**Section 204.50 Application for Approval of Voting Systems**

a) In order to obtain Board approval of a voting system, a written application must be made to the Board. The application shall, at a minimum, contain the following:

1) A general description of the proposed system.

2) The description, nomenclature, specifications and intended use or uses of all voting system components comprising the proposed voting system.

3) A description of all contemplated and possible uses of the voting system software components.

4) A description of support services provided for the proposed voting system.

5) Applicant's primary address, telephone number and e-mail address and the names, addresses, e-mail addresses and telephone numbers of individuals and/or corporations who will be responsible for marketing the proposed voting system.

6) The time period in which the applicant has actively engaged in marketing the proposed voting system.

7) A complete list of election jurisdictions currently using the proposed voting system, including the size of the jurisdiction and the names and addresses of the election authorities.

8) A complete list of jurisdictions currently contracting with the applicant for voting system components.

9) A complete list of election jurisdictions in Illinois in which the applicant is seeking to market the proposed voting system.

10) If known, a complete list of election jurisdictions in Illinois in which the applicant proposes to experimentally use the proposed voting system.

b) Application Fee

1) The non-refundable application fee shall be allocated pursuant to the following:

|  |  |  |
| --- | --- | --- |
| A) | New system approval | $750 |
|  |  |  |
| B) | Software modification of a previously approved system | $500 |
|  |  |  |
| C) | Hardware modification of a previously approved system | $250 |
|  |  |  |
| D) | Hardware modification limited to "Commercial Off the Shelf" hardware for a previously approved system such as printers and personal computers | $100 |

2) Failure to submit the application fee will cause the application to be incomplete and prevent the approval of the voting system or system modification. No State testing may begin prior to the Board's receipt of the fee and a complete application. Staff will notify the applicant in writing of the receipt of the application and the fee. Any incomplete application or incorrect fee will be returned to the applicant with a request for correction.

c) The Computer Code as defined in Section 204.20 shall be submitted as part of the completed application for approval.

d) No vendor or user shall offer to sell, lease, loan, give or otherwise supply to any user or potential user any voting system or voting system component, and no user shall place in operation any voting system or voting system component, without first submitting to the Illinois State Board of Elections the application for approval identified in subsection (a). A completed application for approval shall be submitted not less than six months prior to any election in which a voting system or support component is proposed for use.

e) Failure to provide the application in accordance with subsection (c) shall result in the denial of any application or request for emergency approval of an electronic voting system that might otherwise be appropriate under Section 204.160 of this Part.

f) The reasonable expenses incurred, except those expenses related to escrow of submitted Computer Code, by the State Board of Elections in conducting the approval process of the voting system shall be borne by the applicant for approval of the voting system or system component. Expenses for which the applicant shall be liable shall be limited to goods and materials necessary for the review process, necessary travel in accord with State travel regulations (80 Ill. Adm. Code 2800), use of contract consultants, and the actual cost of any computer support. Expenses shall be documented and submitted to the applicant at the end of full review prior to interim approval as defined in Section 204.90, and within 10 days after the completion of any testing conducted between interim and final approval as defined in Section 204.100. Payment of the costs shall be made by the applicant within 10 days after receipt. The Board shall not grant interim approval or full approval of a voting system or system component until the applicant has fully satisfied the monetary obligation incurred by the Board during the review process. Reasonable expenses are those customary and usual charges for goods and services of value and quality acceptable in the computer science industry. Board staff shall determine in the first instance what expenses are reasonable, and an applicant who believes that the staff determination is incorrect may ask for review of the determination by the State Board of Elections.

(Source: Amended at 33 Ill. Reg. 13937, effective September 16, 2009)