



Sen. William R. Haine

Filed: 3/15/2010

09600SB2503sam002

LRB096 16016 JAM 38995 a

1 AMENDMENT TO SENATE BILL 2503

2 AMENDMENT NO. _____. Amend Senate Bill 2503, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 17-11, 17-43, 18-5, 18-40, 19A-35, 24-1, 24A-16,
7 24B-16, and 24B-20 as follows:

8 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

9 Sec. 17-11. On receipt of his ballot the voter shall
10 forthwith, and without leaving the inclosed space, retire
11 alone, or accompanied by children as provided in Section 17-8,
12 to one of the voting booths so provided and shall prepare his
13 ballot by making in the appropriate margin or place a cross (X)
14 opposite the name of the candidate of his choice for each
15 office to be filled, or by writing in the name of the candidate
16 of his choice in a blank space on said ticket, making a cross

1 (X) opposite thereto; and in case of a question submitted to
2 the vote of the people, by making in the appropriate margin or
3 place a cross (X) against the answer he desires to give. A
4 cross (X) in the square in front of the bracket enclosing the
5 names of a team of candidates for Governor and Lieutenant
6 Governor counts as one vote for each of such candidates. Before
7 leaving the voting booth the voter shall fold his ballot in
8 such manner as to conceal the marks thereon. He shall then vote
9 forthwith in the manner herein provided, except that the number
10 corresponding to the number of the voter on the poll books
11 shall not be indorsed on the back of his ballot. He shall mark
12 and deliver his ballot without undue delay, and shall quit said
13 inclosed space as soon as he has voted; except that immediately
14 after voting, the voter shall be instructed whether the voting
15 equipment, if used, accepted or rejected the ballot or
16 identified the ballot as under-voted for a statewide
17 constitutional office. A voter whose ballot is identified as
18 under-voted may return to the voting booth and complete the
19 voting of that ballot. A voter whose ballot is not accepted by
20 the voting equipment may, upon surrendering the ballot, request
21 and vote another ballot. The voter's surrendered ballot shall
22 be initialed by the election judge and handled as provided in
23 the appropriate Article governing that voting equipment. The
24 voting equipment shall indicate only to the voter if the voter
25 under-voted for a statewide constitutional office. If the
26 existing voting equipment cannot meet that under-vote

1 notification requirement, the election authority may petition
2 the State Board of Elections for an exemption from the
3 under-vote notification requirement. All election authorities
4 shall have voting systems compatible with the under-vote
5 notification requirement by the 2014 general primary election.

6 No voter shall be allowed to occupy a voting booth already
7 occupied by another, nor remain within said inclosed space more
8 than ten minutes, nor to occupy a voting booth more than five
9 minutes in case all of said voting booths are in use and other
10 voters waiting to occupy the same. No voter not an election
11 officer, shall, after having voted, be allowed to re-enter said
12 inclosed space during said election. No person shall take or
13 remove any ballot from the polling place before the close of
14 the poll. No voter shall vote or offer to vote any ballot
15 except such as he has received from the judges of election in
16 charge of the ballots. Any voter who shall, by accident or
17 mistake, spoil his ballot, may, on returning said spoiled
18 ballot, receive another in place thereof only after the word
19 "spoiled" has been written in ink diagonally across the entire
20 face of the ballot returned by the voter.

21 Where voting machines or electronic voting systems are
22 used, the provisions of this section may be modified as
23 required or authorized by Article 24, 24A, 24B, or 24C,
24 whichever is applicable, except that the requirements of this
25 Section that (i) the voter must be notified of the voting
26 equipment's acceptance or rejection of the voter's ballot or

1 identification of an under-vote for a statewide constitutional
2 office and (ii) the voter shall have the opportunity to correct
3 an under-vote or surrender the ballot that was not accepted and
4 vote another ballot shall not be modified.

5 (Source: P.A. 94-288, eff. 1-1-06; 95-699, eff. 11-9-07.)

