

1 AMENDMENT TO SENATE BILL 1803

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1803 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55,  
6 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7,  
7 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2,  
8 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as  
9 follows:

10 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

11 Sec. 7-19. Arrangement and printing of primary ballot.

12 The primary ballot of each political party for each precinct  
13 shall be arranged and printed substantially in the manner  
14 following:

15 1. Designating words. At the top of the ballot shall be  
16 printed in large capital letters, words designating the  
17 ballot, if a Republican ballot, the designating words shall  
18 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the  
19 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and  
20 in like manner for each political party.

21 2. Order of Names, Directions to Voters, etc. Beginning  
22 not less than one inch below designating words, the name of

1 each office to be filled shall be printed in capital letters.  
2 Such names may be printed on the ballot either in a single  
3 column or in 2 or more columns and in the following order,  
4 to-wit:

5 President of the United States, State offices,  
6 congressional offices, delegates and alternate delegates to  
7 be elected from the State at large to National nominating  
8 conventions, delegates and alternate delegates to be elected  
9 from congressional districts to National nominating  
10 conventions, member or members of the State central  
11 committee, trustees of sanitary districts, county offices,  
12 judicial officers, city, village and incorporated town  
13 offices, town offices, or of such of the said offices as  
14 candidates are to be nominated for at such primary, and  
15 precinct, township or ward committeemen. If two or more  
16 columns are used, the foregoing offices to and including  
17 member of the State central committee shall be listed in the  
18 left-hand column and Senatorial offices, as defined in  
19 Section 8-3, shall be the first offices listed in the second  
20 column.

21 Below the name of each office shall be printed in small  
22 letters the directions to voters: "Vote for one"; "Vote for  
23 two"; "Vote for three"; or a spelled number designating how  
24 many persons under that head are to be voted for.

25 Next to the name of each candidate for delegate or  
26 alternate delegate to a national nominating convention shall  
27 appear either (a) the name of the candidate's preference for  
28 President of the United States or the word "uncommitted" or  
29 (b) no official designation, depending upon the action taken  
30 by the State central committee pursuant to Section 7-10.3 of  
31 this Act.

32 Below the name of each office shall be printed in capital  
33 letters the names of all candidates, arranged in the order in  
34 which their petitions for nominations were filed, except as

1 otherwise provided in Sections 7-14 and 7-17 of this Article.  
 2 Opposite and in front of the name of each candidate shall be  
 3 printed a square and all squares upon the primary ballot  
 4 shall be of uniform size. Spaces between the names of  
 5 candidates under each office shall be uniform and sufficient  
 6 spaces shall separate the names of candidates for one office  
 7 from the names of candidates for another office, to avoid  
 8 confusion and to permit the writing in of the names of other  
 9 candidates.

10 Where voting machines, or electronic voting systems, or  
 11 Direct Recording Electronic Voting Systems are used, the  
 12 provisions of this Article Section may be modified as  
 13 required or authorized by Article 24, or Article 24A, or  
 14 Article 24C, whichever is applicable.

15 (Source: P.A. 83-33.)

16 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

17 Sec. 7-46. Voting of ballot; writing in names. On  
 18 receiving from the primary judges a primary ballot of his  
 19 party, the primary elector shall forthwith and without  
 20 leaving the polling place, retire alone to one of the voting  
 21 booths and prepare such primary ballot by marking a cross (X)  
 22 in the square in front of and opposite the name of each  
 23 candidate of his choice for each office to be filled, and for  
 24 delegates and alternate delegates to national nominating  
 25 conventions, and for committeemen, if committeemen are being  
 26 elected at such primary.

27 Any primary elector may, instead of voting for any  
 28 candidate for nomination or for committeeman or for delegate  
 29 or alternate delegate to national nominating conventions,  
 30 whose name is printed on the primary ballot, write in the  
 31 name of any other person affiliated with such party as a  
 32 candidate for the nomination for any office, or for  
 33 committeeman, or for delegates or alternate delegates to

1 national nominating conventions, and indicate his choice of  
 2 such candidate or committeeman or delegate or alternate  
 3 delegate, by placing to the left of and opposite the name  
 4 thus written a square and placing in the square a cross (X).

5 Where voting machines, ~~or~~ electronic voting systems, or  
 6 Direct Recording Electronic Voting Systems are used, the  
 7 provisions of this Article ~~section~~ may be modified as  
 8 required or authorized by Article 24, ~~or~~ Article 24A, or  
 9 Article 24C, whichever is applicable.

10 (Source: Laws 1965, p. 2220.)

11 (10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

12 Sec. 7-47. Folding and delivery of ballot; entry in poll  
 13 book. Before leaving the booth, the primary elector shall  
 14 fold his primary ballot in such manner as to conceal the  
 15 marks thereon. Such voter shall then vote forthwith by  
 16 handing the primary judge the primary ballot received by such  
 17 voter. Thereupon the primary judge shall deposit such primary  
 18 ballot in the ballot box. One of the judges shall thereupon  
 19 enter in the primary poll book the name of the primary  
 20 elector, his residence and his party affiliation or shall  
 21 make the entries on the official poll record as required by  
 22 articles 4, 5 and 6, if any one of them is applicable.

23 Where voting machines, ~~or~~ electronic voting systems, or  
 24 Direct Recording Electronic Voting Systems are used, the  
 25 provisions of this Article ~~section~~ may be modified as  
 26 required or authorized by Article 24, ~~or~~ Article 24A, or  
 27 Article 24C, whichever is applicable.

28 (Source: Laws 1965, p. 2220.)

29 (10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

30 Sec. 7-49. No adjournment or recess after opening of  
 31 polls. After the opening of the polls at a primary no  
 32 adjournment shall be had nor recess taken until the canvass

1 of all the votes is completed and the returns carefully  
2 enveloped and sealed.

3 Where voting machines, ~~or~~ electronic voting systems, or  
4 Direct Recording Electronic Voting Systems are used, the  
5 provisions of this Article section may be modified as  
6 required or authorized by Article 24, ~~or~~ Article 24A, or  
7 Article 24C, whichever is applicable.

8 (Source: Laws 1965, p. 2220.)

9 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

10 Sec. 7-52. Precinct canvass of votes. Immediately upon  
11 closing the polls, the primary judges shall proceed to  
12 canvass the votes in the manner following:

13 (1) They shall separate and count the ballots of each  
14 political party.

15 (2) They shall then proceed to ascertain the number of  
16 names entered on the applications for ballot under each party  
17 affiliation.

18 (3) If the primary ballots of any political party exceed  
19 the number of applications for ballot by voters of such  
20 political party, the primary ballots of such political party  
21 shall be folded and replaced in the ballot box, the box  
22 closed, well shaken and again opened and one of the primary  
23 judges, who shall be blindfolded, shall draw out so many of  
24 the primary ballots of such political party as shall be equal  
25 to such excess. Such excess ballots shall be marked  
26 "Excess-Not Counted" and signed by a majority of the judges  
27 and shall be placed in the "After 6:00 p.m. Defective Ballots  
28 Envelope". The number of excess ballots shall be noted in the  
29 remarks section of the Certificate of Results. "Excess"  
30 ballots shall not be counted in the total of "defective"  
31 ballots;

32 (4) The primary judges shall then proceed to count the  
33 primary ballots of each political party separately; and as

1 the primary judges shall open and read the primary ballots, 3  
 2 of the judges shall carefully and correctly mark upon  
 3 separate tally sheets the votes which each candidate of the  
 4 party whose name is written or printed on the primary ballot  
 5 has received, in a separate column for that purpose, with the  
 6 name of such candidate, the name of his political party and  
 7 the name of the office for which he is a candidate for  
 8 nomination at the head of such column.

9 Where voting machines, ~~or~~ electronic voting systems, or  
 10 Direct Recording Electronic Voting Systems are used, the  
 11 provisions of this Article ~~section~~ may be modified as  
 12 required or authorized by Article 24, ~~or~~ Article 24A, or  
 13 Article 24C, whichever is applicable.

14 (Source: P.A. 80-484.)

15 (10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

16 Sec. 7-53. Tally sheets; certificate of results. As  
 17 soon as the ballots of a political party shall have been read  
 18 and the votes of the political party counted, as provided in  
 19 the last above Section, the 3 judges in charge of the tally  
 20 sheets shall foot up the tally sheets so as to show the total  
 21 number of votes cast for each candidate of the political  
 22 party and for each candidate for State Central committeeman  
 23 and precinct committeeman, township committeeman or ward  
 24 committeeman, and delegate and alternate delegate to National  
 25 nominating conventions, and certify the same to be correct.  
 26 Thereupon, the primary judges shall set down in a certificate  
 27 of results on the tally sheet, under the name of the  
 28 political party, the name of each candidate voted for upon  
 29 the primary ballot, written at full length, the name of the  
 30 office for which he is a candidate for nomination or for  
 31 committeeman, or delegate or alternate delegate to National  
 32 nominating conventions, the total number of votes which the  
 33 candidate received, and they shall also set down the total

1 number of ballots voted by the primary electors of the  
2 political party in the precinct. The certificate of results  
3 shall be made substantially in the following form:

4 ..... Party

5 At the primary election held in the .... precinct of the  
6 (1) \*township of ....., or (2) \*City of ....., or (3) \*....  
7 ward in the city of .... on (insert date), the primary  
8 electors of the .... party voted .... ballots, and the  
9 respective candidates whose names were written or printed on  
10 the primary ballot of the .... party, received respectively  
11 the following votes:

Name of	Title of Office,	No. of
Candidate,		Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

19 \*Fill in either (1), (2) or (3).

20 And so on for each candidate.

21 We hereby certify the above and foregoing to be true and  
22 correct.

23 Dated (insert date).

24 .....

25 Name Address

26 .....

27 Name Address

28 .....

29 Name Address

30 .....

31 Name Address

32 .....

33 Name Address

34 Judges of Primary

1           Where voting machines, ~~or~~ electronic voting systems, or  
2           Direct Recording Electronic Voting Systems are used, the  
3           provisions of this Article Section may be modified as  
4           required or authorized by Article 24, and Article 24A, or  
5           Article 24C, whichever is applicable.  
6           (Source: P.A. 91-357, eff. 7-29-99.)

7           (10 ILCS 5/7-54) (from Ch. 46, par. 7-54)  
8           Sec. 7-54. Binding and sealing ballots; report of  
9           results. After the votes of a political party have been  
10          counted and set down and the tally sheets footed and the  
11          entry made in the primary poll books or return, as above  
12          provided, all the primary ballots of said political party,  
13          except those marked "defective" or "objected to" shall be  
14          securely bound, lengthwise and in width, with a soft cord  
15          having a minimum tensile strength of 60 pounds separately for  
16          each political party in the order in which said primary  
17          ballots have been read, and shall thereupon be carefully  
18          sealed in an envelope, which envelope shall be endorsed as  
19          follows:

20                 "Primary ballots of the.... party of the.... precinct of  
21                 the county of.... and State of Illinois."

22                 Below each endorsement, each primary judge shall write  
23                 his name.

24                 Immediately thereafter the judges shall designate one of  
25                 their number to go to the nearest telephone and report to the  
26                 office of the county clerk or board of election commissioners  
27                 (as the case may be) the results of such primary. Such clerk  
28                 or board shall keep his or its office open after the close of  
29                 the polls until he or it has received from each precinct  
30                 under his or its jurisdiction the report above provided for.  
31                 Immediately upon receiving such report such clerk or board  
32                 shall cause the same to be posted in a public place in his or  
33                 its office for inspection by the public. Immediately after



1 making such report such judge shall return to the polling  
2 place.

