. 7-29-13; 98-691,
2 eff. 7-1-14; 98-1171, eff. 6-1-15.)

3 (10 ILCS 5/19-2.4 new)

4 Sec. 19-2.4. Vote By Mail Pilot Program. Notwithstanding
5 any other law to the contrary, no more than 90 days, nor less
6 than 45 days, before the general election in 2020, each
7 election authority shall deliver an application for a vote by
8 mail ballot that meets the requirements of this Article to any
9 registered voter within its jurisdiction who submitted an
10 application to vote by mail in the 2018 general election. An
11 election authority may deliver the application by U.S. mail or
12 email.

13 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

14 Sec. 19-4. Mailing or delivery of ballots; time.
15 Immediately upon the receipt of such application either by mail
16 or electronic means, not more than 90 days nor less than 5 days
17 prior to such election, or by personal delivery not more than
18 90 days nor less than one day prior to such election, at the
19 office of such election authority, it shall be the duty of such
20 election authority to examine the records to ascertain whether
21 or not such applicant is lawfully entitled to vote as
22 requested, including a verification of the applicant's
23 signature by comparison with the signature on the official
24 registration record card, and if found so to be entitled to

1 vote, to post within one business day thereafter the name,
2 street address, ward and precinct number or township and
3 district number, as the case may be, of such applicant given on
4 a list, the pages of which are to be numbered consecutively to
5 be kept by such election authority for such purpose in a
6 conspicuous, open and public place accessible to the public at
7 the entrance of the office of such election authority, and in
8 such a manner that such list may be viewed without necessity of
9 requesting permission therefor. Within one day after posting
10 the name and other information of an applicant for a vote by
11 mail ballot, the election authority shall transmit by
12 electronic means pursuant to the a process established by the
13 State Board of Elections that name and other posted information
14 to the State Board of Elections, which shall maintain those
15 names and other information in an electronic format on its
16 website, arranged by county and accessible to State and local
17 political committees. Within 2 business days after posting a
18 name and other information on the list within its office, but
19 no sooner than 40 days before an election, the election
20 authority shall mail, postage prepaid, or deliver in person in
21 such office an official ballot or ballots if more than one are
22 to be voted at said election. Within 2 business days of an
23 election authority's rejection of a vote by mail application,
24 the election authority shall notify the applicant that his or
25 her application for a vote by mail ballot has been rejected.
26 The notice shall inform the voter of the reason or reasons the

1 application was rejected and shall state how the applicant may
2 otherwise vote, if so entitled. Within 2 business days, the
3 election authority shall transmit by electronic means pursuant
4 to the process established by the State Board of Elections that
5 name and address of an applicant whose application for a vote
6 by mail ballot was rejected to the State Board of Elections,
7 which shall maintain those names and other information in an
8 electronic format on its website, arranged by county and
9 accessible to State and local political committees.

10 Mail delivery of Temporarily Absent Student ballot
11 applications pursuant to Section 19-12.3 shall be by
12 nonforwardable mail. However, for the consolidated election,
13 vote by mail ballots for certain precincts may be delivered to
14 applicants not less than 25 days before the election if so much
15 time is required to have prepared and printed the ballots
16 containing the names of persons nominated for offices at the
17 consolidated primary. The election authority shall enclose
18 with each vote by mail ballot or application written
19 instructions on how voting assistance shall be provided
20 pursuant to Section 17-14 and a document, written and approved
21 by the State Board of Elections, informing the vote by mail
22 voter of the required postage for returning the application and
23 ballot, and enumerating the circumstances under which a person
24 is authorized to vote by vote by mail ballot pursuant to this
25 Article; such document shall also include a statement informing
26 the applicant that if he or she falsifies or is solicited by

1 another to falsify his or her eligibility to cast a vote by
2 mail ballot, such applicant or other is subject to penalties
3 pursuant to Section 29-10 and Section 29-20 of the Election
4 Code. Each election authority shall maintain a list of the
5 name, street address, ward and precinct, or township and
6 district number, as the case may be, of all applicants who have
7 returned vote by mail ballots to such authority, and the name
8 of such vote by mail voter shall be added to such list within
9 one business day from receipt of such ballot. If the vote by
10 mail ballot envelope indicates that the voter was assisted in
11 casting the ballot, the name of the person so assisting shall
12 be included on the list. The list, the pages of which are to be
13 numbered consecutively, shall be kept by each election
14 authority in a conspicuous, open, and public place accessible
15 to the public at the entrance of the office of the election
16 authority and in a manner that the list may be viewed without
17 necessity of requesting permission for viewing.

18 Each election authority shall maintain a list for each
19 election of the voters to whom it has issued vote by mail
20 ballots. The list shall be maintained for each precinct within
21 the jurisdiction of the election authority. Prior to the
22 opening of the polls on election day, the election authority
23 shall deliver to the judges of election in each precinct the
24 list of registered voters in that precinct to whom vote by mail
25 ballots have been issued by mail.

26 Each election authority shall maintain a list for each

1 election of voters to whom it has issued temporarily absent
2 student ballots. The list shall be maintained for each election
3 jurisdiction within which such voters temporarily abide.
4 Immediately after the close of the period during which
5 application may be made by mail or electronic means for vote by
6 mail ballots, each election authority shall mail to each other
7 election authority within the State a certified list of all
8 such voters temporarily abiding within the jurisdiction of the
9 other election authority.

10 In the event that the return address of an application for
11 ballot by a physically incapacitated elector is that of a
12 facility licensed or certified under the Nursing Home Care Act,
13 the Specialized Mental Health Rehabilitation Act of 2013, the
14 ID/DD Community Care Act, or the MC/DD Act, within the
15 jurisdiction of the election authority, and the applicant is a
16 registered voter in the precinct in which such facility is
17 located, the ballots shall be prepared and transmitted to a
18 responsible judge of election no later than 9 a.m. on the
19 Friday, Saturday, Sunday, or Monday immediately preceding the
20 election as designated by the election authority under Section
21 19-12.2. Such judge shall deliver in person on the designated
22 day the ballot to the applicant on the premises of the facility
23 from which application was made. The election authority shall
24 by mail notify the applicant in such facility that the ballot
25 will be delivered by a judge of election on the designated day.

26 All applications for vote by mail ballots shall be

1 available at the office of the election authority for public
2 inspection upon request from the time of receipt thereof by the
3 election authority until 30 days after the election, except
4 during the time such applications are kept in the office of the
5 election authority pursuant to Section 19-7, and except during
6 the time such applications are in the possession of the judges
7 of election.

8 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
9 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.
10 7-29-15; 99-522, eff. 6-30-16.)

11 (10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

12 Sec. 19-7. (a) Upon receipt of such vote by mail voter's
13 ballot, the election authority shall forthwith enclose the same
14 unopened, together with the application made by said vote by
15 mail voter in a large or carrier envelope which shall be
16 securely sealed and endorsed with the name and official title
17 of such officer and the words, "This envelope contains a vote
18 by mail ballot and must be opened on election day," together
19 with the number and description of the precinct in which said
20 ballot is to be voted, and such officer shall thereafter safely
21 keep the same in his office until counted by him as provided in
22 the next section.

23 (b) Within one day after receipt of such vote by mail
24 voter's ballot, the election authority shall transmit, by
25 electronic means pursuant to a process established by the State

1 Board of Elections, the voter's name, street address, e-mail
2 address, and precinct, ward, township, and district numbers, as
3 the case may be, to the State Board of Elections, which shall
4 maintain those names and that information in an electronic
5 format on its website, arranged by county and accessible to
6 State and local political committees.

7 (c) An election authority shall not refuse to pay postage
8 costs associated with a returned ballot that lacks proper
9 postage, nor shall an election authority fail to count an
10 otherwise valid returned vote by mail ballot solely because it
11 lacks proper postage.

12 (Source: P.A. 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15.)

13 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

14 Sec. 19-8. Time and place of counting ballots.

15 (a) (Blank.)

16 (b) Each vote by mail voter's ballot returned to an
17 election authority, by any means authorized by this Article,
18 and received by that election authority before the closing of
19 the polls on election day shall be endorsed by the receiving
20 election authority with the day and hour of receipt and may be
21 processed by the election authority beginning on the day it is
22 received by the election authority in the central ballot
23 counting location of the election authority, but the results of
24 the processing may not be counted until the day of the election
25 after 7:00 p.m., except as provided in subsections (g) and

1 (g-5).

2 (c) Each vote by mail voter's ballot that is mailed to an
3 election authority and postmarked no later than election day,
4 but that is received by the election authority after the polls
5 close on election day and before the close of the period for
6 counting provisional ballots cast at that election, shall be
7 endorsed by the receiving authority with the day and hour of
8 receipt and shall be counted at the central ballot counting
9 location of the election authority during the period for
10 counting provisional ballots.

11 Each vote by mail voter's ballot that is mailed to an
12 election authority absent a postmark or a barcode usable with
13 an intelligent mail barcode tracking system, but that is
14 received by the election authority after the polls close on
15 election day and before the close of the period for counting
16 provisional ballots cast at that election, shall be endorsed by
17 the receiving authority with the day and hour of receipt,
18 opened to inspect the date inserted on the certification, and,
19 if the certification date is election day or earlier and the
20 ballot is otherwise found to be valid under the requirements of
21 this Section, counted at the central ballot counting location
22 of the election authority during the period for counting
23 provisional ballots. Absent a date on the certification, the
24 ballot shall not be counted.

25 If an election authority is using an intelligent mail
26 barcode tracking system, a ballot that is mailed to an election

1 authority absent a postmark may be counted if the intelligent
2 mail barcode tracking system verifies the envelope was mailed
3 no later than election day.

4 (d) Special write-in vote by mail voter's blank ballots
5 returned to an election authority, by any means authorized by
6 this Article, and received by the election authority at any
7 time before the closing of the polls on election day shall be
8 endorsed by the receiving election authority with the day and
9 hour of receipt and shall be counted at the central ballot
10 counting location of the election authority during the same
11 period provided for counting vote by mail voters' ballots under
12 subsections (b), (g), and (g-5). Special write-in vote by mail
13 voter's blank ballots that are mailed to an election authority
14 and postmarked no later than election day, but that are
15 received by the election authority after the polls close on
16 election day and before the closing of the period for counting
17 provisional ballots cast at that election, shall be endorsed by
18 the receiving authority with the day and hour of receipt and
19 shall be counted at the central ballot counting location of the
20 election authority during the same periods provided for
21 counting vote by mail voters' ballots under subsection (c).

22 (e) Except as otherwise provided in this Section, vote by
23 mail voters' ballots and special write-in vote by mail voter's
24 blank ballots received by the election authority after the
25 closing of the polls on an election day shall be endorsed by
26 the election authority receiving them with the day and hour of

1 receipt and shall be safely kept unopened by the election
2 authority for the period of time required for the preservation
3 of ballots used at the election, and shall then, without being
4 opened, be destroyed in like manner as the used ballots of that
5 election.

6 (f) Counting required under this Section to begin on
7 election day after the closing of the polls shall commence no
8 later than 8:00 p.m. and shall be conducted by a panel or
9 panels of election judges appointed in the manner provided by
10 law. The counting shall continue until all vote by mail voters'
11 ballots and special write-in vote by mail voter's blank ballots
12 required to be counted on election day have been counted.

13 (g) The procedures set forth in Articles 17 and 18 of this
14 Code shall apply to all ballots counted under this Section. In
15 addition, within 2 days after a vote by mail ballot is
16 received, but in all cases before the close of the period for
17 counting provisional ballots, the election judge or official
18 shall compare the voter's signature on the certification
19 envelope of that vote by mail ballot with the signature of the
20 voter on file in the office of the election authority. If the
21 election judge or official determines that the 2 signatures
22 match, and that the vote by mail voter is otherwise qualified
23 to cast a vote by mail ballot, the election authority shall
24 cast and count the ballot on election day or the day the ballot
25 is determined to be valid, whichever is later, adding the
26 results to the precinct in which the voter is registered. If

1 the election judge or official determines that the signatures
2 do not match, or that the vote by mail voter is not qualified
3 to cast a vote by mail ballot, then without opening the
4 certification envelope, the judge or official shall mark across
5 the face of the certification envelope the word "Rejected" and
6 shall not cast or count the ballot.

7 In addition to the voter's signatures not matching, a vote
8 by mail ballot may be rejected by the election judge or
9 official:

10 (1) if the ballot envelope is open or has been opened
11 and resealed;

12 (2) if the voter has already cast an early or grace
13 period ballot;

14 (3) if the voter voted in person on election day or the
15 voter is not a duly registered voter in the precinct; or

16 (4) on any other basis set forth in this Code.

17 If the election judge or official determines that any of
18 these reasons apply, the judge or official shall mark across
19 the face of the certification envelope the word "Rejected" and
20 shall not cast or count the ballot.

