

HB3479



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3479

Introduced 2/28/2007, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

10 ILCS 5/24C-12

Amends the election Code. With respect to direct recording electronic voting systems, removes the option that the permanent paper record of a voter's completed ballot may be self-contained within the voting device.

LRB095 08445 JAM 28622 b

A BILL FOR

1 AN ACT concerning elections.

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

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

6 (10 ILCS 5/24C-12)

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

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

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

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

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

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

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

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

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

16 Except as otherwise provided in this Section, the totals
17 for all candidates and propositions shall be tabulated; and 4
18 copies of a "Certificate of Results" shall be printed by the
19 automatic tabulating equipment; one copy shall be posted in a
20 conspicuous place inside the polling place; and every effort
21 shall be made by the judges of election to provide a copy for
22 each authorized pollwatcher or other official authorized to be
23 present in the polling place to observe the counting of
24 ballots; but in no case shall the number of copies to be made
25 available to pollwatchers be fewer than 4, chosen by lot by the
26 judges of election. In addition, sufficient time shall be

1 provided by the judges of election to the pollwatchers to allow
2 them to copy information from the copy which has been posted.

3 Until December 31, 2007, in elections at which fractional
4 cumulative votes are cast for candidates, the tabulation of
5 those fractional cumulative votes may be made by the election
6 authority at its central office location, and 4 copies of a
7 "Certificate of Results" shall be printed by the automatic
8 tabulation equipment and shall be posted in 4 conspicuous
9 places at the central office location where those fractional
10 cumulative votes have been tabulated.

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

15 The precinct judges of election shall select a bi-partisan
16 team of 2 judges, who shall immediately return the ballots in a
17 sealed container, along with all other election materials and
18 equipment as instructed by the election authority; provided,
19 however, that such container must first be sealed by the
20 election judges with filament tape or other approved sealing
21 devices provided for the purpose in a manner that the ballots
22 cannot be removed from the container without breaking the seal
23 or filament tape and disturbing any signatures affixed by the
24 election judges to the container. The election authority shall
25 keep the office of the election authority, or any receiving
26 stations designated by the authority, open for at least 12

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

18 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
19 94-1073, eff. 12-26-06.)