

1 AN ACT concerning elections.

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

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

6 (10 ILCS 5/24C-12)

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

11 Before the opening of the polls, the judges of elections  
12 shall assemble the voting equipment and devices and turn the  
13 equipment on. The judges shall, if necessary, take steps to  
14 activate the voting devices and counting equipment by inserting  
15 into the equipment and voting devices appropriate data cards  
16 containing passwords and data codes that will select the proper  
17 ballot formats selected for that polling place and that will  
18 prevent inadvertent or unauthorized activation of the  
19 poll-opening function. Before voting begins and before ballots  
20 are entered into the voting devices, the judges of election  
21 shall cause to be printed a record of the following: the  
22 election's identification data, the device's unit  
23 identification, the ballot's format identification, the  
24 contents of each active candidate register by office and of  
25 each active public question register showing that they contain  
26 all zero votes, all ballot fields that can be used to invoke  
27 special voting options, and other information needed to ensure  
28 the readiness of the equipment and to accommodate  
29 administrative reporting requirements. The judges must also  
30 check to be sure that the totals are all zeros in the counting  
31 columns and in the public counter affixed to the voting  
32 devices.

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

15           Upon completing his or her selection of candidates or  
16 public questions, the voter shall signify that voting has been  
17 completed by activating the appropriate button, switch or  
18 active area of the ballot screen associated with end of voting.  
19 Upon activation, the voting system shall record an image of the  
20 completed ballot, increment the proper ballot position  
21 registers, and shall signify to the voter that the ballot has  
22 been cast. Upon activation, the voting system shall also print  
23 a permanent paper record of each ballot cast as defined in  
24 Section 24C-2 of this Code. This permanent paper record shall  
25 (i) be printed in a clear, readily readable format that can be  
26 easily reviewed by the voter for completeness and accuracy and  
27 (ii) either be self-contained within the voting device or be  
28 deposited by the voter into a secure ballot box. No permanent  
29 paper record shall be removed from the polling place except by  
30 election officials as authorized by this Article. All permanent  
31 paper records shall be preserved and secured by election  
32 officials in the same manner as paper ballots and shall be  
33 available as an official record for any recount, redundant  
34 count, or verification or retabulation of the vote count  
35 conducted with respect to any election in which the voting  
36 system is used. The voter shall exit the voting station and the

1 voting system shall prevent any further attempt to vote until  
2 it has been properly re-activated. If a voting device has been  
3 enabled for voting but the voter leaves the polling place  
4 without casting a ballot, 2 judges of election, one from each  
5 of the 2 major political parties, shall spoil the ballot.

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

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

23 Except as otherwise provided in this Section, the ~~The~~  
24 totals for all candidates and propositions shall be tabulated;  
25 and 4 copies of a "Certificate of Results" shall be printed by  
26 the automatic tabulating equipment; one copy shall be posted in  
27 a conspicuous place inside the polling place; and every effort  
28 shall be made by the judges of election to provide a copy for  
29 each authorized pollwatcher or other official authorized to be  
30 present in the polling place to observe the counting of  
31 ballots; but in no case shall the number of copies to be made  
32 available to pollwatchers be fewer than 4, chosen by lot by the  
33 judges of election. In addition, sufficient time shall be  
34 provided by the judges of election to the pollwatchers to allow  
35 them to copy information from the copy which has been posted.

36 Until December 31, 2007, in elections at which fractional

1 cumulative votes are cast for candidates, the tabulation of  
2 those fractional cumulative votes may be made by the election  
3 authority at its central office location, and 4 copies of a  
4 "Certificate of Results" shall be printed by the automatic  
5 tabulation equipment and shall be posted in 4 conspicuous  
6 places at the central office location where those fractional  
7 cumulative votes have been tabulated.

8 If instructed by the election authority, the judges of  
9 election shall cause the tabulated returns to be transmitted  
10 electronically to the offices of the election authority via  
11 modem or other electronic medium.

12 The precinct judges of election shall select a bi-partisan  
13 team of 2 judges, who shall immediately return the ballots in a  
14 sealed container, along with all other election materials and  
15 equipment as instructed by the election authority; provided,  
16 however, that such container must first be sealed by the  
17 election judges with filament tape or other approved sealing  
18 devices provided for the purpose in a manner that the ballots  
19 cannot be removed from the container without breaking the seal  
20 or filament tape and disturbing any signatures affixed by the  
21 election judges to the container. The election authority shall  
22 keep the office of the election authority, or any receiving  
23 stations designated by the authority, open for at least 12  
24 consecutive hours after the polls close or until the ballots  
25 and election material and equipment from all precincts within  
26 the jurisdiction of the election authority have been returned  
27 to the election authority. Ballots and election materials and  
28 equipment returned to the office of the election authority  
29 which are not signed and sealed as required by law shall not be  
30 accepted by the election authority until the judges returning  
31 the ballots make and sign the necessary corrections. Upon  
32 acceptance of the ballots and election materials and equipment  
33 by the election authority, the judges returning the ballots  
34 shall take a receipt signed by the election authority and  
35 stamped with the time and date of the return. The election  
36 judges whose duty it is to return any ballots and election

1 materials and equipment as provided shall, in the event the  
2 ballots, materials or equipment cannot be found when needed, on  
3 proper request, produce the receipt which they are to take as  
4 above provided.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.