21 (g-5) If a vote by mail ballot is rejected by the election
22 judge or official for any reason, the election authority shall,
23 within 2 business days after the rejection but in all cases
24 before the close of the period for counting provisional
25 ballots, notify the vote by mail voter that his or her ballot
26 was rejected and shall transmit by electronic means pursuant to

1 the process established by the State Board of Elections that
2 name, address, and reason for disqualification of the ballot to
3 the State Board of Elections, which shall maintain those names
4 and other information in an electronic format on its website,
5 arranged by county and accessible to State and local political
6 committees. The notice shall inform the voter of the reason or
7 reasons the ballot was rejected and shall state that the voter
8 may appear before the election authority, on or before the 14th
9 day after the election, to show cause as to why the ballot
10 should not be rejected. The voter may present evidence to the
11 election authority supporting his or her contention that the
12 ballot should be counted. The election authority shall appoint
13 a panel of 3 election judges to review the contested ballot,
14 application, and certification envelope, as well as any
15 evidence submitted by the vote by mail voter. No more than 2
16 election judges on the reviewing panel shall be of the same
17 political party. The reviewing panel of election judges shall
18 make a final determination as to the validity of the contested
19 vote by mail ballot. The judges' determination shall not be
20 reviewable either administratively or judicially.

21 A vote by mail ballot subject to this subsection that is
22 determined to be valid shall be counted before the close of the
23 period for counting provisional ballots.

24 Upon receiving a letter of request from a political party
25 or campaign for a candidate within the jurisdiction of the
26 election authority, the election authority shall disclose the

1 name and address of any disqualified or rejected vote by mail
2 ballot voter within 2 business days, or within 18 hours if the
3 request is received within 7 days of the election for which the
4 disqualified or rejected ballot was intending to vote. The
5 letter of request and disclosure of the voter's name and
6 address may be submitted by email.

7 (g-10) All vote by mail ballots determined to be valid
8 shall be added to the vote totals for the precincts for which
9 they were cast in the order in which the ballots were opened.

10 (h) Each political party, candidate, and qualified civic
11 organization shall be entitled to have present one pollwatcher
12 for each panel of election judges therein assigned.

13 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

14 (10 ILCS 5/24B-2)

15 Sec. 24B-2. Definitions. As used in this Article:

16 "Computer", "automatic tabulating equipment" or
17 "equipment" includes apparatus necessary to automatically
18 examine and count votes as designated on ballots, and data
19 processing machines which can be used for counting ballots and
20 tabulating results.

21 "Ballot" means paper ballot sheets.

22 "Ballot configuration" means the particular combination of
23 political subdivision ballots including, for each political
24 subdivision, the particular combination of offices, candidate
25 names and questions as it appears for each group of voters who

1 may cast the same ballot.

2 "Ballot sheet" means a paper ballot printed on one or both
3 sides which is (1) designed and prepared so that the voter may
4 indicate his or her votes in designated areas, which must be
5 areas clearly printed or otherwise delineated for such purpose,
6 and (2) capable of having votes marked in the designated areas
7 automatically examined, counted, and tabulated by an
8 electronic scanning process.

9 "Central counting" means the counting of ballots in one or
10 more locations selected by the election authority for the
11 processing or counting, or both, of ballots. A location for
12 central counting shall be within the territorial jurisdiction
13 of the election authority unless there is no suitable
14 tabulating equipment available within his territorial
15 jurisdiction. However, in any event a counting location shall
16 be within this State.

17 "Computer operator" means any person or persons designated
18 by the election authority to operate the automatic tabulating
19 equipment during any portion of the vote tallying process in an
20 election, but shall not include judges of election operating
21 vote tabulating equipment in the precinct.

22 "Computer program" or "program" means the set of operating
23 instructions for the automatic tabulating equipment that
24 examines, counts, tabulates, canvasses and prints votes
25 recorded by a voter on a ballot.

26 "Direct recording electronic tabulator" means an

1 electronic tabulator that provides a ballot display provided
2 with mechanical or electro-optical devices that can be
3 activated by the voters to mark their choices for the
4 candidates of their preference and for or against public
5 questions and be capable of instantaneously recording such
6 votes, storing such votes, producing a permanent paper record,
7 and tabulating such votes at the precinct or at one or more
8 counting stations.

9 "Edit listing" means a computer generated listing of the
10 names of each candidate and proposition as they appear in the
11 program for each precinct.

12 "Header sheet" means a data processing document which is
13 coded to indicate to the computer the precinct identity of the
14 ballots that will follow immediately and may indicate to the
15 computer how such ballots are to be tabulated.

16 "In-precinct counting" means the counting of ballots on
17 automatic tabulating equipment provided by the election
18 authority in the same precinct polling place in which those
19 ballots have been cast.

20 "Marking device" means a pen, computer, or other device
21 approved by the State Board of Elections for marking, or
22 causing to be marked, a paper ballot with ink or other
23 substance which will enable the ballot to be tabulated by
24 automatic tabulating equipment or by an electronic scanning
25 process.

26 "Precinct Tabulation Optical Scan Technology" means the

1 capability to examine a ballot through electronic means and
2 tabulate the votes at one or more counting places.

3 "Redundant count" means a verification of the original
4 computer count by another count using compatible equipment or
5 by hand as part of a discovery recount.

6 "Security designation" means a printed designation placed
7 on a ballot to identify to the computer program the offices and
8 propositions for which votes may be cast and to indicate the
9 manner in which votes cast should be tabulated while negating
10 any inadmissible votes.

11 "Separate ballot", with respect to ballot sheets, means a
12 separate portion of the ballot sheet which is clearly defined
13 by a border or borders or shading.

14 "Specimen ballot" means a representation of names of
15 offices and candidates and statements of measures to be voted
16 on which will appear on the official ballot or marking device
17 on election day. The specimen ballot also contains the party
18 and position number where applicable.

19 "Voting defect identification" means the capability to
20 detect overvoted ballots or ballots which cannot be read by the
21 automatic tabulating equipment.

22 "Voting defects" means an overvoted ballot, or a ballot
23 which cannot be read by the automatic tabulating equipment.

24 "Voting system" or "electronic voting system" means the
25 total ~~that~~ combination of mechanical, electromechanical, or
26 electronic equipment, ~~and~~ programs, and practices used to

1 define ballots, cast and count votes, report or display
2 election results, maintain and produce any audit trail
3 information, identify all system components, test the system
4 during development, maintenance and operation, maintain
5 records of system errors and defects, determine specific system
6 changes to be made to a system after initial qualification, and
7 make available any materials to the voter, such as notices,
8 instructions, forms, or paper ballots. ~~in the casting,~~
9 ~~examination and tabulation of ballots and the cumulation and~~
10 ~~reporting of results by electronic means.~~

11 (Source: P.A. 93-574, eff. 8-21-03.)

12 (10 ILCS 5/24B-4)

13 Sec. 24B-4. Use of Precinct Tabulation Optical Scan
14 Technology System; Requisites; Applicable procedure. Precinct
15 Tabulation Optical Scan Technology voting systems may be used
16 in elections provided that the Precinct Tabulation Optical Scan
17 Technology systems enable the voter to cast a vote for all
18 offices and on all public questions ~~measures~~ on which he or she
19 is entitled to vote, and that the automatic Precinct Tabulation
20 Optical Scan Technology tabulating equipment may be set to
21 return any ballot sheet on which the number of votes for an
22 office or proposition exceeds the number of votes which the
23 voter is entitled to cast, or any ballot sheet which cannot be
24 read by the automatic tabulating equipment, and provided that
25 such systems are approved for use by the State Board of

1 Elections.

2 So far as applicable, the procedure provided for voting
3 paper ballots shall apply when Precinct Tabulation Optical Scan
4 Technology electronic voting systems are used. However, the
5 provisions of this Article 24B will govern when there are
6 conflicts.

7 (Source: P.A. 89-394, eff. 1-1-97.)

8 (10 ILCS 5/24B-6)

9 Sec. 24B-6. Ballot Information; Arrangement; Electronic
10 Precinct Tabulation Optical Scan Technology Voting System;
11 Vote by Mail Ballots; Spoiled Ballots. The ballot information,
12 shall, as far as practicable, be in the order of arrangement
13 provided for paper ballots, except that the information may be
14 in vertical or horizontal rows, or on a number of separate
15 pages or displays on the marking device. Ballots for all
16 questions or propositions to be voted on should be provided in
17 a similar manner and must be arranged on the ballot sheet or
18 marking device in the places provided for such purposes.
19 Ballots shall be of white paper unless provided otherwise by
20 administrative rule of the State Board of Elections or
21 otherwise specified.

22 All propositions, including but not limited to
23 propositions calling for a constitutional convention,
24 constitutional amendment, judicial retention, and public
25 questions ~~measures~~ to be voted upon shall be placed on separate

1 portions of the ballot sheet or marking device by utilizing
2 borders or grey screens. Candidates shall be listed on a
3 separate portion of the ballot sheet or marking device by
4 utilizing borders or grey screens. Whenever a person has
5 submitted a declaration of intent to be a write-in candidate as
6 required in Sections 17-16.1 and 18-9.1, a line or lines on
7 which the voter may select a write-in candidate shall be
8 printed below the name of the last candidate nominated for such
9 office. Such line or lines shall be proximate to an area
10 provided for marking votes for the write-in candidate or
11 candidates. The number of write-in lines for an office shall
12 equal the number of persons who have filed declarations of
13 intent to be write-in candidates plus an additional line or
14 lines for write-in candidates who qualify to file declarations
15 to be write-in candidates under Sections 17-16.1 and 18-9.1
16 when the certification of ballot contains the words "OBJECTION
17 PENDING" next to the name of that candidate, up to the number
18 of candidates for which a voter may vote. In the case of
19 write-in lines for the offices of Governor and Lieutenant
20 Governor, 2 lines shall be printed within a bracket and a
21 single square shall be printed in front of the bracket. More
22 than one amendment to the constitution may be placed on the
23 same portion of the ballot sheet or marking device.
24 Constitutional convention or constitutional amendment
25 propositions shall be printed or displayed on a separate
26 portion of the ballot sheet or marking device and designated by

1 borders or grey screens, unless otherwise provided by
2 administrative rule of the State Board of Elections. More than
3 one public question ~~measure~~ or proposition may be placed on the
4 same portion of the ballot sheet or marking device. More than
5 one proposition for retention of judges in office may be placed
6 on the same portion of the ballot sheet or marking device.
7 Names of candidates shall be printed in black. The party
8 affiliation of each candidate or the word "independent" shall
9 appear near or under the candidate's name, and the names of
10 candidates for the same office shall be listed vertically under
11 the title of that office, on separate pages of the marking
12 device, or as otherwise approved by the State Board of
13 Elections. If no candidate or candidates file for an office and
14 if no person or persons file a declaration as a write-in
15 candidate for that office, then below the title of that office
16 the election authority instead shall print "No Candidate". In
17 the case of nonpartisan elections for officers of political
18 subdivisions, unless the statute or an ordinance adopted
19 pursuant to Article VII of the Constitution requires otherwise,
20 the listing of nonpartisan candidates shall not include any
21 party or "independent" designation. Judicial retention
22 questions and ballot questions for all public questions
23 ~~measures~~ and other propositions shall be designated by borders
24 or grey screens on the ballot or marking device. In primary
25 elections, a separate ballot, or displays on the marking
26 device, shall be used for each political party holding a

1 primary, with the ballot or marking device arranged to include
2 names of the candidates of the party and public questions
3 ~~measures~~ and other propositions to be voted upon on the day of
4 the primary election.

5 If the ballot includes both candidates for office and
6 public questions ~~measures~~ or propositions to be voted on, the
7 election official in charge of the election shall divide the
8 ballot or displays on the marking device in sections for
9 "Candidates" and "Propositions", or separate ballots may be
10 used.

11 Vote by Mail ballots may consist of envelopes, paper
12 ballots, or ballot sheets. Where a Precinct Tabulation Optical
13 Scan Technology ballot is used for voting by mail it must be
14 accompanied by voter instructions.

15 Any voter who spoils his or her ballot, makes an error, or
16 has a ballot returned by the automatic tabulating equipment may
17 return the ballot to the judges of election and get another
18 ballot.

19 (Source: P.A. 98-1171, eff. 6-1-15.)

