

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
5 Sections 17-11, 17-43, 18-5, 18-40, 19A-35, 24-1, 24A-16,
6 24B-16, and 24B-20 as follows:

7 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

8 Sec. 17-11. On receipt of his ballot the voter shall
9 forthwith, and without leaving the inclosed space, retire
10 alone, or accompanied by children as provided in Section 17-8,
11 to one of the voting booths so provided and shall prepare his
12 ballot by making in the appropriate margin or place a cross (X)
13 opposite the name of the candidate of his choice for each
14 office to be filled, or by writing in the name of the candidate
15 of his choice in a blank space on said ticket, making a cross
16 (X) opposite thereto; and in case of a question submitted to
17 the vote of the people, by making in the appropriate margin or
18 place a cross (X) against the answer he desires to give. A
19 cross (X) in the square in front of the bracket enclosing the
20 names of a team of candidates for Governor and Lieutenant
21 Governor counts as one vote for each of such candidates. Before
22 leaving the voting booth the voter shall fold his ballot in
23 such manner as to conceal the marks thereon. He shall then vote

1 forthwith in the manner herein provided, except that the number
2 corresponding to the number of the voter on the poll books
3 shall not be indorsed on the back of his ballot. He shall mark
4 and deliver his ballot without undue delay, and shall quit said
5 inclosed space as soon as he has voted; except that immediately
6 after voting, the voter shall be instructed whether the voting
7 equipment, if used, accepted or rejected the ballot or
8 identified the ballot as under-voted for a statewide
9 constitutional office. A voter whose ballot is identified as
10 under-voted may return to the voting booth and complete the
11 voting of that ballot. A voter whose ballot is not accepted by
12 the voting equipment may, upon surrendering the ballot, request
13 and vote another ballot. The voter's surrendered ballot shall
14 be initialed by the election judge and handled as provided in
15 the appropriate Article governing that voting equipment. The
16 voting equipment shall indicate only to the voter if the voter
17 under-voted for a statewide constitutional office. If the
18 existing voting equipment cannot meet that under-vote
19 notification requirement, the election authority may petition
20 the State Board of Elections for an exemption from the
21 under-vote notification requirement. All election authorities
22 shall have voting systems compatible with the under-vote
23 notification requirement by the 2014 general primary election.

24 No voter shall be allowed to occupy a voting booth already
25 occupied by another, nor remain within said inclosed space more
26 than ten minutes, nor to occupy a voting booth more than five

1 minutes in case all of said voting booths are in use and other
2 voters waiting to occupy the same. No voter not an election
3 officer, shall, after having voted, be allowed to re-enter said
4 inclosed space during said election. No person shall take or
5 remove any ballot from the polling place before the close of
6 the poll. No voter shall vote or offer to vote any ballot
7 except such as he has received from the judges of election in
8 charge of the ballots. Any voter who shall, by accident or
9 mistake, spoil his ballot, may, on returning said spoiled
10 ballot, receive another in place thereof only after the word
11 "spoiled" has been written in ink diagonally across the entire
12 face of the ballot returned by the voter.

13 Where voting machines or electronic voting systems are
14 used, the provisions of this section may be modified as
15 required or authorized by Article 24, 24A, 24B, or 24C,
16 whichever is applicable, except that the requirements of this
17 Section that (i) the voter must be notified of the voting
18 equipment's acceptance or rejection of the voter's ballot or
19 identification of an under-vote for a statewide constitutional
20 office and (ii) the voter shall have the opportunity to correct
21 an under-vote or surrender the ballot that was not accepted and
22 vote another ballot shall not be modified.