6 (10 ILCS 5/17-43)

7 Sec. 17-43. Voting.

8 (a) If the election authority has adopted the use of
9 Precinct Tabulation Optical Scan Technology voting equipment
10 pursuant to Article 24B of this Code, and the provisions of the
11 Article are in conflict with the provisions of this Article 17,
12 the provisions of Article 24B shall govern the procedures
13 followed by the election authority, its judges of elections,
14 and all employees and agents. In following the provisions of
15 Article 24B, the election authority is authorized to develop
16 and implement procedures to fully utilize Precinct Tabulation
17 Optical Scan Technology voting equipment authorized by the
18 State Board of Elections as long as the procedure is not in
19 conflict with either Article 24B or the administrative rules of
20 the State Board of Elections.

21 (b) Notwithstanding subsection (a), when voting equipment
22 governed by any Article of this Code is used, the requirements
23 of Section 7-11 that (i) the voter must be notified of the
24 voting equipment's acceptance or rejection of the ballot or
25 identification of an under-vote for a statewide constitutional

1 office and (ii) the voter shall have the opportunity to correct
2 an under-vote for a statewide constitutional office or
3 surrender the ballot that was not accepted and vote another
4 ballot shall not be modified. The voting equipment shall
5 indicate only to the voter if the voter under-voted for a
6 statewide constitutional office. If the existing voting
7 equipment cannot meet that under-vote notification
8 requirement, the election authority may petition the State
9 Board of Elections for an exemption from the under-vote
10 notification requirement. All election authorities shall have
11 voting systems compatible with the under-vote notification
12 requirement by the 2014 general primary election.

13 (Source: P.A. 95-699, eff. 11-9-07.)

14 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

15 Sec. 18-5. Any person desiring to vote and whose name is
16 found upon the register of voters by the person having charge
17 thereof, shall then be questioned by one of the judges as to
18 his nativity, his term of residence at present address,
19 precinct, State and United States, his age, whether naturalized
20 and if so the date of naturalization papers and court from
21 which secured, and he shall be asked to state his residence
22 when last previously registered and the date of the election
23 for which he then registered. The judges of elections shall
24 check each application for ballot against the list of voters
25 registered in that precinct to whom grace period, absentee, and

1 early ballots have been issued for that election, which shall
2 be provided by the election authority and which list shall be
3 available for inspection by pollwatchers. A voter applying to
4 vote in the precinct on election day whose name appears on the
5 list as having been issued a grace period, absentee, or early
6 ballot shall not be permitted to vote in the precinct, except
7 that a voter to whom an absentee ballot was issued may vote in
8 the precinct if the voter submits to the election judges that
9 absentee ballot for cancellation. If the voter is unable to
10 submit the absentee ballot, it shall be sufficient for the
11 voter to submit to the election judges (i) a portion of the
12 absentee ballot if the absentee ballot was torn or mutilated or
13 (ii) an affidavit executed before the election judges
14 specifying that (A) the voter never received an absentee ballot
15 or (B) the voter completed and returned an absentee ballot and
16 was informed that the election authority did not receive that
17 absentee ballot. If such person so registered shall be
18 challenged as disqualified, the party challenging shall assign
19 his reasons therefor, and thereupon one of the judges shall
20 administer to him an oath to answer questions, and if he shall
21 take the oath he shall then be questioned by the judge or
22 judges touching such cause of challenge, and touching any other
23 cause of disqualification. And he may also be questioned by the
24 person challenging him in regard to his qualifications and
25 identity. But if a majority of the judges are of the opinion
26 that he is the person so registered and a qualified voter, his

1 vote shall then be received accordingly. But if his vote be
2 rejected by such judges, such person may afterward produce and
3 deliver an affidavit to such judges, subscribed and sworn to by
4 him before one of the judges, in which it shall be stated how
5 long he has resided in such precinct, and state; that he is a
6 citizen of the United States, and is a duly qualified voter in
7 such precinct, and that he is the identical person so
8 registered. In addition to such an affidavit, the person so
9 challenged shall provide to the judges of election proof of
10 residence by producing 2 forms of identification showing the
11 person's current residence address, provided that such
12 identification may include a lease or contract for a residence
13 and not more than one piece of mail addressed to the person at
14 his current residence address and postmarked not earlier than
15 30 days prior to the date of the election, or the person shall
16 procure a witness personally known to the judges of election,
17 and resident in the precinct (or district), or who shall be
18 proved by some legal voter of such precinct or district, known
19 to the judges to be such, who shall take the oath following,
20 viz:

21 I do solemnly swear (or affirm) that I am a resident of
22 this election precinct (or district), and entitled to vote at
23 this election, and that I have been a resident of this State
24 for 30 days last past, and am well acquainted with the person
25 whose vote is now offered; that he is an actual and bona fide
26 resident of this election precinct (or district), and has

1 resided herein 30 days, and as I verily believe, in this State,
2 30 days next preceding this election.