20 (10 ILCS 5/24B-9)

21 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan
22 Technology Equipment and Program; Custody of Programs, Test
23 Materials and Ballots. Prior to the public test, the election
24 authority shall conduct an errorless pre-test of the automatic
25 Precinct Tabulation Optical Scan Technology tabulating

1 equipment and program and marking device to determine that they
2 will correctly detect Voting Defects and count the votes cast
3 for all offices, candidates, and all public questions ~~measures~~.
4 On any day not less than 5 days prior to the election day, the
5 election authority shall publicly test the automatic Precinct
6 Tabulation Optical Scan Technology tabulating equipment and
7 program to determine that they will correctly detect Voting
8 Defects and count the votes cast for all offices, candidates,
9 and ~~on~~ all public questions ~~measures~~. Public notice of the time
10 and place of the test shall be given at least 48 hours before
11 the test by publishing the notice in one or more newspapers
12 within the election jurisdiction of the election authority, if
13 a newspaper is published in that jurisdiction. If a newspaper
14 is not published in that jurisdiction, notice shall be
15 published in a newspaper of general circulation in that
16 jurisdiction. Timely written notice stating the date, time, and
17 location of the public test shall also be provided to the State
18 Board of Elections. The test shall be open to representatives
19 of the political parties, the press, representatives of the
20 State Board of Elections, and the public. The test shall be
21 conducted by processing a preaudited group of ballots marked to
22 record a predetermined number of valid votes for each candidate
23 and on each public question ~~measure~~, and shall include for each
24 office one or more ballots having votes exceeding the number
25 allowed by law to test the ability of the automatic tabulating
26 equipment or marking device to reject the votes. The test shall

1 also include producing an edit listing. In those election
2 jurisdictions where in-precinct counting equipment is used, a
3 public test of both the equipment and program shall be
4 conducted as nearly as possible in the manner prescribed above.
5 The State Board of Elections may select as many election
6 jurisdictions as the Board deems advisable in the interests of
7 the election process of this State, to order a special test of
8 the automatic tabulating equipment and program before any
9 regular election. The Board may order a special test in any
10 election jurisdiction where, during the preceding 12 months,
11 computer programming errors or other errors in the use of
12 electronic voting systems resulted in vote tabulation errors.
13 Not less than 30 days before any election, the State Board of
14 Elections shall provide written notice to those selected
15 jurisdictions of their intent to conduct a test. Within 5 days
16 of receipt of the State Board of Elections' written notice of
17 intent to conduct a test, the selected jurisdictions shall
18 forward to the principal office of the State Board of Elections
19 a copy of all specimen ballots. The State Board of Elections'
20 tests shall be conducted and completed not less than 2 days
21 before the public test and under the supervision of the Board.
22 The vendor, person, or other private entity shall be solely
23 responsible for the production and cost of: all ballots;
24 additional temporary workers; and other equipment or
25 facilities needed and used in the testing of the vendor's,
26 person's, or other private entity's respective equipment and

1 software. After an errorless test, materials used in the public
2 test, including the program, if appropriate, shall be sealed
3 and remain sealed until the test is run again on election day.
4 If any error is detected, the cause of the error shall be
5 determined and corrected, and an errorless public test shall be
6 made before the automatic tabulating equipment is approved.
7 Each election authority shall file a sealed copy of each tested
8 program to be used within its jurisdiction at an election with
9 the State Board of Elections before the election. The Board
10 shall secure the program or programs of each election
11 jurisdiction so filed in its office until the next election of
12 the same type (general primary, general election, consolidated
13 primary, or consolidated election) for which the program or
14 programs were filed. At the expiration of that time, if no
15 election contest or appeal is pending in an election
16 jurisdiction, the Board shall destroy the sealed program or
17 programs. Except where in-precinct counting equipment is used,
18 the test shall be repeated immediately before the start of the
19 official counting of the ballots, in the same manner as set
20 forth above. After the completion of the count, the test shall
21 be re-run using the same program. Immediately after the re-run,
22 all material used in testing the program and the programs shall
23 be sealed and retained under the custody of the election
24 authority for a period of 60 days. At the expiration of that
25 time the election authority shall destroy the voted ballots,
26 together with all unused ballots returned from the precincts.

1 Provided, if any contest of election is pending at the time in
2 which the ballots may be required as evidence and the election
3 authority has notice of the contest, the same shall not be
4 destroyed until after the contest is finally determined. If the
5 use of back-up equipment becomes necessary, the same testing
6 required for the original equipment shall be conducted.

7 (Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/Art. 24C heading)

9 ARTICLE 24C. DIRECT RECORDING ELECTRONIC TABULATORS AND
10 ELECTRONIC BALLOT MARKING DEVICES ~~VOTING SYSTEMS~~

11 (10 ILCS 5/24C-1)

12 Sec. 24C-1. Purpose. The purpose of this Article is to
13 authorize the use of direct recording electronic tabulators and
14 electronic ballot marking devices ~~Direct Recording Electronic~~
15 ~~Voting Systems~~ approved by the State Board of Elections. In a
16 ~~Direct Recording Electronic~~ direct recording electronic
17 tabulator or electronic ballot marking device ~~Voting System~~,
18 voters cast votes by means of a ballot display provided with
19 mechanical or electro-optical devices that can be activated by
20 the voters to mark their choices for the candidates of their
21 preference and for or against public questions. Direct
22 recording electronic tabulators ~~Such voting devices~~ shall be
23 capable of instantaneously recording such votes, storing such
24 votes, producing a permanent paper record and tabulating such

1 votes at the precinct or at one or more counting stations.
2 Electronic ballot marking devices shall be capable of
3 instantaneously marking such votes, producing a permanent
4 paper record, and enabling such votes to be tabulated at the
5 precinct or at one or more counting stations. This Article
6 authorizes the use of direct recording electronic tabulators
7 and electronic ballot marking devices ~~Direct Recording~~
8 ~~Electronic Voting Systems~~ for in-precinct counting
9 applications and for early voting in the office of the election
10 authority and in the offices of local officials authorized by
11 the election authority to conduct such early voting. All other
12 early ballots must be counted at the office of the election
13 authority.

14 (Source: P.A. 98-1171, eff. 6-1-15.)

15 (10 ILCS 5/24C-2)

16 Sec. 24C-2. Definitions. As used in this Article:

17 "Audit trail" or "audit capacity" means a continuous trail
18 of evidence linking individual transactions related to the
19 casting of a vote, the vote count and the summary record of
20 vote totals, but which shall not allow for the identification
21 of the voter. It shall permit verification of the accuracy of
22 the count and detection and correction of problems and shall
23 provide a record of each step taken in: defining and producing
24 ballots and generating related software for specific
25 elections; installing ballots and software; testing system

1 readiness; casting and tabulating ballots; and producing
2 images of votes cast and reports of vote totals. The record
3 shall incorporate system status and error messages generated
4 during election processing, including a log of machine
5 activities and routine and unusual intervention by authorized
6 and unauthorized individuals. Also part of an audit trail is
7 the documentation of such items as ballots delivered and
8 collected, administrative procedures for system security,
9 pre-election testing of voting systems, and maintenance
10 performed on voting equipment. All test plans, test results,
11 documentation, and other records used to plan, execute, and
12 record the results of the testing and verification, including
13 all material prepared or used by independent testing
14 authorities or other third parties, shall be made part of the
15 public record and shall be freely available via the Internet
16 and paper copy to anyone. "Audit trail" or "audit capacity"
17 also means that the voting system is capable of producing and
18 shall produce immediately after a ballot is cast a permanent
19 paper record of each ballot cast that shall be available as an
20 official record for any recount, redundant count, or
21 verification or retabulation of the vote count conducted with
22 respect to any election in which the voting system is used.

23 "Ballot" means an electronic audio or video display or any
24 other medium, including paper, used to record a voter's choices
25 for the candidates of their preference and for or against
26 public questions.

1 "Ballot configuration" means the particular combination of
2 political subdivision or district ballots including, for each
3 political subdivision or district, the particular combination
4 of offices, candidate names and public questions as it appears
5 for each group of voters who may cast the same ballot.

6 "Ballot image" means a corresponding representation in
7 electronic or paper form of the mark or vote position of a
8 ballot.

9 "Ballot label" or "ballot screen" means the display of
10 material containing the names of offices and candidates and
11 public questions to be voted on.

12 "Central counting" means the counting of ballots in one or
13 more locations selected by the election authority for the
14 processing or counting, or both, of ballots. A location for
15 central counting shall be within the territorial jurisdiction
16 of the election authority unless there is no suitable
17 tabulating equipment available within his territorial
18 jurisdiction. However, in any event a counting location shall
19 be within this State.

20 "Computer", "automatic tabulating equipment" or
21 "equipment" includes apparatus necessary to automatically
22 examine and count votes as designated on ballots, and data
23 processing machines which can be used for counting ballots and
24 tabulating results.

25 "Computer operator" means any person or persons designated
26 by the election authority to operate the automatic tabulating

1 equipment during any portion of the vote tallying process in an
2 election, but shall not include judges of election operating
3 vote tabulating equipment in the precinct.

4 "Computer program" or "program" means the set of operating
5 instructions for the automatic tabulating equipment that
6 examines, records, displays, counts, tabulates, canvasses, or
7 prints votes recorded by a voter on a ballot or that displays
8 any and all information, graphics, or other visual or audio
9 information or images used in presenting voting information,
10 instructions, or voter choices.

11 "Direct recording electronic tabulator ~~voting system~~",
12 ~~"voting system" or "system"~~ means an electronic tabulator that
13 provides a ballot display provided with mechanical or
14 electro-optical devices that can be activated by the voters to
15 mark their choices for the candidates of their preference and
16 for or against public questions and be capable of
17 instantaneously recording such votes, storing such votes,
18 producing a permanent paper record, and tabulating such votes
19 at the precinct or at one or more counting stations. ~~the total~~
20 ~~combination of mechanical, electromechanical or electronic~~
21 ~~equipment, programs and practices used to define ballots, cast~~
22 ~~and count votes, report or display election results, maintain~~
23 ~~or produce any audit trail information, identify all system~~
24 ~~components, test the system during development, maintenance~~
25 ~~and operation, maintain records of system errors and defects,~~
26 ~~determine specific system changes to be made to a system after~~

1 ~~initial qualification, and make available any materials to the~~
2 ~~voter such as notices, instructions, forms or paper ballots.~~

3 "Edit listing" means a computer generated listing of the
4 names of each candidate and public question as they appear in
5 the program for each precinct.

6 "In-precinct counting" means the recording and counting of
7 ballots on automatic tabulating equipment provided by the
8 election authority in the same precinct polling place in which
9 those ballots have been cast.

10 "Electronic ballot marking device ~~Marking device~~" means
11 any electronic device approved by the State Board of Elections
12 for marking a ballot so as to enable the ballot to be recorded,
13 counted and tabulated by automatic tabulating equipment.

14 "Permanent paper record" means a paper record upon which
15 shall be printed in human readable form the votes cast for each
16 candidate and for or against each public question on each
17 ballot recorded in the voting system. Each permanent paper
18 record shall be printed by the voting device upon activation of
19 the marking device by the voter and shall contain a unique,
20 randomly assigned identifying number that shall correspond to
21 the number randomly assigned by the voting system to each
22 ballot as it is electronically recorded.

23 "Redundant count" means a verification of the original
24 computer count of ballots by another count using compatible
25 equipment or other means as part of a discovery recount,
26 including a count of the permanent paper record of each ballot

1 cast by using compatible equipment, different equipment
2 approved by the State Board of Elections for that purpose, or
3 by hand.

4 "Separate ballot" means a separate page or display screen
5 of the ballot that is clearly defined and distinguishable from
6 other portions of the ballot.

7 "Voting device" or "voting machine" means an apparatus that
8 contains the ballot label or ballot screen and allows the voter
9 to record his or her vote.

10 "Voting system" or "system" means the total combination of
11 mechanical, electro-mechanical, or electronic equipment,
12 programs and practices used to define ballots, cast and count
13 votes, report or display election results, maintain or produce
14 any audit trail information, identify all system components,
15 test the system during development, maintenance, and
16 operation, maintain records of system errors and defects,
17 determine specific system changes to be made to a system after
18 initial qualification, and make available any materials to the
19 voter, such as notices, instructions, forms, or paper ballots.

20 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

21 (10 ILCS 5/24C-3)

22 Sec. 24C-3. Adoption, experimentation or abandonment of
23 direct recording electronic tabulators and electronic ballot
24 marking devices ~~Direct Recording Electronic Voting System;~~
25 boundaries ~~Boundaries~~ of precincts; notice ~~Notice~~. Except as

1 otherwise provided in this Section, any county board, board of
2 county commissioners and any board of election commissioners,
3 with respect to territory within its jurisdiction, may adopt,
4 experiment with, or abandon a direct recording electronic
5 tabulator or electronic ballot marking device ~~Direct Recording~~
6 ~~Electronic Voting System~~ approved for use by the State Board of
7 Elections and may use such System in all or some of the
8 precincts within its jurisdiction, or in combination with paper
9 ballots or other voting systems. Any county board, board of
10 county commissioners or board of election commissioners may
11 contract for the tabulation of votes at a location outside its
12 territorial jurisdiction when there is no suitable tabulating
13 equipment available within its territorial jurisdiction. In no
14 case may a county board, board of county commissioners or board
15 of election commissioners contract or arrange for the purchase,
16 lease or loan of a direct recording electronic tabulator or
17 electronic ballot marking device ~~Direct Recording Electronic~~
18 ~~Voting System~~ or system ~~System~~ component without the approval
19 of the State Board of Elections as provided by Section 24C-16.