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

24 (10 ILCS 5/17-43)

25 Sec. 17-43. Voting.

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

14 (b) Notwithstanding subsection (a), when voting equipment
15 governed by any Article of this Code is used, the requirements
16 of Section 7-11 that (i) the voter must be notified of the
17 voting equipment's acceptance or rejection of the ballot or
18 identification of an under-vote for a statewide constitutional
19 office and (ii) the voter shall have the opportunity to correct
20 an under-vote for a statewide constitutional office or
21 surrender the ballot that was not accepted and vote another
22 ballot shall not be modified. The voting equipment shall
23 indicate only to the voter if the voter under-voted for a
24 statewide constitutional office. If the existing voting
25 equipment cannot meet that under-vote notification
26 requirement, the election authority may petition the State

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

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

6 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

7 Sec. 18-5. Any person desiring to vote and whose name is
8 found upon the register of voters by the person having charge
9 thereof, shall then be questioned by one of the judges as to
10 his nativity, his term of residence at present address,
11 precinct, State and United States, his age, whether naturalized
12 and if so the date of naturalization papers and court from
13 which secured, and he shall be asked to state his residence
14 when last previously registered and the date of the election
15 for which he then registered. The judges of elections shall
16 check each application for ballot against the list of voters
17 registered in that precinct to whom grace period, absentee, and
18 early ballots have been issued for that election, which shall
19 be provided by the election authority and which list shall be
20 available for inspection by pollwatchers. A voter applying to
21 vote in the precinct on election day whose name appears on the
22 list as having been issued a grace period, absentee, or early
23 ballot shall not be permitted to vote in the precinct, except
24 that a voter to whom an absentee ballot was issued may vote in
25 the precinct if the voter submits to the election judges that

1 absentee ballot for cancellation. If the voter is unable to
2 submit the absentee ballot, it shall be sufficient for the
3 voter to submit to the election judges (i) a portion of the
4 absentee ballot if the absentee ballot was torn or mutilated or
5 (ii) an affidavit executed before the election judges
6 specifying that (A) the voter never received an absentee ballot
7 or (B) the voter completed and returned an absentee ballot and
8 was informed that the election authority did not receive that
9 absentee ballot. If such person so registered shall be
10 challenged as disqualified, the party challenging shall assign
11 his reasons therefor, and thereupon one of the judges shall
12 administer to him an oath to answer questions, and if he shall
13 take the oath he shall then be questioned by the judge or
14 judges touching such cause of challenge, and touching any other
15 cause of disqualification. And he may also be questioned by the
16 person challenging him in regard to his qualifications and
17 identity. But if a majority of the judges are of the opinion
18 that he is the person so registered and a qualified voter, his
19 vote shall then be received accordingly. But if his vote be
20 rejected by such judges, such person may afterward produce and
21 deliver an affidavit to such judges, subscribed and sworn to by
22 him before one of the judges, in which it shall be stated how
23 long he has resided in such precinct, and state; that he is a
24 citizen of the United States, and is a duly qualified voter in
25 such precinct, and that he is the identical person so
26 registered. In addition to such an affidavit, the person so

1 challenged shall provide to the judges of election proof of
2 residence by producing 2 forms of identification showing the
3 person's current residence address, provided that such
4 identification may include a lease or contract for a residence
5 and not more than one piece of mail addressed to the person at
6 his current residence address and postmarked not earlier than
7 30 days prior to the date of the election, or the person shall
8 procure a witness personally known to the judges of election,
9 and resident in the precinct (or district), or who shall be
10 proved by some legal voter of such precinct or district, known
11 to the judges to be such, who shall take the oath following,
12 viz:

13 I do solemnly swear (or affirm) that I am a resident of
14 this election precinct (or district), and entitled to vote at
15 this election, and that I have been a resident of this State
16 for 30 days last past, and am well acquainted with the person
17 whose vote is now offered; that he is an actual and bona fide
18 resident of this election precinct (or district), and has
19 resided herein 30 days, and as I verily believe, in this State,
20 30 days next preceding this election.