3 Where voting machines, ~~or~~ electronic voting systems, or  
4 Direct Recording Electronic Voting Systems are used, the  
5 provisions of this Article section may be modified as  
6 required or authorized by Article 24, ~~or~~ Article 24A, or  
7 Article 24C, whichever is applicable.

8 (Source: P.A. 81-1433.)

9 (10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

10 Sec. 7-55. Delivery and acceptance of election  
11 materials. The primary poll books or the official poll  
12 record, and the tally sheets with the certificates of the  
13 primary judges written thereon, together with the envelopes  
14 containing the ballots, including the envelope containing the  
15 ballots marked "defective" or "objected to", shall be  
16 carefully enveloped and sealed up together, properly  
17 endorsed, and the primary judges shall elect 2 judges (one  
18 from each of the major political parties), who shall  
19 immediately deliver the same to the clerk from whom the  
20 primary ballots were obtained, which clerk shall safely keep  
21 the same for 2 months, and thereafter shall safely keep the  
22 poll books until the next primary. Each election authority  
23 shall keep the office of the election authority, or any  
24 receiving stations designated by such authority, open for at  
25 least 12 consecutive hours after the polls close, or until  
26 the judges of each precinct under the jurisdiction of the  
27 election authority have delivered to the election authority  
28 all the above materials sealed up together and properly  
29 endorsed as provided herein. Materials delivered to the  
30 election authority which are not in the condition required by  
31 this Section shall not be accepted by the election authority  
32 until the judges delivering the same make and sign the  
33 necessary corrections. Upon acceptance of the materials by

1 the election authority, the judges delivering the same shall  
2 take a receipt signed by the election authority and stamped  
3 with the time and date of such delivery. The election judges  
4 whose duty it is to deliver any materials as above provided  
5 shall, in the event such materials cannot be found when  
6 needed, on proper request, produce the receipt which they are  
7 to take as above provided.

8 The county clerk or board of election commissioners shall  
9 deliver a copy of each tally sheet to the county chairmen of  
10 the two largest political parties.

11 Where voting machines, ~~or~~ electronic voting systems, or  
12 Direct Recording Electronic Voting Systems are used, the  
13 provisions of this Article ~~section~~ may be modified as  
14 required or authorized by Article 24, and Article 24A, or  
15 Article 24C, whichever is applicable.

16 (Source: P.A. 83-764.)

17 (10 ILCS 5/7-66)

18 Sec. 7-66. Precinct tabulation optical scan technology  
19 voting equipment and direct recording electronic voting  
20 systems equipment.

21 If the election authority has adopted the use of Precinct  
22 Tabulation Optical Scan Technology voting equipment pursuant  
23 to Article 24B of this Code or Direct Recording Electronic  
24 Voting Systems equipment under Article 24C of this Code, and  
25 the provisions of those Articles ~~the Article~~ are in conflict  
26 with the provisions of this Article 7, the provisions of  
27 Article 24B or Article 24C, as the case may be, shall govern  
28 the procedures followed by the election authority, its judges  
29 of elections, and all employees and agents. In following the  
30 provisions of Article 24B or Article 24C, the election  
31 authority is authorized to develop and implement procedures  
32 to fully utilize Precinct Tabulation Optical Scan Technology  
33 voting equipment or Direct Recording Electronic Voting

1 Systems equipment authorized by the State Board of Elections  
 2 as long as the procedure is not in conflict with either  
 3 Article 24B, Article 24C, or the administrative rules of the  
 4 State Board of Elections.

5 (Source: P.A. 89-394, eff. 1-1-97.)

6 (10 ILCS 5/15-6)

7 Sec. 15-6. Precinct tabulation optical scan technology  
 8 voting equipment and direct recording electronic voting  
 9 systems equipment.

10 If the election authority has adopted the use of Precinct  
 11 Tabulation Optical Scan Technology voting equipment pursuant  
 12 to Article 24B of this Code or Direct Recording Electronic  
 13 Voting Systems equipment under Article 24C of this Code, and  
 14 the provisions of those Articles ~~the Article~~ are in conflict  
 15 with the provisions of this Article 15, the provisions of  
 16 Article 24B or Article 24C, as the case may be, shall govern  
 17 the procedures followed by the election authority, its judges  
 18 of elections, and all employees and agents. In following the  
 19 provisions of Article 24B or Article 24C, the election  
 20 authority is authorized to develop and implement procedures  
 21 to fully utilize Precinct Tabulation Optical Scan Technology  
 22 voting equipment or Direct Recording Electronic Voting  
 23 Systems equipment authorized by the State Board of Elections  
 24 as long as the procedure is not in conflict with either  
 25 Article 24B, Article 24C, or the administrative rules of the  
 26 State Board of Elections.

27 (Source: P.A. 89-394, eff. 1-1-97.)

28 (10 ILCS 5/16-11)

29 Sec. 16-11. Precinct tabulation optical scan technology  
 30 voting equipment and direct recording electronic voting  
 31 systems equipment.

32 If the election authority has adopted the use of Precinct

1 Tabulation Optical Scan Technology voting equipment pursuant  
 2 to Article 24B of this Code or Direct Recording Electronic  
 3 Voting Systems equipment under Article 24C of this Code, and  
 4 the provisions of those Articles ~~the Article~~ are in conflict  
 5 with the provisions of this Article 16, the provisions of  
 6 Article 24B or Article 24C, as the case may be, shall govern  
 7 the procedures followed by the election authority, its judges  
 8 of elections, and all employees and agents. In following the  
 9 provisions of Article 24B or Article 24C, the election  
 10 authority is authorized to develop and implement procedures  
 11 to fully utilize Precinct Tabulation Optical Scan Technology  
 12 voting equipment or Direct Recording Electronic Voting  
 13 Systems equipment authorized by the State Board of Elections  
 14 as long as the procedure is not in conflict with either  
 15 Article 24B, Article 24C, or the administrative rules of the  
 16 State Board of Elections.

17 (Source: P.A. 89-394, eff. 1-1-97.)

18 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

19 Sec. 17-9. Any person desiring to vote shall give his  
 20 name and, if required to do so, his residence to the judges  
 21 of election, one of whom shall thereupon announce the same in  
 22 a loud and distinct tone of voice, clear, and audible; the  
 23 judges of elections shall check each application for ballot  
 24 against the list of voters registered in that precinct to  
 25 whom absentee ballots have been issued for that election,  
 26 which shall be provided by the election authority and which  
 27 list shall be available for inspection by pollwatchers. A  
 28 voter applying to vote in the precinct on election day whose  
 29 name appears on the list as having been issued an absentee  
 30 ballot shall not be permitted to vote in the precinct unless  
 31 that voter submits to the judges of election ~~7--for~~  
 32 ~~cancellation-or-revocation~~7 his absentee ballot. In the case  
 33 that the voter's absentee ballot is not present in the

1 polling place, it shall be sufficient for any such voter to  
2 submit to the judges of election in lieu of his absentee  
3 ballot, either a portion of such ballot if torn or mutilated,  
4 or an affidavit executed before the judges of election  
5 specifying that the voter never received an absentee ballot,  
6 ~~or an affidavit executed before the judges of election~~  
7 ~~specifying that the voter desires to cancel or revoke any~~  
8 ~~absentee ballot that may have been cast in the voter's name.~~  
9 All applicable provisions of Articles 4, 5 or 6 shall be  
10 complied with and if such name is found on the register of  
11 voters by the officer having charge thereof, he shall  
12 likewise repeat said name, and the voter shall be allowed to  
13 enter within the proximity of the voting booths, as above  
14 provided. One of the judges shall give the voter one, and  
15 only one of each ballot to be voted at the election, on the  
16 back of which ballots such judge shall indorse his initials  
17 in such manner that they may be seen when each such ballot is  
18 properly folded, and the voter's name shall be immediately  
19 checked on the register list. In those election jurisdictions  
20 where perforated ballot cards are utilized of the type on  
21 which write-in votes can be cast above the perforation, the  
22 election authority shall provide a space both above and below  
23 the perforation for the judge's initials, and the judge shall  
24 endorse his or her initials in both spaces. Whenever a  
25 proposal for a constitutional amendment or for the calling of  
26 a constitutional convention is to be voted upon at the  
27 election, the separate blue ballot or ballots pertaining  
28 thereto shall, when being handed to the voter, be placed on  
29 top of the other ballots to be voted at the election in such  
30 manner that the legend appearing on the back thereof, as  
31 prescribed in Section 16-6 of this Act, shall be plainly  
32 visible to the voter. At all elections, when a registry may  
33 be required, if the name of any person so desiring to vote at  
34 such election is not found on the register of voters, he or

1 she shall not receive a ballot until he or she shall have  
 2 complied with the law prescribing the manner and conditions  
 3 of voting by unregistered voters. If any person desiring to  
 4 vote at any election shall be challenged, he or she shall not  
 5 receive a ballot until he or she shall have established his  
 6 right to vote in the manner provided hereinafter; and if he  
 7 or she shall be challenged after he has received his ballot,  
 8 he shall not be permitted to vote until he or she has fully  
 9 complied with such requirements of the law upon being  
 10 challenged. Besides the election officer, not more than 2  
 11 voters in excess of the whole number of voting booths  
 12 provided shall be allowed within the proximity of the voting  
 13 booths at one time. The provisions of this Act, so far as  
 14 they require the registration of voters as a condition to  
 15 their being allowed to vote shall not apply to persons  
 16 otherwise entitled to vote, who are, at the time of the  
 17 election, or at any time within 60 days prior to such  
 18 election have been engaged in the military or naval service  
 19 of the United States, and who appear personally at the  
 20 polling place on election day and produce to the judges of  
 21 election satisfactory evidence thereof, but such persons, if  
 22 otherwise qualified to vote, shall be permitted to vote at  
 23 such election without previous registration.

24 All such persons shall also make an affidavit which shall  
 25 be in substantially the following form:

26 State of Illinois,)  
 27 ) ss.  
 28 County of .....)  
 29 ..... Precinct ..... Ward

30 I, ....., do solemnly swear (or affirm) that I am a  
 31 citizen of the United States, of the age of 18 years or over,  
 32 and that within the past 60 days prior to the date of this  
 33 election at which I am applying to vote, I have been engaged  
 34 in the .... (military or naval) service of the United States;

1 and I am qualified to vote under and by virtue of the  
2 Constitution and laws of the State of Illinois, and that I am  
3 a legally qualified voter of this precinct and ward except  
4 that I have, because of such service, been unable to register  
5 as a voter; that I now reside at .... (insert street and  
6 number, if any) in this precinct and ward; that I have  
7 maintained a legal residence in this precinct and ward for 30  
8 days and in this State 30 days next preceding this election.

9 .....

10 Subscribed and sworn to before me on (insert date).

11 .....

12 Judge of Election.

13 The affidavit of any such person shall be supported by  
14 the affidavit of a resident and qualified voter of any such  
15 precinct and ward, which affidavit shall be in substantially  
16 the following form:

17 State of Illinois,)

18 ) ss.

19 County of .....

20 ..... Precinct ..... Ward

21 I, ....., do solemnly swear (or affirm), that I am a  
22 resident of this precinct and ward and entitled to vote at  
23 this election; that I am acquainted with .... (name of the  
24 applicant); that I verily believe him to be an actual bona  
25 fide resident of this precinct and ward and that I verily  
26 believe that he or she has maintained a legal residence  
27 therein 30 days and in this State 30 days next preceding this  
28 election.