3 The oath in each case may be administered by one of the
4 judges of election, or by any officer, resident in the precinct
5 or district, authorized by law to administer oaths. Also
6 supported by an affidavit by a registered voter residing in
7 such precinct, stating his own residence, and that he knows
8 such person; and that he does reside at the place mentioned and
9 has resided in such precinct and state for the length of time
10 as stated by such person, which shall be subscribed and sworn
11 to in the same way. For purposes of this Section, the
12 submission of a photo identification issued by a college or
13 university, accompanied by either (i) a copy of the applicant's
14 contract or lease for a residence or (ii) one piece of mail
15 addressed to the person at his or her current residence address
16 and postmarked not earlier than 30 days prior to the date of
17 the election, shall be sufficient to establish proof of
18 residence. Whereupon the vote of such person shall be received,
19 and entered as other votes. But such judges, having charge of
20 such registers, shall state in their respective books the facts
21 in such case, and the affidavits, so delivered to the judges,
22 shall be preserved and returned to the office of the
23 commissioners of election. Blank affidavits of the character
24 aforesaid shall be sent out to the judges of all the precincts,
25 and the judges of election shall furnish the same on demand and
26 administer the oaths without criticism. Such oaths, if

1 administered by any other officer than such judge of election,
2 shall not be received. Whenever a proposal for a constitutional
3 amendment or for the calling of a constitutional convention is
4 to be voted upon at the election, the separate blue ballot or
5 ballots pertaining thereto shall be placed on top of the other
6 ballots to be voted at the election in such manner that the
7 legend appearing on the back thereof, as prescribed in Section
8 16-6 of this Act, shall be plainly visible to the voter, and in
9 this fashion the ballots shall be handed to the voter by the
10 judge.

11 Immediately after voting, the voter shall be instructed
12 whether the voting equipment, if used, accepted or rejected the
13 ballot or identified the ballot as under-voted. A voter whose
14 ballot is identified as under-voted for a statewide
15 constitutional office may return to the voting booth and
16 complete the voting of that ballot. A voter whose ballot is not
17 accepted by the voting equipment may, upon surrendering the
18 ballot, request and vote another ballot. The voter's
19 surrendered ballot shall be initialed by the election judge and
20 handled as provided in the appropriate Article governing that
21 voting equipment. The voting equipment shall indicate only to
22 the voter if the voter under-voted for a statewide
23 constitutional office. If the existing voting equipment cannot
24 meet that under-vote notification requirement, the election
25 authority may petition the State Board of Elections for an
26 exemption from the under-vote notification requirement. All

1 election authorities shall have voting systems compatible with
2 the under-vote notification requirement by the 2014 general
3 primary election.

4 The voter shall, upon quitting the voting booth, deliver to
5 one of the judges of election all of the ballots, properly
6 folded, which he received. The judge of election to whom the
7 voter delivers his ballots shall not accept the same unless all
8 of the ballots given to the voter are returned by him. If a
9 voter delivers less than all of the ballots given to him, the
10 judge to whom the same are offered shall advise him in a voice
11 clearly audible to the other judges of election that the voter
12 must return the remainder of the ballots. The statement of the
13 judge to the voter shall clearly express the fact that the
14 voter is not required to vote such remaining ballots but that
15 whether or not he votes them he must fold and deliver them to
16 the judge. In making such statement the judge of election shall
17 not indicate by word, gesture or intonation of voice that the
18 unreturned ballots shall be voted in any particular manner. No
19 new voter shall be permitted to enter the voting booth of a
20 voter who has failed to deliver the total number of ballots
21 received by him until such voter has returned to the voting
22 booth pursuant to the judge's request and again quit the booth
23 with all of the ballots required to be returned by him. Upon
24 receipt of all such ballots the judges of election shall enter
25 the name of the voter, and his number, as above provided in
26 this Section, and the judge to whom the ballots are delivered

1 shall immediately put the ballots into the ballot box. If any
2 voter who has failed to deliver all the ballots received by him
3 refuses to return to the voting booth after being advised by
4 the judge of election as herein provided, the judge shall
5 inform the other judges of such refusal, and thereupon the
6 ballot or ballots returned to the judge shall be deposited in
7 the ballot box, the voter shall be permitted to depart from the
8 polling place, and a new voter shall be permitted to enter the
9 voting booth.