21 The oath in each case may be administered by one of the
22 judges of election, or by any officer, resident in the precinct
23 or district, authorized by law to administer oaths. Also
24 supported by an affidavit by a registered voter residing in
25 such precinct, stating his own residence, and that he knows
26 such person; and that he does reside at the place mentioned and

1 has resided in such precinct and state for the length of time
2 as stated by such person, which shall be subscribed and sworn
3 to in the same way. For purposes of this Section, the
4 submission of a photo identification issued by a college or
5 university, accompanied by either (i) a copy of the applicant's
6 contract or lease for a residence or (ii) one piece of mail
7 addressed to the person at his or her current residence address
8 and postmarked not earlier than 30 days prior to the date of
9 the election, shall be sufficient to establish proof of
10 residence. Whereupon the vote of such person shall be received,
11 and entered as other votes. But such judges, having charge of
12 such registers, shall state in their respective books the facts
13 in such case, and the affidavits, so delivered to the judges,
14 shall be preserved and returned to the office of the
15 commissioners of election. Blank affidavits of the character
16 aforesaid shall be sent out to the judges of all the precincts,
17 and the judges of election shall furnish the same on demand and
18 administer the oaths without criticism. Such oaths, if
19 administered by any other officer than such judge of election,
20 shall not be received. Whenever a proposal for a constitutional
21 amendment or for the calling of a constitutional convention is
22 to be voted upon at the election, the separate blue ballot or
23 ballots pertaining thereto shall be placed on top of the other
24 ballots to be voted at the election in such manner that the
25 legend appearing on the back thereof, as prescribed in Section
26 16-6 of this Act, shall be plainly visible to the voter, and in

1 this fashion the ballots shall be handed to the voter by the
2 judge.

3 Immediately after voting, the voter shall be instructed
4 whether the voting equipment, if used, accepted or rejected the
5 ballot or identified the ballot as under-voted. A voter whose
6 ballot is identified as under-voted for a statewide
7 constitutional office may return to the voting booth and
8 complete the voting of that ballot. A voter whose ballot is not
9 accepted by the voting equipment may, upon surrendering the
10 ballot, request and vote another ballot. The voter's
11 surrendered ballot shall be initialed by the election judge and
12 handled as provided in the appropriate Article governing that
13 voting equipment. The voting equipment shall indicate only to
14 the voter if the voter under-voted for a statewide
15 constitutional office. If the existing voting equipment cannot
16 meet that under-vote notification requirement, the election
17 authority may petition the State Board of Elections for an
18 exemption from the under-vote notification requirement. All
19 election authorities shall have voting systems compatible with
20 the under-vote notification requirement by the 2014 general
21 primary election.

22 The voter shall, upon quitting the voting booth, deliver to
23 one of the judges of election all of the ballots, properly
24 folded, which he received. The judge of election to whom the
25 voter delivers his ballots shall not accept the same unless all
26 of the ballots given to the voter are returned by him. If a

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

1 voting booth.

2 The judge of election who receives the ballot or ballots
3 from the voter shall announce the residence and name of such
4 voter in a loud voice. The judge shall put the ballot or
5 ballots received from the voter into the ballot box in the
6 presence of the voter and the judges of election, and in plain
7 view of the public. The judges having charge of such registers
8 shall then, in a column prepared thereon, in the same line of,
9 the name of the voter, mark "Voted" or the letter "V".

10 No judge of election shall accept from any voter less than
11 the full number of ballots received by such voter without first
12 advising the voter in the manner above provided of the
13 necessity of returning all of the ballots, nor shall any such
14 judge advise such voter in a manner contrary to that which is
15 herein permitted, or in any other manner violate the provisions
16 of this Section; provided, that the acceptance by a judge of
17 election of less than the full number of ballots delivered to a
18 voter who refuses to return to the voting booth after being
19 properly advised by such judge shall not be a violation of this
20 Section.

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

22 (10 ILCS 5/18-40)

23 Sec. 18-40. Voting equipment.

24 (a) If the election authority has adopted the use of
25 Precinct Tabulation Optical Scan Technology voting equipment

1 pursuant to Article 24B of this Code, and the provisions of the
2 Article are in conflict with the provisions of this Article 18,
3 the provisions of Article 24B shall govern the procedures
4 followed by the election authority, its judges of elections,
5 and all employees and agents. In following the provisions of
6 Article 24B, the election authority is authorized to develop
7 and implement procedures to fully utilize Precinct Tabulation
8 Optical Scan Technology voting equipment authorized by the
9 State Board of Elections as long as the procedure is not in
10 conflict with either Article 24B or the administrative rules of
11 the State Board of Elections.