29 .....

30 Subscribed and sworn to before me on (insert date).

31 .....

32 Judge of Election.

33 All affidavits made under the provisions of this Section

1 shall be enclosed in a separate envelope securely sealed, and  
2 shall be transmitted with the returns of the elections to the  
3 county clerk or to the board of election commissioners, who  
4 shall preserve the said affidavits for the period of 6  
5 months, during which period such affidavits shall be deemed  
6 public records and shall be freely open to examination as  
7 such.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (10 ILCS 5/17-43)

10 Sec. 17-43. Precinct tabulation optical scan technology  
11 voting equipment and direct recording electronic voting  
12 systems equipment.

13 If the election authority has adopted the use of Precinct  
14 Tabulation Optical Scan Technology voting equipment pursuant  
15 to Article 24B of this Code or Direct Recording Electronic  
16 Voting Systems equipment under Article 24C of this Code, and  
17 the provisions of those Articles ~~the Article~~ are in conflict  
18 with the provisions of this Article 17, the provisions of  
19 Article 24B or Article 24C, as the case may be, shall govern  
20 the procedures followed by the election authority, its judges  
21 of elections, and all employees and agents. In following the  
22 provisions of Article 24B or Article 24C, the election  
23 authority is authorized to develop and implement procedures  
24 to fully utilize Precinct Tabulation Optical Scan Technology  
25 voting equipment or Direct Recording Electronic Voting  
26 Systems equipment authorized by the State Board of Elections  
27 as long as the procedure is not in conflict with either  
28 Article 24B, Article 24C, or the administrative rules of the  
29 State Board of Elections.

30 (Source: P.A. 89-394, eff. 1-1-97.)

31 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

32 Sec. 18-5. Questioning of person desiring to vote;



1 receipt of ballots. Any person desiring to vote and whose  
2 name is found upon the register of voters by the person  
3 having charge thereof, shall then be questioned by one of the  
4 judges as to his nativity, his term of residence at present  
5 address, precinct, State and United States, his age, whether  
6 naturalized and if so the date of naturalization papers and  
7 court from which secured, and he shall be asked to state his  
8 residence when last previously registered and the date of the  
9 election for which he then registered. The judges of  
10 elections shall check each application for ballot against the  
11 list of voters registered in that precinct to whom absentee  
12 ballots have been issued for that election, which shall be  
13 provided by the election authority and which list shall be  
14 available for inspection by pollwatchers. A voter applying to  
15 vote in the precinct on election day whose name appears on  
16 the list as having been issued an absentee ballot shall not  
17 be permitted to vote in the precinct unless that voter  
18 submits to the judges of election, ~~for cancellation or~~  
19 ~~revocation,~~ his absentee ballot. In the case that the  
20 voter's absentee ballot is not present in the polling place,  
21 it shall be sufficient for any such voter to submit to the  
22 judges of election in lieu of his absentee ballot, either a  
23 portion of such ballot if torn or mutilated, or an affidavit  
24 executed before the judges of election specifying that the  
25 voter never received an absentee ballot, ~~or an affidavit~~  
26 ~~executed before the judges of election specifying that the~~  
27 ~~voter desires to cancel or revoke any absentee ballot that~~  
28 ~~may have been cast in the voter's name.~~ If such person so  
29 registered shall be challenged as disqualified, the party  
30 challenging shall assign his reasons therefor, and thereupon  
31 one of the judges shall administer to him an oath to answer  
32 questions, and if he shall take the oath he shall then be  
33 questioned by the judge or judges touching such cause of  
34 challenge, and touching any other cause of disqualification.

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

23 I do solemnly swear (or affirm) that I am a resident of  
24 this election precinct (or district), and entitled to vote at  
25 this election, and that I have been a resident of this State  
26 for 30 days last past, and am well acquainted with the person  
27 whose vote is now offered; that he is an actual and bona fide  
28 resident of this election precinct (or district), and has  
29 resided herein 30 days, and as I verily believe, in this  
30 State, 30 days next preceding this election.

31 The oath in each case may be administered by one of the  
32 judges of election, or by any officer, resident in the  
33 precinct or district, authorized by law to administer oaths.  
34 Also supported by an affidavit by a registered voter residing

1 in such precinct, stating his own residence, and that he  
2 knows such person; and that he does reside at the place  
3 mentioned and has resided in such precinct and state for the  
4 length of time as stated by such person, which shall be  
5 subscribed and sworn to in the same way. Whereupon the vote  
6 of such person shall be received, and entered as other votes.  
7 But such judges, having charge of such registers, shall state  
8 in their respective books the facts in such case, and the  
9 affidavits, so delivered to the judges, shall be preserved  
10 and returned to the office of the commissioners of election.  
11 Blank affidavits of the character aforesaid shall be sent out  
12 to the judges of all the precincts, and the judges of  
13 election shall furnish the same on demand and administer the  
14 oaths without criticism. Such oaths, if administered by any  
15 other officer than such judge of election, shall not be  
16 received. Whenever a proposal for a constitutional amendment  
17 or for the calling of a constitutional convention is to be  
18 voted upon at the election, the separate blue ballot or  
19 ballots pertaining thereto shall be placed on top of the  
20 other ballots to be voted at the election in such manner that  
21 the legend appearing on the back thereof, as prescribed in  
22 Section 16-6 of this Act, shall be plainly visible to the  
23 voter, and in this fashion the ballots shall be handed to the  
24 voter by the judge.

25 The voter shall, upon quitting the voting booth, deliver  
26 to one of the judges of election all of the ballots, properly  
27 folded, which he received. The judge of election to whom the  
28 voter delivers his ballots shall not accept the same unless  
29 all of the ballots given to the voter are returned by him. If  
30 a voter delivers less than all of the ballots given to him,  
31 the judge to whom the same are offered shall advise him in a  
32 voice clearly audible to the other judges of election that  
33 the voter must return the remainder of the ballots. The  
34 statement of the judge to the voter shall clearly express the

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

24 The judge of election who receives the ballot or ballots  
25 from the voter shall announce the residence and name of such  
26 voter in a loud voice. The judge shall put the ballot or  
27 ballots received from the voter into the ballot box in the  
28 presence of the voter and the judges of election, and in  
29 plain view of the public. The judges having charge of such  
30 registers shall then, in a column prepared thereon, in the  
31 same line of, the name of the voter, mark "Voted" or the  
32 letter "V".

33 No judge of election shall accept from any voter less  
34 than the full number of ballots received by such voter

1 without first advising the voter in the manner above provided  
2 of the necessity of returning all of the ballots, nor shall  
3 any such judge advise such voter in a manner contrary to that  
4 which is herein permitted, or in any other manner violate the  
5 provisions of this section; provided, that the acceptance by  
6 a judge of election of less than the full number of ballots  
7 delivered to a voter who refuses to return to the voting  
8 booth after being properly advised by such judge shall not be  
9 a violation of this Section.

10 (Source: P.A. 89-653, eff. 8-14-96.)

11 (10 ILCS 5/18-40)

12 Sec. 18-40. Precinct tabulation optical scan technology  
13 voting equipment and direct recording electronic voting  
14 systems equipment.

15 If the election authority has adopted the use of Precinct  
16 Tabulation Optical Scan Technology voting equipment pursuant  
17 to Article 24B of this Code or Direct Recording Electronic  
18 Voting Systems equipment under Article 24C, and the  
19 provisions of those Articles ~~the Article~~ are in conflict with  
20 the provisions of this Article 18, the provisions of Article  
21 24B or Article 24C, as the case may be, shall govern the  
22 procedures followed by the election authority, its judges of  
23 elections, and all employees and agents. In following the  
24 provisions of Article 24B or Article 24C, the election  
25 authority is authorized to develop and implement procedures  
26 to fully utilize Precinct Tabulation Optical Scan Technology  
27 voting equipment or Direct Recording Electronic Voting  
28 Systems equipment authorized by the State Board of Elections  
29 as long as the procedure is not in conflict with either  
30 Article 24B, Article 24C, or the administrative rules of the  
31 State Board of Elections.

32 (Source: P.A. 89-394, eff. 1-1-97.)

1 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

2 Sec. 19-2.1. At the consolidated primary, general  
3 primary, consolidated, and general elections, electors  
4 entitled to vote by absentee ballot under the provisions of  
5 Section 19-1 may vote in person at the office of the  
6 municipal clerk, if the elector is a resident of a  
7 municipality not having a board of election commissioners, or  
8 at the office of the township clerk or, in counties not under  
9 township organization, at the office of the road district  
10 clerk if the elector is not a resident of a municipality;  
11 provided, in each case that the municipal, township or road  
12 district clerk, as the case may be, is authorized to conduct  
13 in-person absentee voting pursuant to this Section. Absentee  
14 voting in such municipal and township clerk's offices under  
15 this Section shall be conducted from the 22nd day through the  
16 day before the election.

17 Municipal and township clerks (or road district clerks)  
18 who have regularly scheduled working hours at regularly  
19 designated offices other than a place of residence and whose  
20 offices are open for business during the same hours as the  
21 office of the election authority shall conduct in-person  
22 absentee voting for said elections. Municipal and township  
23 clerks (or road district clerks) who have no regularly  
24 scheduled working hours but who have regularly designated  
25 offices other than a place of residence shall conduct  
26 in-person absentee voting for said elections during the hours  
27 of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m.,  
28 weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not  
29 during such hours as the office of the election authority is  
30 closed, unless the clerk files a written waiver with the  
31 election authority not later than July 1 of each year stating  
32 that he or she is unable to conduct such voting and the  
33 reasons therefor. Such clerks who conduct in-person absentee  
34 voting may extend their hours for that purpose to include any

1 hours in which the election authority's office is open.  
2 Municipal and township clerks (or road district clerks) who  
3 have no regularly scheduled office hours and no regularly  
4 designated offices other than a place of residence may not  
5 conduct in-person absentee voting for said elections. The  
6 election authority may devise alternative methods for  
7 in-person absentee voting before said elections for those  
8 precincts located within the territorial area of a  
9 municipality or township (or road district) wherein the clerk  
10 of such municipality or township (or road district) has  
11 waived or is not entitled to conduct such voting. In  
12 addition, electors may vote by absentee ballot under the  
13 provisions of Section 19-1 at the office of the election  
14 authority having jurisdiction over their residence.

15 In conducting absentee voting under this Section, the  
16 respective clerks shall not be required to verify the  
17 signature of the absentee voter by comparison with the  
18 signature on the official registration record card. However,  
19 the clerk shall reasonably ascertain the identity of such  
20 applicant, shall verify that each such applicant is a  
21 registered voter, and shall verify the precinct in which he  
22 or she is registered and the proper ballots of the political  
23 subdivisions in which the applicant resides and is entitled  
24 to vote, prior to providing any absentee ballot to such  
25 applicant. The clerk shall verify the applicant's  
26 registration and from the most recent poll list provided by  
27 the county clerk, and if the applicant is not listed on that  
28 poll list then by telephoning the office of the county clerk.

29 Absentee voting procedures in the office of the  
30 municipal, township and road district clerks shall be subject  
31 to all of the applicable provisions of this Article 19.  
32 Pollwatchers may be appointed to observe in-person absentee  
33 voting procedures at the office of the municipal, township or  
34 road district clerks' offices where such absentee voting is

1 conducted. Such pollwatchers shall qualify and be appointed  
2 in the same manner as provided in Sections 7-34 and 17-23,  
3 except each candidate, political party or organization of  
4 citizens may appoint only one pollwatcher for each location  
5 where in-person absentee voting is conducted. Pollwatchers  
6 shall be residents of the county and possess valid  
7 pollwatcher credentials. All requirements in this Article  
8 applicable to election authorities shall apply to the  
9 respective local clerks, except where inconsistent with this  
10 Section.