10 The judge of election who receives the ballot or ballots
11 from the voter shall announce the residence and name of such
12 voter in a loud voice. The judge shall put the ballot or
13 ballots received from the voter into the ballot box in the
14 presence of the voter and the judges of election, and in plain
15 view of the public. The judges having charge of such registers
16 shall then, in a column prepared thereon, in the same line of,
17 the name of the voter, mark "Voted" or the letter "V".

18 No judge of election shall accept from any voter less than
19 the full number of ballots received by such voter without first
20 advising the voter in the manner above provided of the
21 necessity of returning all of the ballots, nor shall any such
22 judge advise such voter in a manner contrary to that which is
23 herein permitted, or in any other manner violate the provisions
24 of this Section; provided, that the acceptance by a judge of
25 election of less than the full number of ballots delivered to a
26 voter who refuses to return to the voting booth after being

1 properly advised by such judge shall not be a violation of this
2 Section.

3 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

4 (10 ILCS 5/18-40)

5 Sec. 18-40. Voting equipment.

6 (a) If the election authority has adopted the use of
7 Precinct Tabulation Optical Scan Technology voting equipment
8 pursuant to Article 24B of this Code, and the provisions of the
9 Article are in conflict with the provisions of this Article 18,
10 the provisions of Article 24B shall govern the procedures
11 followed by the election authority, its judges of elections,
12 and all employees and agents. In following the provisions of
13 Article 24B, the election authority is authorized to develop
14 and implement procedures to fully utilize Precinct Tabulation
15 Optical Scan Technology voting equipment authorized by the
16 State Board of Elections as long as the procedure is not in
17 conflict with either Article 24B or the administrative rules of
18 the State Board of Elections.

19 (b) Notwithstanding subsection (a), when voting equipment
20 governed by any Article of this Code is used, the requirements
21 of Section 18-5 that (i) the voter must be notified of the
22 voting equipment's acceptance or rejection of the ballot or
23 identification of an under-vote for a statewide constitutional
24 office and (ii) the voter shall have the opportunity to correct
25 an under-vote for a statewide constitutional office or

1 surrender the ballot that was not accepted and vote another
2 ballot shall not be modified. The voting equipment shall
3 indicate only to the voter if the voter under-voted for a
4 statewide constitutional office. If the existing voting
5 equipment cannot meet that under-vote notification
6 requirement, the election authority may petition the State
7 Board of Elections for an exemption from the under-vote
8 notification requirement. All election authorities shall have
9 voting systems compatible with the under-vote notification
10 requirement by the 2014 general primary election.

11 (Source: P.A. 95-699, eff. 11-9-07.)

12 (10 ILCS 5/19A-35)

13 Sec. 19A-35. Procedure for voting.

14 (a) Not more than 23 days before the start of the election,
15 the county clerk shall make available to the election official
16 conducting early voting by personal appearance a sufficient
17 number of early ballots, envelopes, and printed voting
18 instruction slips for the use of early voters. The election
19 official shall receipt for all ballots received and shall
20 return unused or spoiled ballots at the close of the early
21 voting period to the county clerk and must strictly account for
22 all ballots received. The ballots delivered to the election
23 official must include early ballots for each precinct in the
24 election authority's jurisdiction and must include separate
25 ballots for each political subdivision conducting an election

1 of officers or a referendum at that election.