20 Before any direct recording electronic tabulator or
21 electronic ballot marking device ~~Direct Recording Electronic~~
22 ~~Voting System~~ is introduced, adopted or used in any precinct or
23 territory at least 2 months public notice must be given before
24 the date of the first election where the system ~~System~~ is to be
25 used. The election authority shall publish the notice at least
26 once in one or more newspapers published within the county or

1 other jurisdiction, where the election is held. If there is no
2 such newspaper, the notice shall be published in a newspaper
3 published in the county and having a general circulation within
4 such jurisdiction. The notice shall be substantially as
5 follows:

6 "Notice is hereby given that on ... (give date) ..., at ...
7 (give place where election is held) ... in the county of ...,
8 an election will be held for ... (give name of offices to be
9 filled) ... at which a direct recording electronic tabulator or
10 electronic ballot marking device ~~Direct Recording Electronic~~
11 ~~Voting System~~ will be used."

12 Dated at ... this ... day of ... 20....?

13 This notice referred to shall be given only at the first
14 election at which the direct recording electronic tabulator or
15 electronic ballot marking device ~~Direct Recording Electronic~~
16 ~~Voting System~~ is used.

17 (Source: P.A. 93-574, eff. 8-21-03.)

18 (10 ILCS 5/24C-3.1)

19 Sec. 24C-3.1. Retention or consolidation or alteration of
20 existing precincts; change ~~Change~~ of location. When a direct
21 recording electronic tabulator or electronic ballot marking
22 device ~~Direct Recording Electronic Voting System~~ is used, the
23 county board or board of election commissioners may retain
24 existing precincts or may consolidate, combine, alter,
25 decrease or enlarge the boundaries of the precincts to change

1 the number of registered voters of the precincts using the
2 System, establishing the number of registered voters within
3 each precinct at a number not to exceed 800 as the appropriate
4 county board or board of election commissioners determines will
5 afford adequate voting facilities and efficient and economical
6 elections.

7 Except in the event of a fire, flood or total loss of heat
8 in a place fixed or established pursuant to law by any county
9 board or board of election commissioners as a polling place for
10 an election, no election authority shall change the location of
11 a polling place established for any precinct after notice of
12 the place of holding the election for that precinct has been
13 given as required under Article 12 unless the election
14 authority notifies all registered voters in the precinct of the
15 change in location by first class mail in sufficient time for
16 the notice to be received by the registered voters in the
17 precinct at least one day prior to the date of the election.

18 (Source: P.A. 93-574, eff. 8-21-03.)

19 (10 ILCS 5/24C-4)

20 Sec. 24C-4. Use of direct recording electronic tabulators
21 and electronic ballot marking devices ~~Direct Recording~~
22 ~~Electronic Voting System~~; requisites ~~Requisites~~; applicable
23 procedure ~~Applicable procedure~~. Direct recording electronic
24 tabulators and electronic ballot marking devices ~~Recording~~
25 ~~Electronic Voting Systems~~ may be used in elections provided

1 that such systems ~~Systems~~ are approved for use by the State
2 Board of Elections. So far as applicable, the procedure
3 provided for voting paper ballots shall apply when direct
4 recording electronic tabulators or electronic ballot marking
5 devices ~~Direct Recording Electronic Voting Systems~~ are used.
6 However, the provisions of this Article 24C will govern when
7 there are conflicts.

8 (Source: P.A. 93-574, eff. 8-21-03.)

9 (10 ILCS 5/24C-5)

10 Sec. 24C-5. Voting stations ~~Stations~~. In precincts where a
11 direct recording electronic tabulator or electronic ballot
12 marking device ~~Direct Recording Electronic Voting System~~ is
13 used, a sufficient number of voting stations shall be provided
14 for the use of the system ~~System~~ according to the requirements
15 determined by the State Board of Elections. Each station shall
16 be placed in a manner so that no judge of election or
17 pollwatcher is able to observe a voter casting a ballot.

18 (Source: P.A. 93-574, eff. 8-21-03.)

19 (10 ILCS 5/24C-5.1)

20 Sec. 24C-5.1. Instruction of voters ~~Voters~~; instruction
21 model ~~Instruction Model~~; partiality ~~Partiality~~ to political
22 party ~~Political Party~~; manner ~~Manner~~ of instruction
23 ~~Instruction~~. Before entering the voting booth each voter shall
24 be offered instruction in using the direct recording electronic

1 tabulator or electronic ballot marking device ~~Direct Recording~~
2 ~~Electronic Voting System~~. In instructing voters, no precinct
3 official may show partiality to any political party or
4 candidate. The duties of instruction shall be discharged by a
5 judge from each of the political parties represented and they
6 shall alternate serving as instructor so that each judge shall
7 serve a like time at such duties. No instructions may be given
8 inside a voting booth after the voter has entered the voting
9 booth.

10 No precinct official or person assisting a voter may in any
11 manner request, suggest, or seek to persuade or induce any
12 voter to cast his or her vote for any particular ticket,
13 candidate, amendment, question or proposition. All
14 instructions shall be given by precinct officials in a manner
15 that it may be observed by other persons in the polling place.

16 (Source: P.A. 93-574, eff. 8-21-03.)

17 (10 ILCS 5/24C-5.2)

18 Sec. 24C-5.2. Demonstration of direct recording electronic
19 tabulators and electronic ballot marking devices ~~Direct~~
20 ~~Recording Electronic Voting System~~; placement ~~Placement~~ in
21 public library ~~Public Library~~. When a direct recording
22 electronic tabulator or electronic ballot marking device
23 ~~Direct Recording Electronic Voting System~~ is used in a
24 forthcoming election, the election authority may provide, for
25 the purpose of instructing voters in the election, one

1 demonstrator direct recording electronic tabulator or
2 electronic ballot marking device ~~Direct Recording Electronic~~
3 ~~Voting System~~ unit for placement in any public library or in
4 any other public or private building within the political
5 subdivision where the election occurs. If the placement of a
6 demonstrator takes place it shall be made available at least 30
7 days before the election.

8 (Source: P.A. 93-574, eff. 8-21-03.)

9 (10 ILCS 5/24C-6)

10 Sec. 24C-6. Ballot information ~~Information~~; arrangement
11 ~~Arrangement~~; direct recording electronic tabulators ~~Direct~~
12 ~~Recording Electronic Voting System~~; electronic ballot marking
13 devices; vote ~~Vote~~ by mail ballots ~~Mail Ballots~~; spoiled
14 ballots ~~Spoiled Ballots~~. The ballot information, shall, as far
15 as practicable, be in the order of arrangement provided for
16 paper ballots, except that the information may be in vertical
17 or horizontal rows, or on a number of separate pages or display
18 screens.

19 Ballots for all public questions to be voted on should be
20 provided in a similar manner and must be arranged on the ballot
21 in the places provided for such purposes. All public questions,
22 including but not limited to public questions calling for a
23 constitutional convention, constitutional amendment, or
24 judicial retention, shall be placed on the ballot separate and
25 apart from candidates. Ballots for all public questions shall

1 be clearly designated by borders or different color screens.
2 More than one amendment to the constitution may be placed on
3 the same portion of the ballot sheet. Constitutional convention
4 or constitutional amendment propositions shall be placed on a
5 separate portion of the ballot and designated by borders or
6 unique color screens, unless otherwise provided by
7 administrative rule of the State Board of Elections. More than
8 one public question may be placed on the same portion of the
9 ballot. More than one proposition for retention of judges in
10 office may be placed on the same portion of the ballot.

11 The party affiliation, if any, of each candidate or the
12 word "independent", where applicable, shall appear near or
13 under the candidate's name, and the names of candidates for the
14 same office shall be listed vertically under the title of that
15 office. In the case of nonpartisan elections for officers of
16 political subdivisions, unless the statute or an ordinance
17 adopted pursuant to Article VII of the Constitution requires
18 otherwise, the listing of nonpartisan candidates shall not
19 include any party or "independent" designation. If no candidate
20 or candidates file for an office and if no person or persons
21 file a declaration as a write-in candidate for that office,
22 then below the title of that office the election authority
23 shall print "No Candidate". In primary elections, a separate
24 ballot shall be used for each political party holding a
25 primary, with the ballot arranged to include names of the
26 candidates of the party and public questions and other

1 propositions to be voted upon on the day of the primary
2 election.

3 If the ballot includes both candidates for office and
4 public questions or propositions to be voted on, the election
5 official in charge of the election shall divide the ballot in
6 sections for "Candidates" and "Public Questions", or separate
7 ballots may be used.

8 Any voter who spoils his or her ballot, makes an error, or
9 has a ballot rejected by the automatic tabulating equipment
10 shall be provided a means of correcting the ballot or obtaining
11 a new ballot prior to casting his or her ballot.

12 Any election authority using a direct recording electronic
13 tabulator or electronic ballot marking device ~~Direct Recording~~
14 ~~Electronic Voting System~~ may use voting systems approved for
15 use under Articles 24A or 24B of this Code in conducting vote
16 by mail or early voting.

17 (Source: P.A. 98-1171, eff. 6-1-15.)

18 (10 ILCS 5/24C-6.1)

19 Sec. 24C-6.1. Security designation ~~Designation~~. In all
20 elections conducted under this Article, ballots shall have a
21 security designation. In precincts where more than one ballot
22 configuration may be voted upon, ballots shall have a different
23 security designation for each ballot configuration. If a
24 precinct has only one possible ballot configuration, the
25 ballots must have a security designation to identify the

1 precinct and the election. Where ballots from more than one
2 precinct are being tabulated, the ballots from each precinct
3 must be clearly identified; official results shall not be
4 generated unless the precinct identification for any precinct
5 corresponds. When the tabulating equipment being used requires
6 entering the program immediately before tabulating the ballots
7 for each precinct, the precinct program may be used. The direct
8 recording electronic tabulator or electronic ballot marking
9 device ~~Direct Recording Electronic Voting System~~ shall be
10 designed to ensure that the proper ballot is selected for each
11 polling place and for each ballot configuration and that the
12 format can be matched to the software or firmware required to
13 interpret it correctly. The system shall provide a means of
14 programming each piece of equipment to reflect the ballot
15 requirements of the election and shall include a means for
16 validating the correctness of the program and of the program's
17 installation in the equipment or in a programmable memory
18 device.

19 (Source: P.A. 93-574, eff. 8-21-03.)

20 (10 ILCS 5/24C-7)

21 Sec. 24C-7. Write-in ballots ~~Write-In Ballots~~. A direct
22 recording electronic tabulator or electronic ballot marking
23 device ~~Direct Recording Electronic Voting System~~ shall provide
24 an acceptable method for a voter to vote for a person whose
25 name does not appear on the ballot using the same apparatus

1 used to record votes for candidates whose names do appear on
2 the ballot. Election authorities utilizing direct recording
3 electronic tabulators or electronic ballot marking devices
4 ~~Direct Recording Electronic Voting Systems~~ shall not use
5 separate write-in ballots.

6 Whenever a person has submitted a declaration of intent to
7 be a write-in candidate as required in Sections 17-16.1 and
8 18-9.1, a space or spaces in which the name of a candidate or
9 candidates may be written in or recorded by the voter shall
10 appear below the name of the last candidate nominated for such
11 office. The number of write-in lines for an office shall equal
12 the number of persons who have filed declarations of intent to
13 be write-in candidates plus an additional line or lines for
14 write-in candidates who qualify to file declarations to be
15 write-in candidates under Section 17-16.1 or 18-9.1 when the
16 certification of ballot contains the words "OBJECTION PENDING"
17 next to the name of the candidate, up to the number of
18 candidates for which a voter may vote.

19 (Source: P.A. 95-862, eff. 8-19-08.)

20 (10 ILCS 5/24C-8)

21 Sec. 24C-8. Preparation for use ~~Use~~; comparison of ballots
22 ~~Comparison of Ballots~~; operational checks ~~Operational Checks~~
23 of direct recording electronic tabulators and electronic
24 ballot marking devices ~~Direct Recording Electronic Voting~~
25 ~~Systems Equipment~~; pollwatchers ~~Pollwatchers~~. The county clerk

1 or board of election commissioners shall cause the approved
2 direct recording electronic tabulator equipment or electronic
3 ballot marking devices ~~Direct Recording Electronic Voting~~
4 ~~System equipment~~ to be delivered to the polling places. Before
5 the opening of the polls, all direct recording electronic
6 tabulators or electronic ballot marking devices utilized as
7 tabulators ~~Direct Recording Voting System devices~~ shall
8 provide a printed record of the following, upon verification of
9 the authenticity of the commands by a judge of election: the
10 election's identification data, the equipment's unit
11 identification, the ballot's format identification, the
12 contents of each active candidate register by office and of
13 each active public question register showing that they contain
14 all zeros, all ballot fields that can be used to invoke special
15 voting options, and other information needed to ensure the
16 readiness of the equipment, and to accommodate administrative
17 reporting requirements.