12 (b) Notwithstanding subsection (a), when voting equipment
13 governed by any Article of this Code is used, the requirements
14 of Section 18-5 that (i) the voter must be notified of the
15 voting equipment's acceptance or rejection of the ballot or
16 identification of an under-vote for a statewide constitutional
17 office and (ii) the voter shall have the opportunity to correct
18 an under-vote for a statewide constitutional office or
19 surrender the ballot that was not accepted and vote another
20 ballot shall not be modified. The voting equipment shall
21 indicate only to the voter if the voter under-voted for a
22 statewide constitutional office. If the existing voting
23 equipment cannot meet that under-vote notification
24 requirement, the election authority may petition the State
25 Board of Elections for an exemption from the under-vote
26 notification requirement. All election authorities shall have

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

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

4 (10 ILCS 5/19A-35)

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

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

19 (b) In conducting early voting under this Article, the
20 election judge or official is required to verify the signature
21 of the early voter by comparison with the signature on the
22 official registration card, and the judge or official must
23 verify (i) the identity of the applicant, (ii) that the
24 applicant is a registered voter, (iii) the precinct in which
25 the applicant is registered, and (iv) the proper ballots of the

1 political subdivision in which the applicant resides and is
2 entitled to vote before providing an early ballot to the
3 applicant. The applicant's identity must be verified by the
4 applicant's presentation of an Illinois driver's license, a
5 non-driver identification card issued by the Illinois
6 Secretary of State, a photo identification card issued by a
7 university or college, or another government-issued
8 identification document containing the applicant's photograph.
9 The election judge or official must verify the applicant's
10 registration from the most recent poll list provided by the
11 election authority, and if the applicant is not listed on that
12 poll list, by telephoning the office of the election authority.

13 (b-5) A person requesting an early voting ballot to whom an
14 absentee ballot was issued may vote early if the person submits
15 that absentee ballot to the judges of election or official
16 conducting early voting for cancellation. If the voter is
17 unable to submit the absentee ballot, it shall be sufficient
18 for the voter to submit to the judges or official (i) a portion
19 of the absentee ballot if the absentee ballot was torn or
20 mutilated or (ii) an affidavit executed before the judges or
21 official specifying that (A) the voter never received an
22 absentee ballot or (B) the voter completed and returned an
23 absentee ballot and was informed that the election authority
24 did not receive that absentee ballot.

25 (b-10) Within one day after a voter casts an early voting
26 ballot, the election authority shall transmit the voter's name,

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

6 (b-15) Immediately after voting an early ballot, the voter
7 shall be instructed whether the voting equipment accepted or
8 rejected the ballot or identified that ballot as under-voted
9 for a statewide constitutional office. A voter whose ballot is
10 identified as under-voted may return to the voting booth and
11 complete the voting of that ballot. A voter whose early voting
12 ballot is not accepted by the voting equipment may, upon
13 surrendering the ballot, request and vote another early voting
14 ballot. The voting equipment shall indicate only to the voter
15 if the voter under-voted for a statewide constitutional office.
16 If the existing voting equipment cannot meet that under-vote
17 notification requirement, the election authority may petition
18 the State Board of Elections for an exemption from the
19 under-vote notification requirement. All election authorities
20 shall have voting systems compatible with the under-vote
21 notification requirement by the 2014 general primary election.
22 The voter's surrendered ballot shall be initialed by the
23 election judge or official conducting the early voting and
24 handled as provided in the appropriate Article governing the
25 voting equipment used.

26 (c) The sealed early ballots in their carrier envelope

1 shall be delivered by the election authority to the central
2 ballot counting location before the close of the polls on the
3 day of the election.