2 (b) In conducting early voting under this Article, the
3 election judge or official is required to verify the signature
4 of the early voter by comparison with the signature on the
5 official registration card, and the judge or official must
6 verify (i) the identity of the applicant, (ii) that the
7 applicant is a registered voter, (iii) the precinct in which
8 the applicant is registered, and (iv) the proper ballots of the
9 political subdivision in which the applicant resides and is
10 entitled to vote before providing an early ballot to the
11 applicant. The applicant's identity must be verified by the
12 applicant's presentation of an Illinois driver's license, a
13 non-driver identification card issued by the Illinois
14 Secretary of State, a photo identification card issued by a
15 university or college, or another government-issued
16 identification document containing the applicant's photograph.
17 The election judge or official must verify the applicant's
18 registration from the most recent poll list provided by the
19 election authority, and if the applicant is not listed on that
20 poll list, by telephoning the office of the election authority.

21 (b-5) A person requesting an early voting ballot to whom an
22 absentee ballot was issued may vote early if the person submits
23 that absentee ballot to the judges of election or official
24 conducting early voting for cancellation. If the voter is
25 unable to submit the absentee ballot, it shall be sufficient
26 for the voter to submit to the judges or official (i) a portion

1 of the absentee ballot if the absentee ballot was torn or
2 mutilated or (ii) an affidavit executed before the judges or
3 official specifying that (A) the voter never received an
4 absentee ballot or (B) the voter completed and returned an
5 absentee ballot and was informed that the election authority
6 did not receive that absentee ballot.

7 (b-10) Within one day after a voter casts an early voting
8 ballot, the election authority shall transmit the voter's name,
9 street address, and precinct, ward, township, and district
10 numbers, as the case may be, to the State Board of Elections,
11 which shall maintain those names and that information in an
12 electronic format on its website, arranged by county and
13 accessible to State and local political committees.

14 (b-15) Immediately after voting an early ballot, the voter
15 shall be instructed whether the voting equipment accepted or
16 rejected the ballot or identified that ballot as under-voted
17 for a statewide constitutional office. A voter whose ballot is
18 identified as under-voted may return to the voting booth and
19 complete the voting of that ballot. A voter whose early voting
20 ballot is not accepted by the voting equipment may, upon
21 surrendering the ballot, request and vote another early voting
22 ballot. The voting equipment shall indicate only to the voter
23 if the voter under-voted for a statewide constitutional office.
24 If the existing voting equipment cannot meet that under-vote
25 notification requirement, the election authority may petition
26 the State Board of Elections for an exemption from the

1 under-vote notification requirement. All election authorities
2 shall have voting systems compatible with the under-vote
3 notification requirement by the 2014 general primary election.

4 The voter's surrendered ballot shall be initialed by the
5 election judge or official conducting the early voting and
6 handled as provided in the appropriate Article governing the
7 voting equipment used.

8 (c) The sealed early ballots in their carrier envelope
9 shall be delivered by the election authority to the central
10 ballot counting location before the close of the polls on the
11 day of the election.

12 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

13 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

14 Sec. 24-1. The election authority in all jurisdictions when
15 voting machines are used shall, except as otherwise provided in
16 this Code, provide a voting machine or voting machines for any
17 or all of the election precincts or election districts, as the
18 case may be, for which the election authority is by law charged
19 with the duty of conducting an election or elections. A voting
20 machine or machines sufficient in number to provide a machine
21 for each 400 voters or fraction thereof shall be supplied for
22 use at all elections. However, no such voting machine shall be
23 used, purchased, or adopted, and no person or entity may have a
24 written contract, including a contract contingent upon
25 certification of the voting machines, to sell, lease, or loan

1 voting machines to an election authority, until the board of
2 voting machine commissioners hereinafter provided for, or a
3 majority thereof, shall have made and filed a report certifying
4 that they have examined such machine; that it affords each
5 elector an opportunity to vote in absolute secrecy; that it
6 enables each elector to vote a ticket selected in part from the
7 nominees of one party, and in part from the nominees of any or
8 all other parties, and in part from independent nominees
9 printed in the columns of candidates for public office, and in
10 part of persons not in nomination by any party or upon any
11 independent ticket; that it enables each elector to vote a
12 written or printed ballot of his own selection, for any person
13 for any office for whom he may desire to vote; that it enables
14 each elector to vote for all candidates for whom he is entitled
15 to vote, and prevents him from voting for any candidate for any
16 office more than once, unless he is lawfully entitled to cast
17 more than one vote for one candidate, and in that event permits
18 him to cast only as many votes for that candidate as he is by
19 law entitled, and no more; that it prevents the elector from
20 voting for more than one person for the same office, unless he
21 is lawfully entitled to vote for more than one person therefor,
22 and in that event permits him to vote for as many persons for
23 that office as he is by law entitled, and no more; that it
24 identifies when an elector has not voted for all statewide
25 constitutional offices by indicating only to the voter which
26 office the voter under-voted (if the existing voting equipment