18 The direct recording electronic tabulator or electronic
19 ballot marking device utilized as a tabulator ~~Direct Recording~~
20 ~~Electronic Voting System~~ shall provide a means of opening the
21 polling place and readying the equipment for the casting of
22 ballots. Such means shall incorporate a security seal, a
23 password, or a data code recognition capability to prevent
24 inadvertent or unauthorized actuation of the poll-opening
25 function. If more than one step is required, it shall enforce
26 their execution in the proper sequence.

1 Pollwatchers as provided by law shall be permitted to
2 closely observe the judges in these procedures and to
3 periodically inspect the direct recording electronic tabulator
4 or electronic ballot marking device ~~Direct Recording~~
5 ~~Electronic Voting System~~ equipment when not in use by the
6 voters.

7 (Source: P.A. 93-574, eff. 8-21-03.)

8 (10 ILCS 5/24C-9)

9 Sec. 24C-9. Testing of direct recording electronic
10 tabulators and electronic ballot marking device equipment and
11 programs ~~Direct Recording Electronic Voting System Equipment~~
12 ~~and Programs~~; custody of programs ~~Custody of Programs~~, test
13 materials and ballots ~~Test Materials and Ballots~~. Prior to the
14 public test, the election authority shall conduct an errorless
15 pre-test of the direct recording electronic tabulator or
16 electronic ballot marking device ~~Direct Recording Electronic~~
17 ~~Voting System~~ equipment and programs to determine that they
18 will correctly detect voting defects and count the votes cast
19 for all offices, candidates, and ~~all~~ public questions. On any
20 day not less than 5 days prior to the election day, the
21 election authority shall publicly test the direct recording
22 electronic tabulator or electronic ballot marking device
23 ~~Direct Recording Electronic Voting System~~ equipment and
24 programs to determine that it ~~they~~ will correctly detect voting
25 errors and accurately count the votes legally cast for all

1 offices and candidates and on all public questions. Public
2 notice of the time and place of the test shall be given at
3 least 48 hours before the test by publishing the notice in one
4 or more newspapers within the election jurisdiction of the
5 election authority, if a newspaper is published in that
6 jurisdiction. If a newspaper is not published in that
7 jurisdiction, notice shall be published in a newspaper of
8 general circulation in that jurisdiction. Timely written
9 notice stating the date, time, and location of the public test
10 shall also be provided to the State Board of Elections. The
11 test shall be open to representatives of the political parties,
12 the press, representatives of the State Board of Elections, and
13 the public. The test shall be conducted by entering a
14 pre-audited group of votes designed to record a predetermined
15 number of valid votes for each candidate and on each public
16 question, ~~and shall include for each office one or more ballots~~
17 ~~having votes exceeding the number allowed by law to test the~~
18 ~~ability of the automatic tabulating equipment to reject the~~
19 ~~votes~~. The test shall also include producing an edit listing.
20 In those election jurisdictions where in-precinct counting
21 equipment is used, a public test of both the equipment and
22 program shall be conducted as nearly as possible in the manner
23 prescribed above. The State Board of Elections may select as
24 many election jurisdictions as the Board deems advisable in the
25 interests of the election process of this State, to order a
26 special test of the automatic tabulating equipment and program

1 before any regular election. The Board may order a special test
2 in any election jurisdiction where, during the preceding 12
3 months, computer programming errors or other errors in the use
4 of System resulted in vote tabulation errors. Not less than 30
5 days before any election, the State Board of Elections shall
6 provide written notice to those selected jurisdictions of their
7 intent to conduct a test. Within 5 days of receipt of the State
8 Board of Elections' written notice of intent to conduct a test,
9 the selected jurisdictions shall forward to the principal
10 office of the State Board of Elections a copy of all specimen
11 ballots. The State Board of Elections' tests shall be conducted
12 and completed not less than 2 days before the public test and
13 under the supervision of the Board. The vendor, person, or
14 other private entity shall be solely responsible for the
15 production and cost of: all ballots; additional temporary
16 workers; and other equipment or facilities needed and used in
17 the testing of the vendor's, person's, or other private
18 entity's respective equipment and software. After an errorless
19 test, materials used in the public test, including the program,
20 if appropriate, shall be sealed and remain sealed until the
21 test is run again on election day. If any error is detected,
22 the cause of the error shall be determined and corrected, and
23 an errorless public test shall be made before the automatic
24 tabulating equipment is approved. Each election authority
25 shall file a sealed copy of each tested program to be used
26 within its jurisdiction at an election with the State Board of

1 Elections before the election. The Board shall secure the
2 program or programs of each election jurisdiction so filed in
3 its office until the next election of the same type (general
4 primary, general election, consolidated primary, or
5 consolidated election) for which the program or programs were
6 filed. At the expiration of that time, if no election contest
7 or appeal is pending in an election jurisdiction, the Board
8 shall destroy the sealed program or programs. Except where
9 in-precinct counting equipment is used, the test shall be
10 repeated immediately before the start of the official counting
11 of the ballots, in the same manner as set forth above. After
12 the completion of the count, the test shall be re-run using the
13 same program. Immediately after the re-run, all material used
14 in testing the program and the programs shall be sealed and
15 retained under the custody of the election authority for a
16 period of 60 days. At the expiration of that time the election
17 authority shall destroy the voted ballots, together with all
18 unused ballots returned from the precincts. Provided, if any
19 contest of election is pending at the time in which the ballots
20 may be required as evidence and the election authority has
21 notice of the contest, the same shall not be destroyed until
22 after the contest is finally determined. If the use of back-up
23 equipment becomes necessary, the same testing required for the
24 original equipment shall be conducted.

25 (Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

1 (10 ILCS 5/24C-10)

2 Sec. 24C-10. Recording of votes by direct recording
3 electronic tabulators and electronic ballot marking devices
4 ~~Direct Recording Electronic Voting Systems.~~

5 Whenever a direct recording electronic tabulator ~~Direct~~
6 ~~Recording Electronic Voting System~~ is used to automatically
7 record and count the votes on ballots or, in the case of an
8 electronic ballot marking device, mark the votes on a ballot,
9 the provisions of this Section shall apply. A voter shall cast
10 a proper vote on a ballot by marking the designated area for
11 the casting of a vote for any party or candidate or for or
12 against any public question. For this purpose, a mark is an
13 intentional selection of the designated area on the ballot by
14 appropriate means and which is not otherwise an identifying
15 mark.

16 (Source: P.A. 93-574, eff. 8-21-03.)

17 (10 ILCS 5/24C-11)

18 Sec. 24C-11. Functional requirements. A direct recording
19 electronic tabulator or electronic ballot marking device
20 ~~Direct Recording Electronic Voting System~~ shall, in addition to
21 satisfying the other requirements of this Article, fulfill the
22 following functional requirements:

23 (a) Provide a voter in a primary election with the means of
24 casting a ballot containing votes for any and all candidates of
25 the party or parties of his or her choice, and for any and all

1 non-partisan candidates and public questions and preclude the
2 voter from voting for any candidate of any other political
3 party except when legally permitted. In a general election, the
4 system shall provide the voter with means of selecting the
5 appropriate number of candidates for any office, and of voting
6 on any public question on the ballot to which he or she is
7 entitled to vote.

8 (b) If a voter is not entitled to vote for particular
9 candidates or public questions appearing on the ballot, the
10 system shall prevent the selection of the prohibited votes.

11 (c) Once the proper ballot has been selected, the system
12 devices shall provide a means of enabling the recording of
13 votes and the casting of said ballot or, in the case of an
14 electronic ballot marking device, enable the recording of votes
15 in order to be cast on an electronic tabulating device.

16 (d) System voting devices shall provide voting choices that
17 are clear to the voter and labels indicating the names of every
18 candidate and the text of every public question on the voter's
19 ballot. Each label shall identify the selection button or
20 switch, or the active area of the ballot associated with it.
21 The system shall be able to incorporate minimal, easy-to-follow
22 on-screen instruction for the voter on how to cast a ballot.

23 (e) Voting devices shall (i) enable the voter to vote for
24 any and all candidates and public questions appearing on the
25 ballot for which the voter is lawfully entitled to vote, in any
26 legal number and combination; (ii) detect and reject all votes

1 for an office or upon a public question when the voter has cast
2 more votes for the office or upon the public question than the
3 voter is entitled to cast; (iii) notify the voter if the
4 voter's choices as recorded on the ballot for an office or
5 public question are fewer than or exceed the number that the
6 voter is entitled to vote for on that office or public question
7 and the effect of casting more or fewer votes than legally
8 permitted; (iv) notify the voter if the voter has failed to
9 completely cast a vote for an office or public question
10 appearing on the ballot; and (v) permit the voter, in a private
11 and independent manner, to verify the votes selected by the
12 voter, to change the ballot or to correct any error on the
13 ballot before the ballot is completely cast and counted. A
14 means shall be provided to indicate each selection after it has
15 been made or canceled.

16 (f) System voting devices shall provide a means for the
17 voter to signify that the selection of candidates and public
18 questions has been completed. Upon activation, a direct
19 recording electronic tabulator ~~the system~~ shall record an image
20 of the completed ballot, increment the proper ballot position
21 registers, and shall signify to the voter that the ballot has
22 been cast or, in the case of an electronic ballot marking
23 device, the system shall record all votes and signify to the
24 voter that the ballot has been marked. The system shall then
25 prevent any further attempt to vote until it has been reset or
26 re-enabled by a judge of election.

1 (g) Each direct recording electronic tabulator or
2 electronic ballot marking device utilized as a tabulator system
3 ~~voting device~~ shall be equipped with a public counter that can
4 be set to zero prior to the opening of the polling place, and
5 that records the number of ballots cast at a particular
6 election. The counter shall be incremented only by the casting
7 of a ballot. The counter shall be designed to prevent disabling
8 or resetting by other than authorized persons after the polls
9 close. The counter shall be visible to all judges of election
10 so long as the device is installed at the polling place.

11 (h) Each system voting device shall be equipped with a
12 protective counter that records all of the testing and election
13 ballots cast since the unit was built. This counter shall be
14 designed so that its reading cannot be changed by any cause
15 other than the casting of a ballot. The protective counter
16 shall be incapable of ever being reset and it shall be visible
17 at all times when the device is configured for testing,
18 maintenance, or election use.

19 (i) All system devices shall provide a means of preventing
20 further voting once the polling place has closed and after all
21 eligible voters have voted. Such means of control shall
22 incorporate a visible indication of system status. Each device
23 shall prevent any unauthorized use, prevent tampering with
24 ballot labels and preclude its re-opening once the poll closing
25 has been completed for that election.

26 (j) Each direct recording electronic tabulator or

1 electronic ballot marking device utilized as a tabulator ~~The~~
2 ~~system~~ shall produce a printed summary report of the votes cast
3 upon each voting device. Until the proper sequence of events
4 associated with closing the polling place has been completed,
5 the system shall not allow the printing of a report or the
6 extraction of data. The printed report shall also contain all
7 system audit information to be required by the election
8 authority. Data shall not be altered or otherwise destroyed by
9 report generation and the system shall ensure the integrity and
10 security of data for a period of at least 6 months after the
11 polls close.

12 (k) If more than one voting device is used in a polling
13 place, the system shall provide a means to manually or
14 electronically consolidate the data from all such units into a
15 single report even if different voting systems are used to
16 record ballots. The system shall also be capable of merging the
17 vote tabulation results produced by other vote tabulation
18 systems, if necessary.

19 (l) System functions shall be implemented such that
20 unauthorized access to them is prevented and the execution of
21 authorized functions in an improper sequence is precluded.
22 System functions shall be executable only in the intended
23 manner and order, and only under the intended conditions. If
24 the preconditions to a system function have not been met, the
25 function shall be precluded from executing by the system's
26 control logic.

1 (m) All system voting devices shall incorporate at least 3
2 memories in the machine itself and in its programmable memory
3 devices.

4 (n) The system shall include capabilities of recording and
5 reporting the date and time of normal and abnormal events and
6 of maintaining a permanent record of audit information that
7 cannot be turned off. Provisions shall be made to detect and
8 record significant events (e.g., casting a ballot, error
9 conditions that cannot be disposed of by the system itself,
10 time-dependent or programmed events that occur without the
11 intervention of the voter or a judge of election).