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

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

6 Sec. 24-1. The election authority in all jurisdictions when
7 voting machines are used shall, except as otherwise provided in
8 this Code, provide a voting machine or voting machines for any
9 or all of the election precincts or election districts, as the
10 case may be, for which the election authority is by law charged
11 with the duty of conducting an election or elections. A voting
12 machine or machines sufficient in number to provide a machine
13 for each 400 voters or fraction thereof shall be supplied for
14 use at all elections. However, no such voting machine shall be
15 used, purchased, or adopted, and no person or entity may have a
16 written contract, including a contract contingent upon
17 certification of the voting machines, to sell, lease, or loan
18 voting machines to an election authority, until the board of
19 voting machine commissioners hereinafter provided for, or a
20 majority thereof, shall have made and filed a report certifying
21 that they have examined such machine; that it affords each
22 elector an opportunity to vote in absolute secrecy; that it
23 enables each elector to vote a ticket selected in part from the
24 nominees of one party, and in part from the nominees of any or
25 all other parties, and in part from independent nominees

1 printed in the columns of candidates for public office, and in
2 part of persons not in nomination by any party or upon any
3 independent ticket; that it enables each elector to vote a
4 written or printed ballot of his own selection, for any person
5 for any office for whom he may desire to vote; that it enables
6 each elector to vote for all candidates for whom he is entitled
7 to vote, and prevents him from voting for any candidate for any
8 office more than once, unless he is lawfully entitled to cast
9 more than one vote for one candidate, and in that event permits
10 him to cast only as many votes for that candidate as he is by
11 law entitled, and no more; that it prevents the elector from
12 voting for more than one person for the same office, unless he
13 is lawfully entitled to vote for more than one person therefor,
14 and in that event permits him to vote for as many persons for
15 that office as he is by law entitled, and no more; that it
16 identifies when an elector has not voted for all statewide
17 constitutional offices by indicating only to the voter which
18 office the voter under-voted (if the existing voting equipment
19 cannot meet that under-vote notification requirement, the
20 election authority may petition the State Board of Elections
21 for an exemption from the under-vote notification requirement;
22 all election authorities shall have voting systems compatible
23 with the under-vote notification requirement by the 2014
24 general primary election); and that such machine will register
25 correctly by means of exact counters every vote cast for the
26 regular tickets thereon; and has the capacity to contain the

1 tickets of at least 5 political parties with the names of all
2 the candidates thereon, together with all propositions in the
3 form provided by law, where such form is prescribed, and where
4 no such provision is made for the form thereof, then in brief
5 form, not to exceed 75 words; that all votes cast on the
6 machine on a regular ballot or ballots shall be registered;
7 that voters may, by means of irregular ballots or otherwise
8 vote for any person for any office, although such person may
9 not have been nominated by any party and his name may not
10 appear on such machine; that when a vote is cast for any person
11 for any such office, when his name does not appear on the
12 machine, the elector cannot vote for any other name on the
13 machine for the same office; that each elector can,
14 understandingly and within the period of 4 minutes cast his
15 vote for all candidates of his choice; that the machine is so
16 constructed that the candidates for presidential electors of
17 any party can be voted for only by voting for the ballot label
18 containing a bracket within which are the names of the
19 candidates for President and Vice-President of the party or
20 group; that the machine is provided with a lock or locks by the
21 use of which any movement of the voting or registering
22 mechanism is absolutely prevented so that it cannot be tampered
23 with or manipulated for any purpose; that the machine is
24 susceptible of being closed during the progress of the voting
25 so that no person can see or know the number of votes
26 registered for any candidate; that each elector is permitted to

1 vote for or against any question, proposition or amendment upon
2 which he is entitled to vote, and is prevented from voting for
3 or against any question, proposition or amendment upon which he
4 is not entitled to vote; that the machine is capable of
5 adjustment by the election authority, so as to permit the
6 elector, at a party primary election, to vote only for the
7 candidates seeking nomination by the political party in which
8 primary he is entitled to vote: Provided, also that no such
9 machine or machines shall be purchased, unless the party or
10 parties making the sale shall guarantee in writing to keep the
11 machine or machines in good working order for 5 years without
12 additional cost and shall give a sufficient bond conditioned to
13 that effect.