11 In election jurisdictions that deliver absentee ballots  
12 to the polling place to be counted by the precinct judges on  
13 election day, the sealed absentee ballots in their carrier  
14 envelope shall be delivered by the respective clerks, or by  
15 the election authority on behalf of a clerk if the clerk and  
16 the election authority agree, to the proper polling place  
17 before the close of the polls on the day of the general  
18 primary, consolidated primary, consolidated, or general  
19 election.

20 In election jurisdictions that have adopted a Direct  
21 Recording Electronic Voting System under Article 24C and that  
22 count absentee ballots in the office of the election  
23 authority on election day, the sealed absentee ballots in  
24 their carrier envelope shall be delivered to the office of  
25 the election authority by the respective clerks before the  
26 close of the polls on the day of the general primary,  
27 consolidated primary, consolidated, or general election.

28 Not more than 23 days before the nonpartisan, general and  
29 consolidated elections, the county clerk shall make available  
30 to those municipal, township and road district clerks  
31 conducting in-person absentee voting within such county, a  
32 sufficient number of applications, absentee ballots,  
33 envelopes, and printed voting instruction slips for use by  
34 absentee voters in the offices of such clerks. The respective



1 clerks shall receipt for all ballots received, shall return  
2 all unused or spoiled ballots to the county clerk on the day  
3 of the election and shall strictly account for all ballots  
4 received.

5 The ballots delivered to the respective clerks shall  
6 include absentee ballots for each precinct in the  
7 municipality, township or road district, or shall include  
8 such separate ballots for each political subdivision  
9 conducting an election of officers or a referendum on that  
10 election day as will permit any resident of the municipality,  
11 township or road district to vote absentee in the office of  
12 the proper clerk.

13 The clerks of all municipalities, townships and road  
14 districts may distribute applications for absentee ballot for  
15 the use of voters who wish to mail such applications to the  
16 appropriate election authority. Such applications for  
17 absentee ballots shall be made on forms provided by the  
18 election authority. Duplication of such forms by the  
19 municipal, township or road district clerk is prohibited.

20 (Source: P.A. 91-210, eff. 1-1-00.)

21 (10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

22 Sec. 19-7. Upon receipt of such absent voter's ballot,  
23 the election authority shall forthwith enclose the same  
24 unopened, together with the application made by said absent  
25 voter in a large or carrier envelope which shall be securely  
26 sealed and endorsed with the name and official title of such  
27 officer and the words, "This envelope contains an absent  
28 voter's ballot and must be opened on election day," together  
29 with the number and description of the precinct in which said  
30 ballot is to be voted, and such officer shall thereafter  
31 safely keep the same in his office until counted by him as  
32 provided in this Article ~~the next section~~.

33 Except as provided in Article 24C, the election authority

1 may choose (i) to have the absentee ballots delivered before  
2 the closing of the polls to their proper polling places for  
3 counting by the precinct judges or (ii) to have the absentee  
4 ballots received after 12:00 noon on election day or too late  
5 for delivery before the closing of the polls on election day  
6 counted in the office of the election authority by one or  
7 more panels of election judges appointed in the manner  
8 provided for in this Code.

9 (Source: P.A. 81-155.)

10 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

11 Sec. 19-8. In election jurisdictions that deliver  
12 absentee ballots to the polling place to be counted by the  
13 precinct judges, the provisions of this Section shall apply.

14 In case an absent voter's ballot is received by the  
15 election authority prior to the delivery of the official  
16 ballots to the judges of election of the precinct in which  
17 said elector resides, such ballot envelope and application,  
18 sealed in the carrier envelope, shall be enclosed in such  
19 package and therewith delivered to the judges of such  
20 precinct. In case the official ballots for such precinct have  
21 been delivered to the judges of election at the time of the  
22 receipt by the election authority of such absent voter's  
23 ballot, such authority shall immediately enclose said  
24 envelope containing the absent voter's ballot, together with  
25 his application therefor, in a larger or carrier envelope  
26 which shall be securely sealed and addressed on the face to  
27 the judges of election, giving the name or number of  
28 precinct, street and number of polling place, city or town in  
29 which such absent voter is a qualified elector, and the words  
30 "This envelope contains an absent voter's ballot and must be  
31 opened only on election day at the polls immediately after  
32 the polls are closed," mailing the same, postage prepaid, to  
33 such judges of election, or if more convenient, such officer

1 may deliver such absent voter's ballot to the judges of  
2 election in person or by duly deputized agent, said officer  
3 to secure his receipt for delivery of such ballot or ballots.  
4 Absent voters' ballots returned by absentee voters to the  
5 election authority after the closing of the polls on an  
6 election day shall be endorsed by the election authority  
7 receiving the same with the day and hour of receipt and shall  
8 be safely kept unopened by such election authority for the  
9 period of time required for the preservation of ballots used  
10 at such election, and shall then, without being opened, be  
11 destroyed in like manner as the used ballots of such  
12 election.

13 All absent voters' ballots received by the election  
14 authority after 12:00 noon on election day or too late for  
15 delivery to the proper polling place before the closing of  
16 the polls on election day, and Special Write-In Absentee  
17 Voter's Blank Ballots, except ballots returned by mail  
18 postmarked after midnight preceding the opening of the polls  
19 on election day, and all absent voters' ballots in election  
20 jurisdictions that use voting systems authorized by Article  
21 24C shall be endorsed by the election authority receiving the  
22 same with the day and hour of receipt and shall be counted in  
23 the office of the election authority on the day of the  
24 election after 7:00 p.m. All absent voters' ballots  
25 delivered in error to the wrong precinct polling place shall  
26 be returned to the election authority and counted under this  
27 provision; however, all absentee ballots received by the  
28 election authority by the close of absentee voting in the  
29 office of the election authority on the day preceding the day  
30 of election shall be delivered to the proper precinct polling  
31 places in time to be counted by the judges of election.

32 Such counting shall commence no later than 8:00 p.m. and  
33 shall be conducted by a panel or panels of election judges  
34 appointed in the manner provided by law. Such counting shall

1 continue until all absent voters' ballots received as  
2 aforesaid have been counted.

3 The procedures set forth in Section 19-9 of this Act and  
4 Articles 17 and 18 of this Code, shall apply to all absent  
5 voters' ballots counted under this provision, including  
6 comparing the signature on the ballot envelope with the  
7 signature of the voter on the permanent voter registration  
8 record card taken from the master file; except that votes  
9 shall be recorded ~~by without-regard-to~~ precinct designation,  
10 ~~except-for-precinct-offices~~.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

13 Sec. 19-9. At the close of the regular balloting and at  
14 the close of the polls the judges of election of each voting  
15 precinct or the panel or panels of judges in the office of  
16 the election authority, as the case may be, shall proceed to  
17 cast the absent voter's ballot separately, and as each absent  
18 voter's ballot is taken shall open the outer or carrier  
19 envelope, announce the absent voter's name, and compare the  
20 signature upon the application with the signature upon the  
21 certification on the ballot envelope and the signature of the  
22 voter on the permanent voter registration record card. In  
23 case the judges find the certifications properly executed,  
24 that the signatures correspond, that the applicant is a duly  
25 qualified elector in the precinct and the applicant has not  
26 been present and voted within the county where he represents  
27 himself to be a qualified elector on such election day, they  
28 shall open the envelope containing the absent voter's ballot  
29 in such manner as not to deface or destroy the certification  
30 thereon, or mark or tear the ballots therein and take out the  
31 ballot or ballots therein contained without unfolding or  
32 permitting the same to be unfolded or examined, and having  
33 endorsed the ballot in like manner as other ballots are

1 required to be endorsed, shall deposit the same in the proper  
2 ballot box or boxes and enter the absent voter's name in the  
3 poll book the same as if he had been present and voted in  
4 person. The judges shall place the absentee ballot  
5 certification envelopes in a separate envelope as per the  
6 direction of the election authority. Such envelope containing  
7 the absentee ballot certification envelopes shall be returned  
8 to the election authority and preserved in like manner as the  
9 official poll record.

10 In case such signatures do not correspond, or that the  
11 applicant is not a duly qualified elector in such precinct or  
12 that the ballot envelope is open or has been opened and  
13 resealed, or that said voter is present and has voted within  
14 the county where he represents himself to be a qualified  
15 elector on the day of such election at such election such  
16 previously cast vote shall not be allowed, but without  
17 opening the absent voter's envelope the judge of such  
18 election shall mark across the face thereof, "Rejected",  
19 giving the reason therefor.

20 In case the ballot envelope contains more than one ballot  
21 of any kind, said ballots shall not be counted, but shall be  
22 marked "Rejected", giving the reason therefor.

23 The absent voters' envelopes and affidavits and the  
24 absent voters' envelope with its contents unopened, when such  
25 absent vote is rejected shall be retained and preserved in  
26 the manner as now provided for the retention and preservation  
27 of official ballots rejected at such election.

28 As applied to an absentee ballot of a permanently  
29 disabled voter who has complied with Section 19-12.1, the  
30 word "certification" as used in this Section shall be  
31 construed to refer to the unsworn statement subscribed to by  
32 the voter pursuant to Section 19-12.1.

33 (Source: P.A. 87-1052.)

1 (10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

2 Sec. 19-10. Pollwatchers may be appointed to observe  
3 in-person absentee voting procedures at the office of the  
4 election authority as well as at municipal, township or road  
5 district clerks' offices where such absentee voting is  
6 conducted. Such pollwatchers shall qualify and be appointed  
7 in the same manner as provided in Sections 7-34 and 17-23,  
8 except each candidate, political party or organization of  
9 citizens may appoint only one pollwatcher for each location  
10 where in-person absentee voting is conducted. Pollwatchers  
11 shall be residents of the county and possess valid  
12 pollwatcher credentials.

13 In the polling place on election day, pollwatchers shall  
14 be permitted to be present during the casting of the absent  
15 voters' ballots and the vote of any absent voter may be  
16 challenged for cause the same as if he were present and voted  
17 in person, and the judges of the election or a majority  
18 thereof shall have power and authority to hear and determine  
19 the legality of such ballot; Provided, however, that if a  
20 challenge to any absent voter's right to vote is sustained,  
21 notice of the same must be given by the judges of election by  
22 mail addressed to the voter's place of residence.

23 Where ~~certain~~ absent voters' ballots are counted on the  
24 day of the election in the office of the election authority  
25 as provided in this Article Section-19-8-of-this-Act, each  
26 political party, candidate and qualified civic organization  
27 shall be entitled to have present one pollwatcher for each  
28 panel of election judges therein assigned. Such pollwatchers  
29 shall be subject to the same provisions as are provided for  
30 pollwatchers in Sections 7-34 and 17-23 of this Code, and  
31 shall be permitted to observe the election judges making the  
32 signature comparison between that which is on the absentee  
33 ballot application and that which is on the ballot envelope  
34 and ~~that-which-is-on~~ the permanent voter registration record

1 card taken from the master file.

2 (Source: P.A. 86-875.)