12 (o) The system and each system voting device must be
13 capable of creating, printing and maintaining a permanent paper
14 record and an electronic image of each ballot that is cast such
15 that records of individual ballots are maintained by a
16 subsystem independent and distinct from the main vote
17 detection, interpretation, processing and reporting path. The
18 electronic images of each ballot must protect the integrity of
19 the data and the anonymity of each voter, for example, by means
20 of storage location scrambling. The ballot image records may be
21 either machine-readable or manually transcribed, or both, at
22 the discretion of the election authority.

23 (p) The system shall include built-in test, measurement and
24 diagnostic software and hardware for detecting and reporting
25 the system's status and degree of operability.

26 (q) The system shall contain provisions for maintaining the

1 integrity of memory voting and audit data during an election
2 and for a period of at least 6 months thereafter and shall
3 provide the means for creating an audit trail.

4 (r) The system shall be fully accessible so as to permit
5 blind or visually impaired voters as well as voters with
6 physical disabilities to exercise their right to vote in
7 private and without assistance.

8 (s) The system shall provide alternative language
9 accessibility if required pursuant to Section 203 of the Voting
10 Rights Act of 1965.

11 (t) Each voting device shall enable a voter to vote for a
12 person whose name does not appear on the ballot.

13 (u) Each direct recording electronic tabulator ~~The system~~
14 shall record and count accurately and, in the case of an
15 electronic ballot marking devices, accurately mark each vote
16 properly cast for or against any candidate and for or against
17 any public question, including the names of all candidates
18 whose names are written in by the voters.

19 (v) The system shall allow for accepting provisional
20 ballots and for separating such provisional ballots from
21 precinct totals until authorized by the election authority.

22 (w) The system shall provide an effective audit trail as
23 defined in Section 24C-2 in this Code.

24 (x) The system shall be suitably designed for the purpose
25 used, be durably constructed, and be designed for safety,
26 accuracy and efficiency.

1 (y) The system shall comply with all provisions of federal,
2 State and local election laws and regulations and any future
3 modifications to those laws and regulations.

4 (Source: P.A. 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15.)

5 (10 ILCS 5/24C-12)

6 Sec. 24C-12. Procedures for counting and tallying of
7 ballots. In an election jurisdiction where a direct recording
8 electronic tabulator or electronic ballot marking device
9 ~~Direct Recording Electronic Voting System~~ is used, the
10 following procedures for counting and tallying the ballots
11 shall apply:

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

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

9 After the judges have determined that a person is qualified
10 to vote, a voting device with the proper ballot to which the
11 voter is entitled shall be enabled to be used by the voter. The
12 ballot may then be cast by the voter by marking by appropriate
13 means the designated area of the ballot for the casting or, in
14 the case of an electronic ballot marking device, marking 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 questions ~~measures~~ appearing on the ballot in any legal
18 number and combination and the voter shall be able to delete,
19 change or correct his or her selections before the ballot is
20 cast. The voter shall be able to select candidates whose names
21 do not 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 or, in the case of an electronic ballot marking
6 device, has been marked in order to be cast on an electronic
7 tabulating device. Upon activation, the voting system shall
8 also print a permanent paper record of each ballot cast as
9 defined in Section 24C-2 of this Code. This permanent paper
10 record shall (i) be printed in a clear, readily readable format
11 that can be easily reviewed by the voter for completeness and
12 accuracy and (ii) either be self-contained within the voting
13 device or be deposited by the voter into a secure ballot box.
14 No permanent paper record shall be removed from the polling
15 place except by election officials as authorized by this
16 Article. All permanent paper records shall be preserved and
17 secured by election officials in the same manner as paper
18 ballots and shall be available as an official record for any
19 recount, redundant count, or verification or retabulation of
20 the vote count conducted with respect to any election in which
21 the voting system is used. The voter shall exit the voting
22 station and the voting system shall prevent any further attempt
23 to vote until it has been properly re-activated. If a voting
24 device has been enabled for voting but the voter leaves the
25 polling place without casting a ballot, 2 judges of election,
26 one from each of the 2 major political parties, shall spoil the

1 ballot.

2 Throughout the election day and before the closing of the
3 polls, no person may check any vote totals for any candidate or
4 public question on the voting or counting equipment. Such
5 equipment shall be programmed so that no person may reset the
6 equipment for reentry of ballots unless provided the proper
7 code from an authorized representative of the election
8 authority.

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

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

1 The judges of election shall provide, if requested, a set for
2 each authorized pollwatcher or other official authorized to be
3 present in the polling place to observe the counting of
4 ballots. In addition, sufficient time shall be provided by the
5 judges of election to the pollwatchers to allow them to copy
6 information from the copy which has been posted.

7 Until December 31, 2019, in elections at which fractional
8 cumulative votes are cast for candidates, the tabulation of
9 those fractional cumulative votes may be made by the election
10 authority at its central office location, and 4 copies of a
11 "Certificate of Results" shall be printed by the automatic
12 tabulation equipment and shall be posted in 4 conspicuous
13 places at the central office location where those fractional
14 cumulative votes have been tabulated.

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

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

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

22 (Source: P.A. 99-522, eff. 6-30-16; 99-701, eff. 7-29-16.)

23 (10 ILCS 5/24C-13)

24 Sec. 24C-13. Vote by mail ballots; early voting ballots;
25 proceedings at location for central counting; employees;

1 approval of list.

2 (a) All jurisdictions using direct recording electronic
3 tabulators or electronic ballot marking devices ~~Direct~~
4 ~~Recording Electronic Voting Systems~~ shall use paper ballots or
5 paper ballot sheets approved for use under Articles 16, 24A, or
6 24B of this Code when conducting vote by mail voting. All vote
7 by mail ballots shall be counted at the central ballot counting
8 location of the election authority. Sections ~~The provisions of~~
9 ~~Section~~ 24A-9, 24B-9, and 24C-9 of this Code shall apply to the
10 testing and notice requirements for central count tabulation
11 equipment, including comparing the signature on the ballot
12 envelope with the signature of the voter on the permanent voter
13 registration record card taken from the master file. Vote
14 results shall be recorded by precinct and shall be added to the
15 vote results for the precinct in which the vote by mail voter
16 was eligible to vote prior to completion of the official
17 canvass.

18 (b) All proceedings at the location for central counting
19 shall be under the direction of the county clerk or board of
20 election commissioners. Except for any specially trained
21 technicians required for the operation of the direct recording
22 electronic tabulator or electronic ballot marking device
23 ~~Direct Recording Electronic Voting System~~, the employees at the
24 counting station shall be equally divided between members of
25 the 2 leading political parties and all duties performed by the
26 employees shall be by teams consisting of an equal number of

1 members of each political party. Thirty days before an election
2 the county clerk or board of election commissioners shall
3 submit to the chair of each political party, for his or her
4 approval or disapproval, a list of persons of his or her party
5 proposed to be employed. If a chair fails to notify the
6 election authority of his or her disapproval of any proposed
7 employee within a period of 10 days thereafter the list shall
8 be deemed approved.

9 (Source: P.A. 100-1027, eff. 1-1-19.)

10 (10 ILCS 5/24C-14)

11 Sec. 24C-14. Tabulating votes ~~Votes~~; direction ~~Direction~~;
12 presence of public ~~Presence of Public~~; computer operator's log
13 and canvass ~~Computer Operator's Log and Canvass~~. The procedure
14 for tabulating the votes by the direct recording electronic
15 tabulator or electronic ballot marking device ~~Direct Recording~~
16 ~~Electronic Voting System~~ shall be under the direction of the
17 election authority and shall conform to the requirements of the
18 direct recording electronic tabulator or electronic ballot
19 marking device ~~Direct Recording Electronic Voting System~~.
20 During any election-related activity using the automatic
21 direct recording electronic tabulator or electronic ballot
22 marking device ~~Direct Recording Electronic Voting System~~
23 equipment, the election authority shall make a reasonable
24 effort to dedicate the equipment to vote processing to ensure
25 the security and integrity of the system.

1 A reasonable number of pollwatchers shall be admitted to
2 the counting location. Such persons may observe the tabulating
3 process at the discretion of the election authority; however,
4 at least one representative of each established political party
5 and authorized agents of the State Board of Elections shall be
6 permitted to observe this process at all times. No persons
7 except those employed and authorized for the purpose shall
8 touch any ballot, ballot box, return, or equipment.

9 The computer operator shall be designated by the election
10 authority and shall be sworn as a deputy of the election
11 authority. In conducting the vote tabulation and canvass, the
12 computer operator must maintain a log which shall include the
13 following information:

14 (a) alterations made to programs associated with the
15 vote counting process;

16 (b) if applicable, console messages relating to the
17 program and the respective responses made by the operator;

18 (c) the starting time for each precinct counted, the
19 number of ballots counted for each precinct, any equipment
20 problems and, insofar as practicable, the number of invalid
21 security designations encountered during that count; and

22 (d) changes and repairs made to the equipment during
23 the vote tabulation and canvass.

24 The computer operator's log and canvass shall be available
25 for public inspection in the office of the election authority
26 for a period of 60 days following the proclamation of election

1 results. A copy of the computer operator's log and the canvass
2 shall be transmitted to the State Board of Elections upon its
3 request and at its expense.

4 (Source: P.A. 93-574, eff. 8-21-03.)

5 (10 ILCS 5/24C-15)

6 Sec. 24C-15. Official return of precinct; check of totals;
7 audit. The precinct return printed by the direct recording
8 electronic tabulator or electronic ballot marking device
9 utilized as a tabulator ~~Direct Recording Electronic Voting~~
10 ~~System tabulating equipment~~ shall include the number of ballots
11 cast and votes cast for each candidate and public question and
12 shall constitute the official return of each precinct. In
13 addition to the precinct return, the election authority shall
14 provide the number of applications for ballots in each
15 precinct, the total number of ballots and vote by mail ballots
16 counted in each precinct for each political subdivision and
17 district and the number of registered voters in each precinct.
18 However, the election authority shall check the totals shown by
19 the precinct return and, if there is an obvious discrepancy
20 regarding the total number of votes cast in any precinct, shall
21 have the ballots for that precinct audited to correct the
22 return. The procedures for this audit shall apply prior to and
23 after the proclamation is completed; however, after the
24 proclamation of results, the election authority must obtain a
25 court order to unseal voted ballots or voting devices except

1 for election contests and discovery recounts. The certificate
2 of results, which has been prepared and signed by the judges of
3 election after the ballots have been tabulated, shall be the
4 document used for the canvass of votes for such precinct.
5 Whenever a discrepancy exists during the canvass of votes
6 between the unofficial results and the certificate of results,
7 or whenever a discrepancy exists during the canvass of votes
8 between the certificate of results and the set of totals
9 reflected on the certificate of results, the ballots for that
10 precinct shall be audited to correct the return.

11 Prior to the proclamation, the election authority shall
12 test the voting devices and equipment in 5% of the precincts
13 within the election jurisdiction, as well as 5% of the voting
14 devices used in early voting. The precincts and the voting
15 devices to be tested shall be selected after election day on a
16 random basis by the State Board of Elections, so that every
17 precinct and every device used in early voting in the election
18 jurisdiction has an equal mathematical chance of being
19 selected. The State Board of Elections shall design a standard
20 and scientific random method of selecting the precincts and
21 voting devices that are to be tested. The State central
22 committee chair of each established political party shall be
23 given prior written notice of the time and place of the random
24 selection procedure and may be represented at the procedure.

25 The test shall be conducted by counting the votes marked on
26 the permanent paper record of each ballot cast in the tested

1 precinct printed by the voting system at the time that each
2 ballot was cast and comparing the results of this count with
3 the results shown by the certificate of results prepared by the
4 direct recording electronic tabulator or electronic ballot
5 marking device utilized as a tabulator ~~Direct Recording~~
6 ~~Electronic Voting System~~ in the test precinct. The election
7 authority shall test count these votes either by hand or by
8 using an automatic tabulating device other than a direct
9 recording electronic tabulator or electronic ballot marking
10 device ~~Direct Recording Electronic voting device~~ that has been
11 approved by the State Board of Elections for that purpose and
12 tested before use to ensure accuracy. The election authority
13 shall print the results of each test count. If any error is
14 detected, the cause shall be determined and corrected, and an
15 errorless count shall be made prior to the official canvass and
16 proclamation of election results. If an errorless count cannot
17 be conducted and there continues to be difference in vote
18 results between the certificate of results produced by the
19 direct recording electronic tabulator or electronic ballot
20 marking device utilized as a tabulator ~~Direct Recording~~
21 ~~Electronic Voting System~~ and the count of the permanent paper
22 records or if an error was detected and corrected, the election
23 authority shall immediately prepare and forward to the
24 appropriate canvassing board a written report explaining the
25 results of the test and any errors encountered and the report
26 shall be made available for public inspection.