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

15 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

18 No voting system shall be approved unless it fulfills the
19 following requirements:

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

21 (2) (Blank);

22 (3) It enables a voter to vote a ticket selected in
23 part from the nominees of one party, and in part from the
24 nominees of any or all parties, and in part from
25 independent candidates and in part of candidates whose

1 names are written in by the voter;

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

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

9 (5.5) It will identify when a voter has not voted for
10 all statewide constitutional offices by indicating only to
11 the voter which office the voter under-voted (if the
12 existing voting equipment cannot meet that under-vote
13 notification requirement, the election authority may
14 petition the State Board of Elections for an exemption from
15 the under-vote notification requirement; all election
16 authorities shall have voting systems compatible with the
17 under-vote notification requirement by the 2014 general
18 primary election);

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

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

26 The State Board of Elections is authorized to withdraw its

1 approval of a voting system if the system fails to fulfill the
2 above requirements.

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

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

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

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

2 (10 ILCS 5/24B-16)

3 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
4 Technology Voting Systems; Requisites. The State Board of
5 Elections shall approve all Precinct Tabulation Optical Scan
6 Technology voting systems provided by this Article.

7 No Precinct Tabulation Optical Scan Technology voting
8 system shall be approved unless it fulfills the following
9 requirements:

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

11 (b) (Blank);

12 (c) It enables a voter to vote a ticket selected in
13 part from the nominees of one party, and in part from the
14 nominees of any or all parties, and in part from
15 independent candidates, and in part of candidates whose
16 names are written in by the voter;

17 (d) It enables a voter to vote a written or printed
18 ticket of his or her own selection for any person for any
19 office for whom he or she may desire to vote;

20 (e) It will reject all votes for an office or upon a
21 proposition when the voter has cast more votes for the
22 office or upon the proposition than he or she is entitled
23 to cast;

24 (e-5) It will identify when a voter has not voted for
25 all statewide constitutional offices by indicating only to

1 the voter which office the voter under-voted (if the
2 existing voting equipment cannot meet that under-vote
3 notification requirement, the election authority may
4 petition the State Board of Elections for an exemption from
5 the under-vote notification requirement; all election
6 authorities shall have voting systems compatible with the
7 under-vote notification requirement by the 2014 general
8 primary election); and

9 (f) It will accommodate all propositions to be
10 submitted to the voters in the form provided by law or,
11 where no form is provided, then in brief form, not to
12 exceed 75 words.

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

16 The State Board of Elections is authorized to withdraw its
17 approval of a Precinct Tabulation Optical Scan Technology
18 voting system if the system fails to fulfill the above
19 requirements.

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

26 Any voting system vendor, person, or other private entity

1 seeking the State Board of Elections' approval of a voting
2 system shall, as part of the approval application, submit to
3 the State Board a non-refundable fee. The State Board of
4 Elections by rule shall establish an appropriate fee structure,
5 taking into account the type of voting system approval that is
6 requested (such as approval of a new system, a modification of
7 an existing system, the size of the modification, etc.). No
8 voting system or modification of a voting system shall be
9 approved unless the fee is paid.

10 No vendor, person, or other entity may sell, lease, or
11 loan, or have a written contract, including a contract
12 contingent upon State Board approval of the voting system or
13 voting system component, to sell, lease, or loan, a voting
14 system or Precinct Tabulation Optical Scan Technology voting
15 system component to any election jurisdiction unless the voting
16 system or voting system component is first approved by the
17 State Board of Elections pursuant to this Section.

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

19 (10 ILCS 5/24B-20)

20 Sec. 24B-20. Voting Defect Identification Capabilities.
21 An election authority is required to use the Voting Defect
22 Identification capabilities of the automatic tabulating
23 equipment when used in-precinct, including both the capability
24 of identifying an under-vote (by indicating only to the voter
25 which office the voter under-voted) and the capability of

1 identifying an over-vote. If the existing voting equipment
2 cannot meet that under-vote notification requirement, the
3 election authority may petition the State Board of Elections
4 for an exemption from the under-vote notification requirement.
5 All election authorities shall have voting systems compatible
6 with the under-vote notification requirement by the 2014
7 general primary election.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.