3 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

4 Sec. 19-12.2. Voting by physically incapacitated  
5 electors who have made proper application to the election  
6 authority not later than 5 days before the regular primary  
7 and general election of 1980 and before each election  
8 thereafter shall be conducted on the premises of facilities  
9 licensed or certified pursuant to the Nursing Home Care Act  
10 for the sole benefit of residents of such facilities. Such  
11 voting shall be conducted during any continuous period  
12 sufficient to allow all applicants to cast their ballots  
13 between the hours of 9 a.m. and 7 p.m. either on the Friday,  
14 Saturday, Sunday or Monday immediately preceding the regular  
15 election. This absentee voting on one of said days designated  
16 by the election authority shall be supervised by two election  
17 judges who must be selected by the election authority in the  
18 following order of priority: (1) from the panel of judges  
19 appointed for the precinct in which such facility is located,  
20 or from a panel of judges appointed for any other precinct  
21 within the jurisdiction of the election authority in the same  
22 ward or township, as the case may be, in which the facility  
23 is located or, only in the case where a judge or judges from  
24 the precinct, township or ward are unavailable to serve, (3)  
25 from a panel of judges appointed for any other precinct  
26 within the jurisdiction of the election authority. The two  
27 judges shall be from different political parties. Not less  
28 than 30 days before each regular election, the election  
29 authority shall have arranged with the chief administrative  
30 officer of each facility in his or its election jurisdiction  
31 a mutually convenient time period on the Friday, Saturday,  
32 Sunday or Monday immediately preceding the election for such  
33 voting on the premises of the facility and shall post in a

1 prominent place in his or its office a notice of the agreed  
2 day and time period for conducting such voting at each  
3 facility; provided that the election authority shall not  
4 later than noon on the Thursday before the election also post  
5 the names and addresses of those facilities from which no  
6 applications were received and in which no supervised  
7 absentee voting will be conducted. All provisions of this  
8 Code applicable to pollwatchers shall be applicable herein.  
9 To the maximum extent feasible, voting booths or screens  
10 shall be provided to insure the privacy of the voter. Voting  
11 procedures shall be as described in Article 17 of this Code,  
12 except that ballots shall be treated as absentee ballots and  
13 shall not be counted until the close of the polls on the  
14 following day. After the last voter has concluded voting, the  
15 judges shall seal the ballots in an envelope and affix their  
16 signatures across the flap of the envelope. Immediately  
17 thereafter, the judges shall bring the sealed envelope to the  
18 office of the election authority who shall preserve the  
19 ballots in the office of the election authority in those  
20 jurisdictions that have adopted a Direct Recording Electronic  
21 Voting System under Article 24C and that count absentee  
22 ballots in the office of the election authority or shall  
23 deliver the such ballots to the proper precinct polling  
24 places prior to the closing of the polls on the day of  
25 election in election jurisdictions that count absentee  
26 ballots in the polling place. Provided, that in election  
27 jurisdictions that count absentee ballots in the polling  
28 place the election authority may arrange for the judges who  
29 conduct such voting on the Monday before the election to  
30 deliver the sealed envelope directly to the proper precinct  
31 polling place on the day of election and shall announce such  
32 procedure in the 30 day notice heretofore prescribed. The  
33 judges of election shall also report to the election  
34 authority the name of any applicant in the facility who, due



1 to unforeseen circumstance or condition or because of a  
2 religious holiday, was unable to vote. In this event, the  
3 election authority may appoint a qualified person from his or  
4 its staff to deliver the ballot to such applicant on the day  
5 of election. This staff person shall follow the same  
6 procedures prescribed for judges conducting absentee voting  
7 in such facilities; but shall return the ballot to the proper  
8 precinct polling place before the polls close. However, if  
9 the facility from which the application was made is also used  
10 as a regular precinct polling place for that voter, voting  
11 procedures heretofore prescribed may be implemented by 2 of  
12 the election judges of opposite party affiliation assigned to  
13 that polling place during the hours of voting on the day of  
14 the election. Judges of election shall be compensated not  
15 less than \$25.00 for conducting absentee voting in such  
16 facilities.

17 Not less than 120 days before each regular election, the  
18 Department of Public Health shall certify to the State Board  
19 of Elections a list of the facilities licensed or certified  
20 pursuant to the Nursing Home Care Act, and shall indicate the  
21 approved bed capacity and the name of the chief  
22 administrative officer of each such facility, and the State  
23 Board of Elections shall certify the same to the appropriate  
24 election authority within 20 days thereafter.

25 (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

26 (10 ILCS 5/19-15)

27 Sec. 19-15. Precinct tabulation optical scan technology  
28 voting equipment and direct recording electronic voting  
29 systems equipment.

30 If the election authority has adopted the use of Precinct  
31 Tabulation Optical Scan Technology voting equipment pursuant  
32 to Article 24B of this Code or Direct Recording Electronic  
33 Voting Systems equipment under Article 24C, and the

1 provisions of those Articles ~~the Article~~ are in conflict with  
2 the provisions of this Article 19, the provisions of Article  
3 24B or Article 24C, as the case may be, shall govern the  
4 procedures followed by the election authority, its judges of  
5 elections, and all employees and agents. In following the  
6 provisions of Article 24B or Article 24C, the election  
7 authority is authorized to develop and implement procedures  
8 to fully utilize Precinct Tabulation Optical Scan Technology  
9 voting equipment or Direct Recording Electronic Voting  
10 Systems equipment authorized by the State Board of Elections  
11 as long as the procedure is not in conflict with either  
12 Article 24B, Article 24C, or the administrative rules of the  
13 State Board of Elections.

14 (Source: P.A. 89-394, eff. 1-1-97.)

15 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

16 Sec. 20-2. Any member of the United States Service,  
17 otherwise qualified to vote, who expects in the course of his  
18 duties to be absent from the county in which he resides on  
19 the day of holding any election may make application for an  
20 absentee ballot to the election authority having jurisdiction  
21 over his precinct of residence on the official postcard or on  
22 a form furnished by the election authority as prescribed by  
23 Section 20-3 of this Article not less than 10 days before the  
24 election. A request pursuant to this Section shall entitle  
25 the applicant to an absentee ballot for every election in one  
26 calendar year. The original application for ballot shall be  
27 kept in the office of the election authority for one year as  
28 authorization to send a ballot to the voter for each election  
29 to be held within that calendar year. A certified copy of  
30 such application for ballot shall be sent each election with  
31 the absentee ballot to the polling place to be used in lieu  
32 of the original application for ballot. No registration shall  
33 be required in order to vote pursuant to this Section.

1 Ballots under this Section shall be mailed by the  
2 election authority in the manner prescribed by Section 20-5  
3 of this Article and not otherwise. Ballots voted under this  
4 Section must be returned ~~to--the--election--authority~~ in  
5 sufficient time for delivery (i) to the proper precinct  
6 polling place before the closing of the polls on the day of  
7 the election in jurisdictions that count absentee ballots in  
8 the polling place or (ii) to the office of the election  
9 authority before the closing of the polls in those  
10 jurisdictions that have adopted a Direct Recording Electronic  
11 Voting System under Article 24C and that count absentee  
12 ballots in the office of the election authority.

13 (Source: P.A. 86-875.)

14 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

15 Sec. 20-2.1. Citizens of the United States temporarily  
16 residing outside the territorial limits of the United States  
17 who are not registered but otherwise qualified to vote and  
18 who expect to be absent from their county of residence during  
19 the periods of voter registration provided for in Articles 4,  
20 5 or 6 of this Code and on the day of holding any election,  
21 may make simultaneous application to the election authority  
22 having jurisdiction over their precinct of residence for an  
23 absentee registration and absentee ballot not less than 30  
24 days before the election. Such application may be made on the  
25 official postcard or on a form furnished by the election  
26 authority as prescribed by Section 20-3 of this Article. A  
27 request pursuant to this Section shall entitle the applicant  
28 to an absentee ballot for every election in one calendar  
29 year. The original application for ballot shall be kept in  
30 the office of the election authority for one year as  
31 authorization to send a ballot to the voter for each election  
32 to be held within that calendar year. A certified copy of  
33 such application for ballot shall be sent each election with

1 the absentee ballot to the polling place to be used in lieu  
2 of the original application for ballot.

3 Registration shall be required in order to vote pursuant  
4 to this Section. However, if the election authority receives  
5 one of such applications after 30 days but not less than 10  
6 days before a Federal election, said applicant shall be sent  
7 a ballot containing the Federal offices only and registration  
8 for that election shall be waived.

9 Ballots under this Section shall be mailed by the  
10 election authority in the manner prescribed by Section 20-5  
11 of this Article and not otherwise.

12 Ballots under this Section must be returned to the  
13 election authority in sufficient time for delivery (i) to the  
14 proper precinct polling place before the closing of the polls  
15 on the day of the election in those jurisdictions that count  
16 absentee ballots in the polling place or (ii) to the office  
17 of the election authority before the closing of the polls on  
18 election day in those jurisdictions that have adopted a  
19 Direct Recording Electronic Voting System under Article 24C  
20 and that count absentee ballots in the office of the election  
21 authority.

22 (Source: P.A. 86-875.)

23 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

24 Sec. 20-2.2. Any non-resident civilian citizen,  
25 otherwise qualified to vote, may make application to the  
26 election authority having jurisdiction over his precinct of  
27 former residence for an absentee ballot containing the  
28 Federal offices only not less than 10 days before a Federal  
29 election. Such application may be made only on the official  
30 postcard. A request pursuant to this Section shall entitle  
31 the applicant to an absentee ballot for every election in one  
32 calendar year at which Federal offices are filled. The  
33 original application for ballot shall be kept in the office

1 of the election authority for one year as authorization to  
2 send a ballot to the voter for each election to be held  
3 within that calendar year at which Federal offices are  
4 filled. A certified copy of such application for ballot  
5 shall be sent each election with the absentee ballot to the  
6 polling place to be used in lieu of the original application  
7 for ballot. No registration shall be required in order to  
8 vote pursuant to this Section. Ballots under this Section  
9 shall be mailed by the election authority in the manner  
10 prescribed by Section 20-5 of this Article and not otherwise.  
11 Ballots under this Section must be returned ~~to--the--election~~  
12 ~~authority~~ in sufficient time for delivery (i) to the proper  
13 precinct polling place before the closing of the polls on the  
14 day of the election in those jurisdictions that count  
15 absentee ballots in the polling place or (ii) to the office  
16 of the election authority before the closing of the polls on  
17 election day in those jurisdictions that have adopted a  
18 Direct Recording Electronic Voting System under Article 24C  
19 and that count absentee ballots in the office of the election  
20 authority.

21 (Source: P.A. 86-875.)

22 (10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

23 Sec. 20-7. Upon receipt of such absent voter's ballot,  
24 the officer or officers above described shall forthwith  
25 enclose the same unopened, together with the application made  
26 by said absent voter in a large or carrier envelope which  
27 shall be securely sealed and endorsed with the name and  
28 official title of such officer and the words, "This envelope  
29 contains an absent voter's ballot and must be opened on  
30 election day," together with the number and description of  
31 the precinct in which said ballot is to be voted, and such  
32 officer shall thereafter safely keep the same in his office  
33 until counted by him as provided in this Article ~~the-next~~

1 section.

2 Except as provided in Article 24C, the election authority  
3 may choose (i) to deliver the absentee ballots to the proper  
4 precinct polling place before the close of the polls on the  
5 election day to be counted by the precinct judges or (ii) to  
6 have the absentee ballots received after 12:00 noon on  
7 election day or too late for delivery before the closing of  
8 the polls on election day counted in the office of the  
9 election authority by one or more panels of election judges  
10 appointed in the manner provided for in this Code.

11 (Source: P.A. 81-155.)