1 The State Board of Elections, the State's Attorney and
2 other appropriate law enforcement agencies, the county chair of
3 each established political party and qualified civic
4 organizations shall be given prior written notice of the time
5 and place of the test and may be represented at the test.

6 The results of this post-election test shall be treated in
7 the same manner and have the same effect as the results of the
8 discovery procedures set forth in Section 22-9.1 of this Code.
9 (Source: P.A. 100-1027, eff. 1-1-19.)

10 (10 ILCS 5/24C-15.01)

11 Sec. 24C-15.01. Transporting ballots to central counting
12 station ~~Ballots to Central Counting Station; container~~
13 ~~Container~~. Upon completion of the tabulation, audit or test of
14 voting equipment pursuant to Sections 24C-11 through 24C-15,
15 the ballots and the medium containing the ballots from each
16 precinct shall be replaced in the container in which they were
17 transported to the central counting station. If the container
18 is not a type which may be securely locked, then each
19 container, before being transferred from the counting station
20 to storage, shall be securely sealed.

21 (Source: P.A. 93-574, eff. 8-21-03.)

22 (10 ILCS 5/24C-15.1)

23 Sec. 24C-15.1. Discovery, recounts, and election contests
24 ~~Recounts and Election Contests~~. Except as provided, discovery

1 recounts and election contests shall be conducted as otherwise
2 provided for in this Code. The direct recording electronic
3 tabulator or electronic ballot marking device ~~Direct Recording~~
4 ~~Electronic Voting System~~ equipment shall be tested prior to the
5 discovery recount or election contest as provided in Section
6 24C-9, and then the official ballots shall be audited.

7 Any person who has filed a petition for discovery recount
8 may request that a redundant count be conducted in those
9 precincts in which the discovery recount is being conducted.
10 The additional costs of a redundant count shall be borne by the
11 requesting party.

12 The log of the computer operator and all materials retained
13 by the election authority in relation to vote tabulation and
14 canvass shall be made available for any discovery recount or
15 election contest.

16 (Source: P.A. 93-574, eff. 8-21-03.)

17 (10 ILCS 5/24C-16)

18 Sec. 24C-16. Approval of direct recording electronic
19 tabulator or electronic ballot marking device ~~Direct Recording~~
20 ~~Electronic Voting Systems~~; requisites ~~Requisites~~. The State
21 Board of Elections shall approve all direct recording
22 electronic tabulators and electronic ballot marking devices
23 ~~Direct Recording Electronic Voting Systems~~ that fulfill the
24 functional requirements provided by Section 24C-11 of this
25 Code, the mandatory requirements of the federal voting system

1 standards pertaining to direct recording electronic tabulators
2 and electronic ballot marking devices ~~Direct Recording~~
3 ~~Electronic Voting Systems~~ promulgated by the Federal Election
4 Commission or the Election Assistance Commission, the testing
5 requirements of an approved independent testing authority and
6 the rules of the State Board of Elections.

7 The State Board of Elections shall not approve any direct
8 recording electronic tabulator or electronic ballot marking
9 device ~~Direct Recording Electronic Voting System~~ that includes
10 an external Infrared Data Association (IrDA) communications
11 port.

12 The State Board of Elections is authorized to withdraw its
13 approval of a direct recording electronic tabulator or
14 electronic ballot marking device ~~Direct Recording Electronic~~
15 ~~Voting System~~ if the system ~~System~~, once approved, fails to
16 fulfill the above requirements.

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

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

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

7 No vendor, person, or other entity may sell, lease, or
8 loan, or have a written contract, including a contract
9 contingent upon State Board approval of the voting system or
10 voting system component, to sell, lease, or loan, a direct
11 recording electronic tabulator, electronic ballot marking
12 device ~~Direct Recording Electronic Voting System~~ or system
13 component to any election jurisdiction unless the system or
14 system component is first approved by the State Board of
15 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-17)

18 Sec. 24C-17. Rules; number of voting stations ~~Number of~~
19 ~~Voting Stations~~. The State Board of Elections may make
20 reasonable rules for the administration of this Article and may
21 prescribe the number of voting stations required for the
22 various types of voting systems.

23 (Source: P.A. 93-574, eff. 8-21-03.)

24 (10 ILCS 5/24C-18)

1 Sec. 24C-18. Specimen ballots ~~Ballots~~; publication
2 ~~Publication~~. When a direct recording electronic tabulator or
3 electronic ballot marking device ~~Direct Recording Electronic~~
4 ~~Voting System~~ is used, the election authority shall cause to be
5 published, at least 5 days before the day of each general and
6 general primary election, in 2 or more newspapers published in
7 and having a general circulation in the county, a true and
8 legible copy of the specimen ballot containing the names of
9 offices and candidates and public questions to be voted on, as
10 near as may be, in the form in which they will appear on the
11 official ballot on election day. A true legible copy may be in
12 the form of an actual size ballot and shall be published as
13 required by this Section if distributed in 2 or more newspapers
14 published and having a general circulation in the county as an
15 insert. For each election prescribed in Article 2A of this
16 Code, specimen ballots shall be made available for public
17 distribution and shall be supplied to the judges of election
18 for posting in the polling place on the day of election. Notice
19 for the consolidated elections shall be given as provided in
20 Article 12.

21 (Source: P.A. 93-574, eff. 8-21-03.)

22 (10 ILCS 5/24C-19)

23 Sec. 24C-19. Additional method of voting ~~Method of Voting~~.
24 The foregoing Sections of this Article shall be deemed to
25 provide a method of voting in addition to the methods otherwise

1 provided in this Code.

2 (Source: P.A. 93-574, eff. 8-21-03.)

3 Section 15. The Illinois Procurement Code is amended by
4 changing Section 1-10 as follows:

5 (30 ILCS 500/1-10)

6 Sec. 1-10. Application.

7 (a) This Code applies only to procurements for which
8 bidders, offerors, potential contractors, or contractors were
9 first solicited on or after July 1, 1998. This Code shall not
10 be construed to affect or impair any contract, or any provision
11 of a contract, entered into based on a solicitation prior to
12 the implementation date of this Code as described in Article
13 99, including, but not limited to, any covenant entered into
14 with respect to any revenue bonds or similar instruments. All
15 procurements for which contracts are solicited between the
16 effective date of Articles 50 and 99 and July 1, 1998 shall be
17 substantially in accordance with this Code and its intent.

18 (b) This Code shall apply regardless of the source of the
19 funds with which the contracts are paid, including federal
20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies, except as specifically provided in
24 this Code.

1 (2) Grants, except for the filing requirements of
2 Section 20-80.

3 (3) Purchase of care, except as provided in Section
4 5-30.6 of the Illinois Public Aid Code and this Section.

5 (4) Hiring of an individual as employee and not as an
6 independent contractor, whether pursuant to an employment
7 code or policy or by contract directly with that
8 individual.

9 (5) Collective bargaining contracts.

10 (6) Purchase of real estate, except that notice of this
11 type of contract with a value of more than \$25,000 must be
12 published in the Procurement Bulletin within 10 calendar
13 days after the deed is recorded in the county of
14 jurisdiction. The notice shall identify the real estate
15 purchased, the names of all parties to the contract, the
16 value of the contract, and the effective date of the
17 contract.

18 (7) Contracts necessary to prepare for anticipated
19 litigation, enforcement actions, or investigations,
20 provided that the chief legal counsel to the Governor shall
21 give his or her prior approval when the procuring agency is
22 one subject to the jurisdiction of the Governor, and
23 provided that the chief legal counsel of any other
24 procuring entity subject to this Code shall give his or her
25 prior approval when the procuring entity is not one subject
26 to the jurisdiction of the Governor.

1 (8) (Blank).

2 (9) Procurement expenditures by the Illinois
3 Conservation Foundation when only private funds are used.

4 (10) (Blank).

5 (11) Public-private agreements entered into according
6 to the procurement requirements of Section 20 of the
7 Public-Private Partnerships for Transportation Act and
8 design-build agreements entered into according to the
9 procurement requirements of Section 25 of the
10 Public-Private Partnerships for Transportation Act.

11 (12) Contracts for legal, financial, and other
12 professional and artistic services entered into on or
13 before December 31, 2018 by the Illinois Finance Authority
14 in which the State of Illinois is not obligated. Such
15 contracts shall be awarded through a competitive process
16 authorized by the Board of the Illinois Finance Authority
17 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
18 50-35, and 50-37 of this Code, as well as the final
19 approval by the Board of the Illinois Finance Authority of
20 the terms of the contract.

21 (13) Contracts for services, commodities, and
22 equipment to support the delivery of timely forensic
23 science services in consultation with and subject to the
24 approval of the Chief Procurement Officer as provided in
25 subsection (d) of Section 5-4-3a of the Unified Code of
26 Corrections, except for the requirements of Sections

1 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
2 Code; however, the Chief Procurement Officer may, in
3 writing with justification, waive any certification
4 required under Article 50 of this Code. For any contracts
5 for services which are currently provided by members of a
6 collective bargaining agreement, the applicable terms of
7 the collective bargaining agreement concerning
8 subcontracting shall be followed.

9 On and after January 1, 2019, this paragraph (13),
10 except for this sentence, is inoperative.

11 (14) Contracts for participation expenditures required
12 by a domestic or international trade show or exhibition of
13 an exhibitor, member, or sponsor.

14 (15) Contracts with a railroad or utility that requires
15 the State to reimburse the railroad or utilities for the
16 relocation of utilities for construction or other public
17 purpose. Contracts included within this paragraph (15)
18 shall include, but not be limited to, those associated
19 with: relocations, crossings, installations, and
20 maintenance. For the purposes of this paragraph (15),
21 "railroad" means any form of non-highway ground
22 transportation that runs on rails or electromagnetic
23 guideways and "utility" means: (1) public utilities as
24 defined in Section 3-105 of the Public Utilities Act, (2)
25 telecommunications carriers as defined in Section 13-202
26 of the Public Utilities Act, (3) electric cooperatives as

1 defined in Section 3.4 of the Electric Supplier Act, (4)
2 telephone or telecommunications cooperatives as defined in
3 Section 13-212 of the Public Utilities Act, (5) rural water
4 or waste water systems with 10,000 connections or less, (6)
5 a holder as defined in Section 21-201 of the Public
6 Utilities Act, and (7) municipalities owning or operating
7 utility systems consisting of public utilities as that term
8 is defined in Section 11-117-2 of the Illinois Municipal
9 Code.

10 (16) Procurement expenditures necessary for the
11 Department of Public Health to provide the delivery of
12 timely newborn screening services in accordance with the
13 Newborn Metabolic Screening Act.

14 (17) Procurement expenditures necessary for the
15 Department of Agriculture, the Department of Financial and
16 Professional Regulation, the Department of Human Services,
17 and the Department of Public Health to implement the
18 Compassionate Use of Medical Cannabis Program and Opioid
19 Alternative Pilot Program requirements and ensure access
20 to medical cannabis for patients with debilitating medical
21 conditions in accordance with the Compassionate Use of
22 Medical Cannabis Program Act.

23 (18) This Code does not apply to any procurements
24 necessary for the Department of Agriculture, the
25 Department of Financial and Professional Regulation, the
26 Department of Human Services, the Department of Commerce

1 and Economic Opportunity, and the Department of Public
2 Health to implement the Cannabis Regulation and Tax Act if
3 the applicable agency has made a good faith determination
4 that it is necessary and appropriate for the expenditure to
5 fall within this exemption and if the process is conducted
6 in a manner substantially in accordance with the
7 requirements of Sections 20-160, 25-60, 30-22, 50-5,
8 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
9 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
10 Section 50-35, compliance applies only to contracts or
11 subcontracts over \$100,000. Notice of each contract
12 entered into under this paragraph (18) that is related to
13 the procurement of goods and services identified in
14 paragraph (1) through (9) of this subsection shall be
15 published in the Procurement Bulletin within 14 calendar
16 days after contract execution. The Chief Procurement
17 Officer shall prescribe the form and content of the notice.
18 Each agency shall provide the Chief Procurement Officer, on
19 a monthly basis, in the form and content prescribed by the
20 Chief Procurement Officer, a report of contracts that are
21 related to the procurement of goods and services identified
22 in this subsection. At a minimum, this report shall include
23 the name of the contractor, a description of the supply or
24 service provided, the total amount of the contract, the
25 term of the contract, and the exception to this Code
26 utilized. A copy of any or all of these contracts shall be

1 made available to the Chief Procurement Officer
2 immediately upon request. The Chief Procurement Officer
3 shall submit a report to the Governor and General Assembly
4 no later than November 1 of each year that includes, at a
5 minimum, an annual summary of the monthly information
6 reported to the Chief Procurement Officer. This exemption
7 becomes inoperative 5 years after June 25, 2019 (the
8 effective date of Public Act 101-27) ~~this amendatory Act of~~
9 ~~the 101st General Assembly.~~

10 Notwithstanding any other provision of law, for contracts
11 entered into on or after October 1, 2017 under an exemption
12 provided in any paragraph of this subsection (b), except
13 paragraph (1), (2), or (5), each State agency shall post to the
14 appropriate procurement bulletin the name of the contractor, a
15 description of the supply or service provided, the total amount
16 of the contract, the term of the contract, and the exception to
17 the Code utilized. The chief procurement officer shall submit a
18 report to the Governor and General Assembly no later than
19 November 1 of each year that shall include, at a minimum, an
20 annual summary of the monthly information reported to the chief
21 procurement officer.

