



Sen. David Koehler

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LRB096 06394 HLH 43927 a

1 AMENDMENT TO SENATE BILL 362

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 362 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Section 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

1 ballot formats selected for that polling place and that will  
2 prevent inadvertent or unauthorized activation of the  
3 poll-opening function. Before voting begins and before ballots  
4 are entered into the voting devices, the judges of election  
5 shall cause to be printed a record of the following: the  
6 election's identification data, the device's unit  
7 identification, the ballot's format identification, the  
8 contents of each active candidate register by office and of  
9 each active public question register showing that they contain  
10 all zero votes, all ballot fields that can be used to invoke  
11 special voting options, and other information needed to ensure  
12 the readiness of the equipment and to accommodate  
13 administrative reporting requirements. The judges must also  
14 check to be sure that the totals are all zeros in the counting  
15 columns and in the public counter affixed to the voting  
16 devices.

17 After the judges have determined that a person is qualified  
18 to vote, a voting device with the proper ballot to which the  
19 voter is entitled shall be enabled to be used by the voter. The  
20 ballot may then be cast by the voter by marking by appropriate  
21 means the designated area of the ballot for the casting of a  
22 vote for any candidate or for or against any public question.  
23 The voter shall be able to vote for any and all candidates and  
24 public measures appearing on the ballot in any legal number and  
25 combination and the voter shall be able to delete, change or  
26 correct his or her selections before the ballot is cast. The

1 voter shall be able to select candidates whose names do not  
2 appear upon the ballot for any office by entering  
3 electronically as many names of candidates as the voter is  
4 entitled to select for each office.

5 Upon completing his or her selection of candidates or  
6 public questions, the voter shall signify that voting has been  
7 completed by activating the appropriate button, switch or  
8 active area of the ballot screen associated with end of voting.  
9 Upon activation, the voting system shall record an image of the  
10 completed ballot, increment the proper ballot position  
11 registers, and shall signify to the voter that the ballot has  
12 been cast. Upon activation, the voting system shall also print  
13 a permanent paper record of each ballot cast as defined in  
14 Section 24C-2 of this Code. This permanent paper record shall  
15 (i) be printed in a clear, readily readable format that can be  
16 easily reviewed by the voter for completeness and accuracy and  
17 (ii) either be self-contained within the voting device or be  
18 deposited by the voter into a secure ballot box. No permanent  
19 paper record shall be removed from the polling place except by  
20 election officials as authorized by this Article. All permanent  
21 paper records shall be preserved and secured by election  
22 officials in the same manner as paper ballots and shall be  
23 available as an official record for any recount, redundant  
24 count, or verification or retabulation of the vote count  
25 conducted with respect to any election in which the voting  
26 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 The totals for all candidates and propositions shall be  
24 tabulated. One copy of an "In-Precinct Totals Report" shall be  
25 generated by the automatic tabulating equipment for return to  
26 the election authority. One copy of an "In-Precinct Totals

1 Report" shall be generated and posted in a conspicuous place  
2 inside the polling place, provided that any authorized  
3 pollwatcher or other official authorized to be present in the  
4 polling place to observe the counting of ballots is present.  
5 The judges of election shall provide, if requested, a set for  
6 each authorized pollwatcher or other official authorized to be  
7 present in the polling place to observe the counting of  
8 ballots. In addition, sufficient time shall be provided by the  
9 judges of election to the pollwatchers to allow them to copy  
10 information from the copy which has been posted.

11 In ~~Until December 31, 2007, in~~ elections at which  
12 fractional cumulative votes are cast for candidates, the  
13 tabulation of those fractional cumulative votes may be made by  
14 the election authority at its central office location, and 4  
15 copies of a "Certificate of Results" shall be printed by the  
16 automatic tabulation equipment and shall be posted in 4  
17 conspicuous places at the central office location where those  
18 fractional cumulative votes have been tabulated.

19 If instructed by the election authority, the judges of  
20 election shall cause the tabulated returns to be transmitted  
21 electronically to the offices of the election authority via  
22 modem or other electronic medium.

23 The precinct judges of election shall select a bi-partisan  
24 team of 2 judges, who shall immediately return the ballots in a  
25 sealed container, along with all other election materials and  
26 equipment as instructed by the election authority; provided,

1 however, that such container must first be sealed by the  
2 election judges with filament tape or other approved sealing  
3 devices provided for the purpose in a manner that the ballots  
4 cannot be removed from the container without breaking the seal  
5 or filament tape and disturbing any signatures affixed by the  
6 election judges to the container. The election authority shall  
7 keep the office of the election authority, or any receiving  
8 stations designated by the authority, open for at least 12  
9 consecutive hours after the polls close or until the ballots  
10 and election material and equipment from all precincts within  
11 the jurisdiction of the election authority have been returned  
12 to the election authority. Ballots and election materials and  
13 equipment returned to the office of the election authority  
14 which are not signed and sealed as required by law shall not be  
15 accepted by the election authority until the judges returning  
16 the ballots make and sign the necessary corrections. Upon  
17 acceptance of the ballots and election materials and equipment  
18 by the election authority, the judges returning the ballots  
19 shall take a receipt signed by the election authority and  
20 stamped with the time and date of the return. The election  
21 judges whose duty it is to return any ballots and election  
22 materials and equipment as provided shall, in the event the  
23 ballots, materials or equipment cannot be found when needed, on  
24 proper request, produce the receipt which they are to take as  
25 above provided.

26 (Source: P.A. 94-645, eff. 8-22-05; 94-1073, eff. 12-26-06;

1 95-699, eff. 11-9-07.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".