12 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

13 Sec. 20-8. (a) In election jurisdictions that count  
14 absentee ballots in the polling place, this subsection shall  
15 apply.

16 In case any such ballot is received by the election  
17 authority prior to the delivery of the official ballots to  
18 the judges of election of the precinct in which said elector  
19 resides, such ballot envelope and application, sealed in the  
20 carrier envelope, shall be enclosed in the same package with  
21 the other official ballots and therewith delivered to the  
22 judges of such precinct. In case the official ballots for  
23 such precinct have been delivered to the judges of election  
24 at the time of the receipt by the election authority of such  
25 absent voter's ballot, it shall immediately enclose said  
26 envelope containing the absent voter's ballot, together with  
27 his application therefor, in a larger or carrier envelope  
28 which shall be securely sealed and addressed on the face to  
29 the judges of election, giving the name or number of  
30 precinct, street and number of polling place, city or town in  
31 which such absent voter is a qualified elector, and the  
32 words, "This envelope contains an absent voter's ballot and  
33 must be opened only on election day at the polls immediately

1 after the polls are closed," mailing the same, postage  
2 prepaid, to such judges of election, or if more convenient he  
3 or it may deliver such absent voter's ballot to the judges of  
4 election in person or by duly deputized agent and secure his  
5 receipt for delivery of such ballot or ballots. Absent  
6 voter's ballots postmarked after 11:59 p.m. of the day  
7 immediately preceding the election returned to the election  
8 authority too late to be delivered to the proper polling  
9 place before the closing of the polls on the day of election  
10 shall be endorsed by the person receiving the same with the  
11 day and hour of receipt and shall be safely kept unopened by  
12 the election authority for the period of time required for  
13 the preservation of ballots used at such election, and shall  
14 then, without being opened, be destroyed in like manner as  
15 the used ballots of such election.

16 (b) All absent voters' ballots received by the election  
17 authority after 12:00 noon on election day or too late for  
18 delivery to the proper polling place before the closing of  
19 the polls on election day, except ballots returned by mail  
20 postmarked after midnight preceding the opening of the polls  
21 on election day, and all absent voters' ballots in election  
22 jurisdictions that use voting systems authorized by Article  
23 24C shall be counted in the office of the election authority  
24 on the day of the election after 7:00 p.m. All absent voters'  
25 ballots delivered in error to the wrong precinct polling  
26 place shall be returned to the election authority and counted  
27 under this provision.

28 Such counting shall commence no later than 8:00 p.m. and  
29 shall be conducted by a panel or panels of election judges  
30 appointed in the manner provided by law. Such counting shall  
31 continue until all absent voters' ballots received as  
32 aforesaid have been counted.

33 The procedures set forth in Section 19-9 of this Act and  
34 Articles 17 and 18 of this Code, shall apply to all absent

1 voters' ballots counted under this provision; except that  
2 votes shall be recorded by ~~without--regard--to~~ precinct  
3 designation.

4 Where certain absent voters' ballots are counted in the  
5 office of the election authority as provided in this Section,  
6 each political party, candidate and qualified civic  
7 organization shall be entitled to have present one  
8 pollwatcher for each panel of election judges therein  
9 assigned.

10 (Source: P.A. 84-861.)

11 (10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

12 Sec. 20-9. At the close of the regular balloting and at  
13 the close of the polls the judges of election of each voting  
14 precinct or the panel or panels of judges in the office of  
15 the election authority, as the case may be, shall proceed to  
16 cast the absent voter's ballot separately, and as each absent  
17 voter's ballot is taken shall open the outer or carrier  
18 envelope, announce the absent voter's name, and compare the  
19 signature upon the application with the signature upon the  
20 registration record card if the voter is registered or upon  
21 the certification on the ballot envelope if there is no  
22 registration card. In case the judges find the certifications  
23 properly executed, that the signatures correspond, that the  
24 applicant is a duly qualified elector in the precinct and the  
25 applicant has not been present and voted within the county  
26 where he represents himself to be a qualified elector on such  
27 election day, they shall open the envelope containing the  
28 absent voter's ballot in such manner as not to deface or  
29 destroy the certification thereon, or mark or tear the  
30 ballots therein and take out the ballot or ballots therein  
31 contained without unfolding or permitting the same to be  
32 unfolded or examined, and having endorsed or initialed the  
33 ballot in like manner as other ballots are required to be



1 endorsed, shall deposit the same in the proper ballot box or  
2 boxes and mark the voter's registration record card  
3 accordingly or file the application in lieu thereof. The  
4 judges shall place the absentee ballot certification  
5 envelopes in a separate envelope as per the direction of the  
6 election authority. Such envelope containing the absentee  
7 ballot certification envelopes shall be returned to the  
8 election authority and preserved in like manner as the  
9 official poll record.

10 In case the signatures do not correspond, or that the  
11 applicant is not a duly qualified elector in such precinct or  
12 that the ballot envelope is open or has been opened and  
13 resealed (except for the purpose of military censorship), or  
14 that said voter is present and has voted within the county  
15 where he represents himself to be a qualified elector on the  
16 day of such election at such election such previously cast  
17 vote shall not be allowed, but without opening the absent  
18 voter's envelope the judge of such election shall mark across  
19 the face thereof, "Rejected", giving the reason therefor.

20 In case the ballot envelope contains duplicate ballots,  
21 said ballots shall not be counted, but shall be marked  
22 "Rejected", giving the reason therefor.

23 The absent voters' envelopes and certifications and the  
24 absent voters' envelope with its contents unopened, when such  
25 absent vote is rejected shall be retained and preserved in  
26 the manner as now provided for the retention and preservation  
27 of official ballots rejected at such election.

28 (Source: P.A. 87-1052.)

29 (10 ILCS 5/20-15)

30 Sec. 20-15. Precinct tabulation optical scan technology  
31 voting equipment and direct recording electronic voting  
32 systems equipment.

33 If the election authority has adopted the use of Precinct

1 Tabulation Optical Scan Technology voting equipment pursuant  
 2 to Article 24B of this Code or Direct Recording Electronic  
 3 Voting Systems equipment under Article 24C of this Code, and  
 4 the provisions of those Articles ~~the Article~~ are in conflict  
 5 with the provisions of this Article 20, the provisions of  
 6 Article 24B or Article 24C, as the case may be, shall govern  
 7 the procedures followed by the election authority, its judges  
 8 of elections, and all employees and agents. In following the  
 9 provisions of Article 24B or Article 24C, the election  
 10 authority is authorized to develop and implement procedures  
 11 to fully utilize Precinct Tabulation Optical Scan Technology  
 12 voting equipment or Direct Recording Electronic Voting  
 13 Systems equipment authorized by the State Board of Elections  
 14 as long as the procedure is not in conflict with either  
 15 Article 24B, Article 24C, or the administrative rules of the  
 16 State Board of Elections.

17 (Source: P.A. 89-394, eff. 1-1-97.)

18 (10 ILCS 5/Art. 24C heading new)

19 ARTICLE 24C. DIRECT RECORDING  
 20 ELECTRONIC VOTING SYSTEMS

21 (10 ILCS 5/24C-1 new)

22 Sec. 24C-1. Purpose. The purpose of this Article is to  
 23 authorize the use of Direct Recording Electronic Voting  
 24 Systems approved by the State Board of Elections. In a  
 25 Direct Recording Electronic Voting System, voters cast votes  
 26 by means of a ballot display provided with mechanical or  
 27 electro-optical devices that can be activated by the voters  
 28 to mark their choices for the candidates of their preference  
 29 and for or against public questions. The voting devices shall  
 30 be capable of instantaneously recording the votes, storing  
 31 the votes, and tabulating the votes at the precinct. This  
 32 Article authorizes the use of Direct Recording Electronic

1 Voting Systems for in-precinct counting applications, except  
2 that absentee ballots must be counted at the office of the  
3 election authority.

4 (10 ILCS 5/24C-2 new)

5 Sec. 24C-2. Definitions. As used in this Article:

6 "Audit trail" means a continuous trail of evidence  
7 linking individual transactions related to the vote count  
8 with the summary record of vote totals, but that shall not  
9 allow for the identification of the voter. An electronic  
10 voting system shall produce a permanent paper record with a  
11 manual audit capacity for each ballot cast at the time the  
12 voter votes that the voter shall review ("voter verified  
13 paper audit trail") prior to the voter depositing the  
14 permanent paper record into a "ballot" box before leaving the  
15 polling place. This voter verified paper audit trail shall be  
16 cross-auditable against the electronic ballots recorded by  
17 the voting machine as a verification of the accuracy of the  
18 count and detection of any possible problems with either  
19 electronic ballots or voter verified paper audit trail, but  
20 shall not allow for the identification of the voter. The  
21 voter verified paper audit trail shall be available as the  
22 official record for any recount conducted for any election in  
23 which the system is used. It shall permit verification of the  
24 accuracy of the count and detection and correction of  
25 problems and shall provide a record of each step taken in:  
26 defining and producing ballots and generating related  
27 software for specific elections; installing ballots and  
28 software; testing system readiness; casting and tabulating  
29 ballots; and producing reports of vote totals. The record  
30 shall incorporate system status and error messages generated  
31 during election processing, including a log of machine  
32 activities and routine and unusual intervention by authorized  
33 and unauthorized individuals. Also part of an election audit

1 trail is the documentation of such items as ballots delivered  
2 and collected, administrative procedures for system security,  
3 pre-election testing of voting systems, and maintenance  
4 performed on voting equipment.

5 "Ballot" means an electronic audio or video display or  
6 any other medium used to record a voter's choices for the  
7 candidates of his or her preference and for or against public  
8 questions.

9 "Ballot configuration" means the particular combination  
10 of political subdivision or district ballots including, for  
11 each political subdivision or district, the particular  
12 combination of offices, candidate names, and public questions  
13 as they appear for each group of voters who may cast the same  
14 ballot.

15 "Ballot image" means a corresponding representation in  
16 electronic form of the mark or vote position of a ballot.

17 "Ballot label" or "ballot screen" means the display of  
18 material containing the names of offices and candidates and  
19 public questions to be voted on.

20 "Computer", "automatic and electronic tabulating  
21 equipment", or "equipment" includes (i) apparatus necessary  
22 to automatically or electronically examine and count votes as  
23 designated on ballots and (ii) data processing machines that  
24 can be used for counting ballots and tabulating results.

25 "Computer operator" means any person or persons  
26 designated by the election authority to operate the automatic  
27 tabulating equipment during any portion of the vote tallying  
28 process in an election, but shall not include judges of  
29 election operating vote tabulating equipment in the precinct.

30 "Computer program" or "program" means the set of  
31 operating instructions for the automatic or electronic  
32 tabulating equipment that examines, records, counts,  
33 tabulates, canvasses, and prints votes recorded by a voter on  
34 a ballot.

1 "Direct recording electronic voting system", "voting  
2 system", or "system" means the combination of equipment and  
3 programs that records votes by means of a ballot display  
4 provided with mechanical or electro-optical devices that can  
5 be activated by the voter, that processes the data by means  
6 of a computer program, that records voting data and ballot  
7 images in internal memory devices, that produces a voter  
8 verified paper audit trail, and that produces a tabulation of  
9 the voting data as hard copy or stored in a removable memory  
10 device.

11 "Edit listing" means a computer generated listing of the  
12 names of each candidate and public question as they appear in  
13 the program for each precinct.

14 "In-precinct counting" means the recording and counting  
15 of ballots on automatic or electronic tabulating equipment  
16 provided by the election authority in the same precinct  
17 polling place in which those ballots have been cast.