22 (c) This Code does not apply to the electric power
23 procurement process provided for under Section 1-75 of the
24 Illinois Power Agency Act and Section 16-111.5 of the Public
25 Utilities Act.

26 (d) Except for Section 20-160 and Article 50 of this Code,

1 and as expressly required by Section 9.1 of the Illinois
2 Lottery Law, the provisions of this Code do not apply to the
3 procurement process provided for under Section 9.1 of the
4 Illinois Lottery Law.

5 (e) This Code does not apply to the process used by the
6 Capital Development Board to retain a person or entity to
7 assist the Capital Development Board with its duties related to
8 the determination of costs of a clean coal SNG brownfield
9 facility, as defined by Section 1-10 of the Illinois Power
10 Agency Act, as required in subsection (h-3) of Section 9-220 of
11 the Public Utilities Act, including calculating the range of
12 capital costs, the range of operating and maintenance costs, or
13 the sequestration costs or monitoring the construction of clean
14 coal SNG brownfield facility for the full duration of
15 construction.

16 (f) (Blank).

17 (g) (Blank).

18 (h) This Code does not apply to the process to procure or
19 contracts entered into in accordance with Sections 11-5.2 and
20 11-5.3 of the Illinois Public Aid Code.

21 (i) Each chief procurement officer may access records
22 necessary to review whether a contract, purchase, or other
23 expenditure is or is not subject to the provisions of this
24 Code, unless such records would be subject to attorney-client
25 privilege.

26 (j) This Code does not apply to the process used by the

1 Capital Development Board to retain an artist or work or works
2 of art as required in Section 14 of the Capital Development
3 Board Act.

4 (k) This Code does not apply to the process to procure
5 contracts, or contracts entered into, by the State Board of
6 Elections or the State Electoral Board for hearing officers
7 appointed pursuant to the Election Code.

8 (k-5) This Code does not apply to the process to procure
9 contracts or contracts entered into by the State Board of
10 Elections for U.S. Census data collection and decennial
11 redistricting pursuant to paragraph (18) of Section 1A-8 of the
12 Election Code.

13 (l) This Code does not apply to the processes used by the
14 Illinois Student Assistance Commission to procure supplies and
15 services paid for from the private funds of the Illinois
16 Prepaid Tuition Fund. As used in this subsection (l), "private
17 funds" means funds derived from deposits paid into the Illinois
18 Prepaid Tuition Trust Fund and the earnings thereon.

19 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
20 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
21 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
22 9-17-19.)

23 Section 20. The Property Tax Code is amended by changing
24 Section 3-70 as follows:

1 (35 ILCS 200/3-70)

2 Sec. 3-70. Cessation of Township Assessor. If the office of
3 Township Assessor in a coterminous, or substantially
4 coterminous, township ceases as provided in Article 27, 28, or
5 29 ~~Articles 27 and 28~~ of the Township Code, then the
6 coterminous, or substantially coterminous, municipality shall
7 assume the duties of the Township Assessor under this Code.

8 (Source: P.A. 98-127, eff. 8-2-13; 99-474, eff. 8-27-15.)

9 Section 25. The Township Code is amended by changing
10 Sections 29-5, 29-10, 29-15, 29-20, and 29-25 and by adding
11 Sections 29-30, 29-35 as follows:

12 (60 ILCS 1/29-5)

13 Sec. 29-5. Resolution or petition ~~Resolutions~~ to
14 discontinue and abolish a township. Either the ~~The~~ township
15 board or ~~and~~ the corporate authorities of a coterminous, or
16 substantially coterminous, municipality may by resolution
17 ~~resolutions~~ of the board or ~~and~~ corporate authorities, as
18 applicable, and after referendum of the voters of the township
19 and municipality: (1) discontinue and abolish the township; (2)
20 transfer all the rights, powers, duties, assets, property,
21 liabilities, obligations, and responsibilities of the township
22 to the municipality; and (3) cease and dissolve all township
23 road districts with the district's jurisdiction and authority
24 transferred to the municipality upon the dissolution of the

1 township.

2 In the alternative, such a referendum may be initiated upon
3 petition, filed with the clerk of the municipality, signed by
4 registered voters within the township, or within areas within
5 the municipality that are outside the township, that amount to
6 at least 10% of the total number of votes cast for mayor in the
7 last preceding election at which a mayor was elected. A
8 signature on a petition shall not be valid or counted in
9 considering the petition unless the form requirements are
10 complied with and the date of each signature is less than 90
11 days before the last day for filing the petition. The statement
12 of the person who circulates the petition must include an
13 attestation (i) indicating the dates on which that sheet was
14 circulated, (ii) indicating the first and last date on which
15 that sheet was circulated, or (iii) certifying that none of the
16 signatures on the sheet were signed more than 90 days before
17 the last day for filing the petition. The petition shall be
18 treated and the proposition certified in the manner provided by
19 the general election law. After the proposition has been
20 submitted to the electorate by petition, the proposition shall
21 not be resubmitted by petition for 4 years.

22 (Source: P.A. 100-107, eff. 1-1-18.)

23 (60 ILCS 1/29-10)

24 Sec. 29-10. Notice.

25 (a) Before passing a resolution ~~resolutions~~ under Section

1 29-5, the township board or ~~and~~ the corporate authorities of
2 the municipality, as applicable, shall hold a public hearing
3 ~~hearings~~ on the matter ~~those matters~~ after notice of the
4 hearing has been published on the main page of the entity's
5 website ~~respective entities' websites~~, if any, and in a
6 newspaper having general circulation in the township and
7 municipality. The notice shall be published at least 30 days
8 before the date of the hearing.

9 (b) Before a referendum is placed on the ballot under
10 Section 29-15, the each township board or corporate
11 authorities, as applicable, shall publish a copy of the
12 resolution adopted or petition filed under Section 29-5 on the
13 main page of the entity's website ~~respective entities'~~
14 ~~websites~~, if any, and in a newspaper of general circulation in
15 the township and municipality affected. The notice shall be
16 published at least 30 days before the date of the ~~general~~
17 election in which the referendum will appear.

18 The Each township board or corporate authorities, as
19 applicable, shall additionally mail a copy of the adopted
20 resolution, along with a copy of the referendum language, the
21 date the referendum will appear, and a list of all taxes levied
22 in the affected townships, to every registered voter in the
23 ~~each~~ township and municipality affected. The notice shall be
24 mailed at least 30 days before the date of the election in
25 which the referendum will appear.

26 (Source: P.A. 100-107, eff. 1-1-18.)

1 (60 ILCS 1/29-15)

2 Sec. 29-15. Referendum for cessation of township. Upon the
3 adoption of a resolution or the filing of a petition
4 ~~resolutions~~ under Section 29-5 ~~by both the township and~~
5 ~~municipality~~, the township board or ~~and~~ corporate authorities
6 of the municipality, as applicable, shall certify the question
7 to the election authority and the authority shall cause to be
8 submitted to the voters of the township and municipality at the
9 next election a referendum to discontinue the township and to
10 transfer all the rights, powers, duties, assets, property,
11 liabilities, obligations, and responsibilities of the township
12 to the municipality. The referendum shall be substantially in
13 the following form:

14 Shall the Township of (name of township) cease?

15 The votes shall be recorded as "Yes" or "No". The
16 referendum is approved when a majority of the voters, in both
17 the township and municipality, approve the referendum.

18 If the referendum is approved, there shall be no further
19 nominations or elections for clerks, assessors, collectors,
20 highway commissioners, supervisors, or trustees of the
21 township or highway commission, and the terms of all such
22 officers currently serving shall continue until the third
23 Monday of May of the year of the consolidated election ~~in which~~
24 ~~township officials are elected~~ next following the approval of a
25 referendum under this Section.

1 (Source: P.A. 100-107, eff. 1-1-18.)

2 (60 ILCS 1/29-20)

3 Sec. 29-20. Cessation of township. On the third Monday in
4 May in the year of the consolidated election ~~in which township~~
5 ~~officials are elected~~ next following the approval of a
6 referendum under Section 29-15:

7 (1) the township is discontinued and abolished and all
8 the rights, powers, duties, assets, property, liabilities,
9 obligations, and responsibilities of the township shall
10 vest in and be assumed by the municipality, including the
11 authority to levy property taxes for township purposes in
12 the same manner as the dissolved township without an
13 additional ordinance, resolution, or referendum;

14 (2) all township officers shall cease to hold office;

15 (3) the municipality shall exercise all duties and
16 responsibilities of the township officers as provided in
17 the Township Code, the Illinois Public Aid Code, the
18 Property Tax Code, and the Illinois Highway Code, as
19 applicable. The municipality may enter into an
20 intergovernmental agreement with the county or the State to
21 administer the duties and responsibilities of the township
22 officers for services under its jurisdiction; and

23 (4) any road district located within the township is
24 abolished and its jurisdiction, rights, powers, duties,
25 assets, property, liabilities, obligations, and

1 responsibilities shall vest in and be assumed by the
2 municipality and the highway commissioner of the abolished
3 road district shall cease to hold office. The corporate
4 authorities of the municipality shall: exercise the taxing
5 authority of a road district abolished under this Section;
6 exercise all duties and responsibilities of the highway
7 commissioner as provided in the Illinois Highway Code; and
8 for purposes of distribution of revenue, assume the powers,
9 duties, and obligations of the road district in the
10 discontinued township. The corporate authorities of a
11 municipality may enter into an intergovernmental agreement
12 or a contract with the county, another municipality, or a
13 private contractor to administer the roads which were under
14 the jurisdiction of the abolished road district.

15 (Source: P.A. 100-107, eff. 1-1-18.)

16 (60 ILCS 1/29-25)

17 Sec. 29-25. Business, records, and property of
18 discontinued township. The records of a township discontinued
19 under this Article shall be deposited in the ~~municipality's~~
20 ~~city clerk's~~ office of the clerk of the municipality. The
21 municipality may close up all unfinished business of the
22 township and sell and dispose of any of the property belonging
23 to the township for benefit of the inhabitants of the
24 municipality.

25 (Source: P.A. 100-107, eff. 1-1-18.)

1 (60 ILCS 1/29-30 new)

2 Sec. 29-30. Taxation. Notwithstanding any provision of law
3 to the contrary, no tax rate may be extended for any fund of
4 the township for the first levy year following the referendum
5 approving discontinuance under Section 29-15 that exceeds any
6 statutory maximum set forth for that fund, unless the
7 referendum also conforms to the requirements of the Property
8 Tax Extension Limitation Law or other statutory provision
9 setting forth that limitation.

10 (60 ILCS 1/29-35 new)

11 Sec. 29-35. Contracts; tax levies.

12 (a) The township, or any township official, division, or
13 commission, may not enter into, renew, or extend a contract
14 beyond the date of discontinuance of the township.

15 (b) The township, or any township official, division, or
16 commission, may not enter into, renew, or extend a contract,
17 bond, or other expenditure that would increase the indebtedness
18 of the township to an amount greater than the amount of
19 indebtedness on the date the referendum passed under Section
20 29-15.

21 (c) The township may not enact any additional tax levies on
22 or after the date the referendum passed under Section 29-15.

23 (d) Notwithstanding subsections (a), (b), and (c), the
24 township board may approve contracts and expenses for emergency

1 purposes to protect the life, health, or safety of its
2 residents.

3 (60 ILCS 1/Art. 90 rep.)

4 Section 30. The Township Code is amended by repealing the
5 heading of Article 90.

6 Section 35. The Illinois Public Aid Code is amended by
7 changing Section 12-3.1 as follows:

8 (305 ILCS 5/12-3.1)

9 Sec. 12-3.1. Discontinuance of a coterminous, or
10 substantially coterminous, township. Upon discontinuance of a
11 coterminous, or substantially coterminous, township under
12 Article 27, 28, or 29 ~~Articles 27 and 28~~ of the Township Code,
13 the coterminous, or substantially coterminous, municipality
14 shall provide funds for and administer the public aid program
15 provided for under Article VI of this Code.

16 (Source: P.A. 98-127, eff. 8-2-13; 99-474, eff. 8-27-15.)

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