1 cannot meet that under-vote notification requirement, the
2 election authority may petition the State Board of Elections
3 for an exemption from the under-vote notification requirement;
4 all election authorities shall have voting systems compatible
5 with the under-vote notification requirement by the 2014
6 general primary election); and that such machine will register
7 correctly by means of exact counters every vote cast for the
8 regular tickets thereon; and has the capacity to contain the
9 tickets of at least 5 political parties with the names of all
10 the candidates thereon, together with all propositions in the
11 form provided by law, where such form is prescribed, and where
12 no such provision is made for the form thereof, then in brief
13 form, not to exceed 75 words; that all votes cast on the
14 machine on a regular ballot or ballots shall be registered;
15 that voters may, by means of irregular ballots or otherwise
16 vote for any person for any office, although such person may
17 not have been nominated by any party and his name may not
18 appear on such machine; that when a vote is cast for any person
19 for any such office, when his name does not appear on the
20 machine, the elector cannot vote for any other name on the
21 machine for the same office; that each elector can,
22 understandingly and within the period of 4 minutes cast his
23 vote for all candidates of his choice; that the machine is so
24 constructed that the candidates for presidential electors of
25 any party can be voted for only by voting for the ballot label
26 containing a bracket within which are the names of the

1 candidates for President and Vice-President of the party or
2 group; that the machine is provided with a lock or locks by the
3 use of which any movement of the voting or registering
4 mechanism is absolutely prevented so that it cannot be tampered
5 with or manipulated for any purpose; that the machine is
6 susceptible of being closed during the progress of the voting
7 so that no person can see or know the number of votes
8 registered for any candidate; that each elector is permitted to
9 vote for or against any question, proposition or amendment upon
10 which he is entitled to vote, and is prevented from voting for
11 or against any question, proposition or amendment upon which he
12 is not entitled to vote; that the machine is capable of
13 adjustment by the election authority, so as to permit the
14 elector, at a party primary election, to vote only for the
15 candidates seeking nomination by the political party in which
16 primary he is entitled to vote: Provided, also that no such
17 machine or machines shall be purchased, unless the party or
18 parties making the sale shall guarantee in writing to keep the
19 machine or machines in good working order for 5 years without
20 additional cost and shall give a sufficient bond conditioned to
21 that effect.

22 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

23 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

1 No voting system shall be approved unless it fulfills the
2 following requirements:

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

4 (2) (Blank);

5 (3) It enables a voter to vote a ticket selected in
6 part from the nominees of one party, and in part from the
7 nominees of any or all parties, and in part from
8 independent candidates and in part of candidates whose
9 names are written in by the voter;

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

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

17 (5.5) It will identify when a voter has not voted for
18 all statewide constitutional offices by indicating only to
19 the voter which office the voter under-voted (if the
20 existing voting equipment cannot meet that under-vote
21 notification requirement, the election authority may
22 petition the State Board of Elections for an exemption from
23 the under-vote notification requirement; all election
24 authorities shall have voting systems compatible with the
25 under-vote notification requirement by the 2014 general
26 primary election);

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

5 The State Board of Elections shall not approve any voting
6 equipment or system that includes an external Infrared Data
7 Association (IrDA) communications port.

8 The State Board of Elections is authorized to withdraw its
9 approval of a voting system if the system fails to fulfill the
10 above requirements.

11 The vendor, person, or other private entity shall be solely
12 responsible for the production and cost of: all application
13 fees; all ballots; additional temporary workers; and other
14 equipment or facilities needed and used in the testing of the
15 vendor's, person's, or other private entity's respective
16 equipment and software.

17 Any voting system vendor, person, or other private entity
18 seeking the State Board of Elections' approval of a voting
19 system shall, as part of the approval application, submit to
20 the State Board a non-refundable fee. The State Board of
21 Elections by rule shall establish an appropriate fee structure,
22 taking into account the type of voting system approval that is
23 requested (such as approval of a new system, a modification of
24 an existing system, the size of the modification, etc.). No
25 voting system or modification of a voting system shall be
26 approved unless the fee is paid.