18 "Separate ballot" means a separate page or display screen  
19 of the ballot that is clearly defined and distinguishable  
20 from other portions of the ballot.

21 "Voting device" or "voting machine" means a Direct  
22 Recording Voting System apparatus.

23 "Voter verified paper audit trail" means a permanent  
24 paper record with a manual audit capacity produced for each  
25 ballot cast at the time the voter votes. The voter shall have  
26 the opportunity to review this permanent paper record. Any  
27 record of voter intent shall be written in human readable  
28 form on this permanent paper record. Election officials  
29 retain this permanent paper record as the official record for  
30 any recount conducted with respect to any election in which  
31 the system is used.

32 (10 ILCS 5/24C-3 new)

33 Sec. 24C-3. Adoption, experimentation, or abandonment of

1 Direct Recording Electronic Voting System; boundaries of  
2 precincts; notice. Any county board or board of county  
3 commissioners, with respect to territory within its  
4 jurisdiction, may adopt, experiment with, or abandon a Direct  
5 Recording Electronic Voting System approved for use by the  
6 State Board of Elections and may use the system in all or  
7 some of the precincts within its jurisdiction, or in  
8 combination with punch cards, paper ballots, or ballot  
9 sheets. In no case may a county board, board of county  
10 commissioners, or board of election commissioners contract or  
11 arrange for the purchase, lease, or loan of a Direct  
12 Recording Electronic Voting System or system component  
13 without the approval of the State Board of Elections as  
14 provided by Section 24C-16. The county board and board of  
15 county commissioners of each county having a population of  
16 40,000 or more, with respect to all elections for which an  
17 election authority is charged with the duty of providing  
18 materials and supplies, must provide either a Direct  
19 Recording Electronic Voting System approved for use by the  
20 State Board of Elections under this Article or voting systems  
21 under Article 24, Article 24A, or Article 24B for each  
22 precinct for all elections, except as provided in Section  
23 24-1.2. For purposes of this Section "population" does not  
24 include persons prohibited from voting by Section 3-5 of this  
25 Code.

26 Before any Direct Recording Electronic Voting System is  
27 introduced, adopted, or used in any precinct or territory, at  
28 least 2 months public notice must be given before the date of  
29 the first election when the system is to be used. The  
30 election authority shall publish the notice at least once in  
31 one or more newspapers published within the county, or other  
32 jurisdiction, where the election is held. If there is no  
33 such newspaper, the notice shall be published in a newspaper  
34 published in the county and having a general circulation

1 within the jurisdiction. The notice shall be substantially  
2 as follows:

3 "Notice is hereby given that on (give date), at (insert  
4 place where election is held) in the county of (insert  
5 county) an election will be held for (insert name of offices  
6 to be filled) at which a Direct Recording Electronic Voting  
7 System will be used."

8 Dated at ... (insert date)"

9 This notice referred to shall be given only at the first  
10 election at which the Direct Recording Electronic Voting  
11 System is used.

12 (10 ILCS 5/24C-3.1 new)

13 Sec. 24C-3.1. Retention, consolidation, or alteration of  
14 existing precincts; change of location. When a Direct  
15 Recording Electronic Voting System is used, the county board  
16 or board of election commissioners may retain existing  
17 precincts or may consolidate, combine, alter, decrease, or  
18 enlarge the boundaries of the precincts to change the number  
19 of registered voters of the precincts using the system,  
20 establishing the number of registered voters within each  
21 precinct at a number not to exceed 800 as the appropriate  
22 county board or board of election commissioners determines  
23 will afford adequate voting facilities and efficient and  
24 economical elections.

25 Except in the event of a fire, flood, or total loss of  
26 heat in a place fixed or established pursuant to law by any  
27 county board or board of election commissioners as a polling  
28 place for an election, no election authority shall change the  
29 location of a polling place established for any precinct  
30 after notice of the place of holding the election for that  
31 precinct has been given as required under Article 12, unless  
32 the election authority notifies all registered voters in the  
33 precinct of the change in location by first class mail in

1 sufficient time for the notice to be received by the  
2 registered voters in the precinct at least one day prior to  
3 the date of the election.

4 (10 ILCS 5/24C-4 new)

5 Sec. 24C-4. Use of Direct Recording Electronic Voting  
6 System; requisites; applicable procedure. Direct Recording  
7 Electronic Voting Systems may be used in elections provided  
8 that the systems enable the voter to cast a vote for all  
9 offices and on all public questions for which he or she is  
10 entitled to vote, and that the systems are approved for use  
11 by the State Board of Elections.

12 So far as applicable, the procedure provided for voting  
13 paper ballots shall apply when Direct Recording Electronic  
14 Voting Systems are used. The provisions of this Article 24C  
15 will govern when there are conflicts.

16 (10 ILCS 5/24C-5 new)

17 Sec. 24C-5. Voting booths. In precincts where a Direct  
18 Recording Electronic Voting System is used, a sufficient  
19 number of voting booths shall be provided for the use of the  
20 system according to the requirements determined by the State  
21 Board of Elections. Each booth shall be placed so that the  
22 entrance to each booth faces a wall in a manner that no judge  
23 of election or pollwatcher is able to observe a voter casting  
24 a ballot.

25 (10 ILCS 5/24C-5.1 new)

26 Sec. 24C-5.1. Instruction of voters. Before entering the  
27 voting booth each voter shall be offered instruction in using  
28 the Direct Recording Electronic Voting System. In  
29 instructing voters, no election judge may show partiality to  
30 any political party or candidate. The duties of instruction  
31 shall be discharged by a judge from each of the political



1 parties represented and they shall alternate serving as  
2 instructor so that each judge shall serve a like time at  
3 those duties. No instructions may be given after the voter  
4 has entered the voting booth.

5 No election judge or person assisting a voter may in any  
6 manner request, suggest, or seek to persuade or induce any  
7 voter to cast his or her vote for any particular ticket,  
8 candidate, amendment, question, or proposition. All  
9 instructions shall be given by election judges in a manner  
10 that it may be observed by other persons in the polling  
11 place.

12 (10 ILCS 5/24C-5.2 new)

13 Sec. 24C-5.2. Demonstration of Direct Recording  
14 Electronic Voting System; placement in public library. When  
15 a Direct Recording Electronic Voting System is to be used in  
16 a forthcoming election, the election authority may provide,  
17 for the purpose of instructing voters in the election, one  
18 demonstrator Direct Recording Electronic Voting System unit  
19 for placement in any public library within the political  
20 subdivision where the election occurs. If the placement of a  
21 demonstrator takes place it shall be made available at least  
22 30 days before the election.

23 (10 ILCS 5/24C-6 new)

24 Sec. 24C-6. Ballot information; arrangement; absentee  
25 ballots; spoiled ballots. The ballot information shall, as  
26 far as practicable, be in the order of arrangement provided  
27 for paper ballots, except that the information may be in  
28 vertical or horizontal rows or on a number of separate pages  
29 or display screens.

30 All public questions, including but not limited to public  
31 questions calling for a constitutional convention,  
32 constitutional amendment, or judicial retention, shall be

1 placed on the ballot separate and apart from candidates.  
2 Ballots for all public questions shall be clearly designated  
3 pursuant to administrative rule of the State Board of  
4 Elections. More than one amendment to the constitution may  
5 be placed on the same portion of the ballot screen.  
6 Constitutional convention or constitutional amendment  
7 propositions shall precede all candidates and other  
8 propositions and shall be placed on a separate portion of the  
9 ballot and designated by borders or unique color screens,  
10 unless otherwise provided by administrative rule of the State  
11 Board of Elections. More than one public question may be  
12 placed on the same portion of the ballot. Judicial retention  
13 propositions shall be placed on a separate portion of the  
14 ballot designated pursuant to administrative rule of the  
15 State Board of Elections. More than one proposition for  
16 retention of judges in office may be placed on the same  
17 portion of the ballot.

18 The party affiliation, if any, of each candidate or the  
19 word "independent", where applicable, shall appear near or  
20 under the candidate's name, and the names of candidates for  
21 the same office shall be listed vertically under the title of  
22 that office. In the case of nonpartisan elections for  
23 officers of political subdivisions, unless the statute or an  
24 ordinance adopted pursuant to Article VII of the Illinois  
25 Constitution requires otherwise, the listing of nonpartisan  
26 candidates shall not include any party or "independent"  
27 designation. In primary elections, a separate ballot, shall  
28 be used for each political party holding a primary, with the  
29 ballot arranged to include names of the candidates of the  
30 party and public questions and other propositions to be voted  
31 upon on the day of the primary election.

32 If the ballot includes both candidates for office and  
33 public questions or propositions to be voted on, the election  
34 official in charge of the election shall divide the ballot in

1 sections for "Candidates" and "Public Questions", or separate  
2 ballots may be used.

3 Any voter who spoils his or her ballot or makes an error  
4 shall be provided a means of correcting the ballot or  
5 obtaining a new ballot prior to casting his or her ballot.

6 (10 ILCS 5/24C-6.1 new)

7 Sec. 24C-6.1. Security designation. In all elections  
8 conducted under this Article, ballots shall have a security  
9 designation. In precincts where more than one ballot  
10 configuration may be voted upon, ballots shall have a  
11 different security designation for each ballot configuration.  
12 If a precinct has only one possible ballot configuration, the  
13 ballots must have a security designation to identify the  
14 precinct and the election. Where ballots from more than one  
15 precinct are being tabulated, the ballots from each precinct  
16 must be clearly identified; official results shall not be  
17 generated unless the precinct identification for any precinct  
18 corresponds. The Direct Recording Electronic Voting System  
19 shall be designed to ensure that the proper ballot is  
20 selected for each polling place and that the format can be  
21 matched to the software or firmware required to interpret it  
22 correctly. The system shall provide a means of programming  
23 each piece of equipment to reflect the ballot requirements of  
24 the election and shall include a means for validating the  
25 correctness of the program and of the program's installation  
26 in the equipment or in a programmable memory device.

27 (10 ILCS 5/24C-7 new)

28 Sec. 24C-7. Write-in ballots. Pursuant to administrative  
29 rule of the State Board of Elections, a Direct Recording  
30 Electronic Voting System shall provide an acceptable method  
31 for a voter to vote for a person whose name does not appear  
32 on the ballot using the same Direct Recording Electronic

1 Voting System used to record votes for candidates whose names  
2 do appear on the ballot.

3 (10 ILCS 5/24C-8 new)

4 Sec. 24C-8. Preparation for use; comparison of ballots;  
5 operational checks of Direct Recording Electronic Voting  
6 Systems equipment; pollwatchers. The election authority  
7 shall cause the approved Direct Recording Electronic Voting  
8 System equipment to be delivered to the polling places.  
9 Before the opening of the polls, all Direct Recording  
10 Electronic Voting System devices shall provide a printed  
11 record of the following, upon verification of the  
12 authenticity of the commands by a judge of election: the  
13 election's identification data, the equipment's unit  
14 identification, the ballot's format identification, the  
15 contents of each active candidate register by office and of  
16 each active public question register showing that they  
17 contain all zeros, all ballot fields that can be used to  
18 invoke special voting options, and other information needed  
19 to ensure the readiness of the equipment, and to accommodate  
20 administrative reporting requirements.

21 The Direct Recording Electronic Voting System shall  
22 provide a means for the election judges to open the polling  
23 place and ready the equipment for the casting of ballots.  
24 Those means shall incorporate a security seal, a password, or  
25 a data code recognition capability to prevent inadvertent or  
26 unauthorized actuation of the poll-opening function. If more  
27 than one step is required, it shall enforce their execution  
28 in the proper sequence.