1 No vendor, person, or other entity may sell, lease, or
2 loan, or have a written contract, including a contract
3 contingent upon State Board approval of the voting system or
4 voting system component, to sell, lease, or loan, a voting
5 system or voting system component to any election jurisdiction
6 unless the voting system or voting system component is first
7 approved by the State Board of Elections pursuant to this
8 Section.

9 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

10 (10 ILCS 5/24B-16)

11 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
12 Technology Voting Systems; Requisites. The State Board of
13 Elections shall approve all Precinct Tabulation Optical Scan
14 Technology voting systems provided by this Article.

15 No Precinct Tabulation Optical Scan Technology voting
16 system shall be approved unless it fulfills the following
17 requirements:

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

19 (b) (Blank);

20 (c) It enables a voter to vote a ticket selected in
21 part from the nominees of one party, and in part from the
22 nominees of any or all parties, and in part from
23 independent candidates, and in part of candidates whose
24 names are written in by the voter;

25 (d) It enables a voter to vote a written or printed

1 ticket of his or her own selection for any person for any
2 office for whom he or she may desire to vote;

3 (e) It will reject all votes for an office or upon a
4 proposition when the voter has cast more votes for the
5 office or upon the proposition than he or she is entitled
6 to cast;

7 (e-5) It will identify when a voter has not voted for
8 all statewide constitutional offices by indicating only to
9 the voter which office the voter under-voted (if the
10 existing voting equipment cannot meet that under-vote
11 notification requirement, the election authority may
12 petition the State Board of Elections for an exemption from
13 the under-vote notification requirement; all election
14 authorities shall have voting systems compatible with the
15 under-vote notification requirement by the 2014 general
16 primary election); and

17 (f) It will accommodate all propositions to be
18 submitted to the voters in the form provided by law or,
19 where no form is provided, then in brief form, not to
20 exceed 75 words.

21 The State Board of Elections shall not approve any voting
22 equipment or system that includes an external Infrared Data
23 Association (IrDA) communications port.

24 The State Board of Elections is authorized to withdraw its
25 approval of a Precinct Tabulation Optical Scan Technology
26 voting system if the system fails to fulfill the above

1 requirements.

2 The vendor, person, or other private entity shall be solely
3 responsible for the production and cost of: all application
4 fees; all ballots; additional temporary workers; and other
5 equipment or facilities needed and used in the testing of the
6 vendor's, person's, or other private entity's respective
7 equipment and software.

8 Any voting system vendor, person, or other private entity
9 seeking the State Board of Elections' approval of a voting
10 system shall, as part of the approval application, submit to
11 the State Board a non-refundable fee. The State Board of
12 Elections by rule shall establish an appropriate fee structure,
13 taking into account the type of voting system approval that is
14 requested (such as approval of a new system, a modification of
15 an existing system, the size of the modification, etc.). No
16 voting system or modification of a voting system shall be
17 approved unless the fee is paid.

18 No vendor, person, or other entity may sell, lease, or
19 loan, or have a written contract, including a contract
20 contingent upon State Board approval of the voting system or
21 voting system component, to sell, lease, or loan, a voting
22 system or Precinct Tabulation Optical Scan Technology voting
23 system component to any election jurisdiction unless the voting
24 system or voting system component is first approved by the
25 State Board of Elections pursuant to this Section.

26 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

1 (10 ILCS 5/24B-20)

2 Sec. 24B-20. Voting Defect Identification Capabilities.

3 An election authority is required to use the Voting Defect
4 Identification capabilities of the automatic tabulating
5 equipment when used in-precinct, including both the capability
6 of identifying an under-vote (by indicating only to the voter
7 which office the voter under-voted) and the capability of
8 identifying an over-vote. If the existing voting equipment
9 cannot meet that under-vote notification requirement, the
10 election authority may petition the State Board of Elections
11 for an exemption from the under-vote notification requirement.
12 All election authorities shall have voting systems compatible
13 with the under-vote notification requirement by the 2014
14 general primary election.

15 (Source: P.A. 95-699, eff. 11-9-07.)

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