29 Pollwatchers, as provided by law, shall be permitted to  
30 closely observe the judges in these procedures and to  
31 periodically inspect the Direct Recording Electronic Voting  
32 System equipment when not in use by the voters.

1 (10 ILCS 5/24C-9 new)

2 Sec. 24C-9. Testing of Direct Recording Electronic Voting  
3 System equipment and programs; custody of programs, test  
4 materials, and ballots. Prior to the public test, the  
5 election authority shall conduct an errorless pre-test of the  
6 Direct Recording Electronic Voting System equipment and  
7 programs to determine that they will correctly detect voting  
8 defects and count the votes cast for all offices and all  
9 public questions. On any day not less than 5 days prior to  
10 the election day, the election authority shall publicly test  
11 the Direct Recording Electronic Voting System equipment and  
12 programs to determine that they will correctly count the  
13 votes cast for all offices and on all public questions.  
14 Public notice of the time and place of the test shall be  
15 given at least 48 hours before the test by publishing the  
16 notice in one or more newspapers within the election  
17 jurisdiction of the election authority, if a newspaper is  
18 published in that jurisdiction. If a newspaper is not  
19 published in that jurisdiction, notice shall be published in  
20 a newspaper of general circulation in that jurisdiction.  
21 Timely written notice stating the date, time, and location of  
22 the public test shall also be provided to the State Board of  
23 Elections. The test shall be open to representatives of the  
24 political parties, the press, representatives of the State  
25 Board of Elections, and the public. The test shall be  
26 conducted by entering a preaudited group of ballots marked to  
27 record a predetermined number of valid votes for each  
28 candidate and on each public question, and shall include for  
29 each office one or more ballots having votes exceeding the  
30 number allowed by law to test the ability of the electronic  
31 tabulating equipment to reject the votes. The test shall  
32 also include producing an edit listing.

33 The State Board of Elections may select as many election  
34 jurisdictions that the Board deems advisable in the interests

1 of the election process of this State to order a special test  
2 of the electronic tabulating equipment and program before any  
3 regular election. The Board may order a special test in any  
4 election jurisdiction where, during the preceding 12 months,  
5 computer programming errors or other errors in the use of the  
6 system resulted in vote tabulation errors. Not less than 30  
7 days before any election, the State Board of Elections shall  
8 provide written notice to those selected jurisdictions of its  
9 intent to conduct a test. Within 5 days of receipt of the  
10 State Board of Elections' written notice of intent to conduct  
11 a test, the selected jurisdictions shall forward to the  
12 principal office of the State Board of Elections a copy of  
13 all specimen ballots. The State Board of Elections' tests  
14 shall be conducted and completed not less than 2 days before  
15 the public test using testing materials supplied by the Board  
16 and under the supervision of the Board, and the Board shall  
17 reimburse the election authority for the reasonable cost of  
18 computer time required to conduct the special test. After an  
19 errorless test, materials used in the public test, including  
20 the program, if appropriate, shall be sealed and remain  
21 sealed until the test is run again on election day. If any  
22 error is detected, the cause of the error shall be determined  
23 and corrected, and an errorless public test shall be made  
24 before the automatic tabulating equipment is approved. Each  
25 election authority shall file a sealed copy of each tested  
26 program to be used within its jurisdiction at an election  
27 with the State Board of Elections before the election. The  
28 Board shall secure the program or programs of each election  
29 jurisdiction so filed in its office for the 60 days following  
30 the canvass and proclamation of election results. At the  
31 expiration of that time, if no election contest or appeal is  
32 pending in an election jurisdiction, the Board shall return  
33 the sealed program or programs to the election authority of  
34 the jurisdiction. After the completion of the count, the test

1 shall be re-run using the same program. Immediately after  
2 the re-run, all material used in testing the program and the  
3 programs shall be sealed and retained under the custody of  
4 the election authority for a period of 60 days. At the  
5 expiration of that time the election authority shall destroy  
6 the voted ballots, together with all unused ballots returned  
7 from the precincts, provided, that if any contest of election  
8 is pending at the time in which the ballots may be required  
9 as evidence and the election authority has notice of the  
10 contest, the ballots shall not be destroyed until after the  
11 contest is finally determined. If the use of back-up  
12 equipment becomes necessary, the same testing required for  
13 the original equipment shall be conducted.

14 (10 ILCS 5/24C-10 new)

15 Sec. 24C-10. Recording of votes by Direct Recording  
16 Electronic Voting Systems. Whenever a Direct Recording  
17 Electronic Voting System is used to electronically record and  
18 count the votes of ballots, the provisions of this Section  
19 shall apply. A voter shall cast a proper vote on a ballot  
20 pursuant to the instructions provided on the screen or  
21 labels.

22 (10 ILCS 5/24C-11 new)

23 Sec. 24C-11. Functional requirements. The functional  
24 requirements of a Direct Recording Electronic Voting System  
25 shall be specified by the administrative rules of the State  
26 Board of Elections.

27 (10 ILCS 5/24C-12 new)

28 Sec. 24C-12. Procedures for counting and tallying of  
29 ballots. In an election jurisdiction where a Direct Recording  
30 Electronic Voting System is used, the procedures in this  
31 Section for counting and tallying the ballots shall apply.

1 Before the opening of the polls, the judges of elections  
2 shall assemble the voting equipment and devices and turn the  
3 equipment on. The judges shall, if necessary, take steps to  
4 actuate the voting devices and counting equipment by  
5 inserting into the equipment and voting devices appropriate  
6 electronic media containing passwords and data codes that  
7 will select the proper ballot formats for that polling place  
8 and that will prevent inadvertent or unauthorized actuation  
9 of the poll-opening function. Before voting begins and  
10 before ballots are entered into the voting devices, the  
11 judges of election shall cause to be printed a record of the  
12 following: (i) the election's identification data, (ii) the  
13 device's unit identification, (iii) the ballot's format  
14 identification, (iv) the contents of each active candidate  
15 register by office and of each active public question  
16 register showing that they contain all zeros, (v) all ballot  
17 fields that can be used to invoke special voting options, and  
18 (vi) other information needed to ensure the readiness of the  
19 equipment and to accommodate administrative reporting  
20 requirements. The judges must also check to be sure that the  
21 totals are all zeros in the counting columns and in the  
22 public counter affixed to the voting devices.

23 After the judges have determined that a person is  
24 qualified to vote, the judges shall enable a voting device to  
25 be used by the voter and the proper ballot to which the voter  
26 is entitled shall be selected. The ballot may then be cast  
27 by the voter by marking by appropriate means the designated  
28 area of the ballot for the casting of a vote for any  
29 candidate or for or against any public question. The voter  
30 shall be able to vote for any and all candidates and public  
31 measures appearing on the ballot in any legal number and  
32 combination and the voter shall be able to delete or change  
33 his or her selections before the ballot is cast. The voter  
34 shall be able to select candidates whose names do not appear



1 upon the ballot for any office by following the instructions  
2 provided on the screen or labels as many names of candidates  
3 as the voter is entitled to select for each office.

4 Upon completing his or her selection of candidates or  
5 public questions, the voter shall signify that voting has  
6 been completed by activating the appropriate button, switch,  
7 or active area of the ballot screen associated with end of  
8 voting. Upon activation, the voting system shall record an  
9 image of the completed ballot, shall increment the proper  
10 ballot position registers, shall produce a voter verified  
11 paper audit trail, and shall signify to the voter that the  
12 ballot has been cast. The voter shall exit the voting station  
13 and the voting system shall prevent any further attempt to  
14 vote until it has been re-activated by the judges of  
15 election. If the voter fails to cast his or her ballot and  
16 leaves the polling place, 2 judges of election, one from each  
17 of the 2 major political parties, shall spoil the ballot.

18 Throughout the election day and before the closing of the  
19 polls, no person may check any vote totals for any candidate  
20 or public question on the voting or counting equipment.

21 The precinct judges of election shall check the public  
22 register to determine whether the number of ballots counted  
23 by the voting equipment agrees with the number of voters  
24 voting as shown by the applications for ballot. If the same  
25 do not agree, the judges of election shall immediately  
26 contact the offices of the election authority in charge of  
27 the election for further instructions. If the number of  
28 ballots counted by the voting equipment agrees with the  
29 number of voters voting as shown by the application for  
30 ballot, the number shall be listed on the "Statement of  
31 Ballots" form provided by the election authority.

32 The totals for all candidates and propositions shall be  
33 tabulated and 4 copies of a "Certificate of Results" shall be  
34 printed by the electronic tabulating equipment. In addition,

1 one copy shall be posted in a conspicuous place inside the  
2 polling place and every effort shall be made by the judges of  
3 election to provide a copy for each authorized pollwatcher or  
4 other official authorized to be present in the polling place  
5 to observe the counting of ballots. Additional copies shall  
6 be made available to pollwatchers, but in no case shall there  
7 be fewer than 4 chosen by lot by the judges of election. In  
8 addition, sufficient time shall be provided by the judges of  
9 election to the pollwatchers to allow them to copy  
10 information from the copy that has been posted.

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  
16 bi-partisan team of 2 judges, who shall immediately return  
17 the ballots in a sealed container, along with all other  
18 election materials and equipment as instructed by the  
19 election authority; provided, however, that the container  
20 must first be sealed by the election judges with filament  
21 tape or other approved sealing devices provided for the  
22 purpose in a manner that the ballots cannot be removed from  
23 the container without breaking the seal or filament tape and  
24 disturbing any signatures affixed by the election judges to  
25 the container. The election authority shall keep the office  
26 of the election authority, or any receiving stations  
27 designated by the authority, open for at least 12 consecutive  
28 hours after the polls close or until the ballots and election  
29 material and equipment, as instructed by the election  
30 authority, from all precincts within the jurisdiction of the  
31 election authority have been returned to the election  
32 authority. Ballots and election materials and equipment  
33 returned to the office of the election authority that are not  
34 signed and sealed as required by law shall not be accepted by

1 the election authority until the judges returning the ballots  
2 make and sign the necessary corrections. Upon acceptance of  
3 the ballots and election materials and equipment by the  
4 election authority, the judges returning the ballots shall  
5 take a receipt signed by the election authority and stamped  
6 with the time and date of the return. The election judges  
7 whose duty it is to return any ballots and election materials  
8 and equipment as provided shall, in the event the ballots,  
9 materials, or equipment cannot be found when needed, on  
10 proper request, produce the receipt that they are to take as  
11 above provided.

12 (10 ILCS 5/24C-13 new)

13 Sec. 24C-13. Counting of absentee ballots. All  
14 jurisdictions using Direct Recording Electronic Voting  
15 Systems shall count absentee ballots at the office of the  
16 election authority. The provisions of Sections 24A-9 and  
17 24B-9 shall apply to the testing and notice requirements for  
18 central count tabulation equipment, including comparing the  
19 signature on the ballot envelope with the signature of the  
20 voter on the permanent voter registration record card taken  
21 from the master file; except that votes shall be recorded by  
22 precinct.

23 Any election authority using a direct recording  
24 electronic voting system shall use voting systems approved  
25 for use under Articles 16, 24A, or 24B when conducting  
26 absentee voting. The absentee ballots shall be examined and  
27 processed pursuant to Sections 19-9 and 20-9. The results  
28 shall be recorded by precinct and shall become part of the  
29 certificate of results.

30 (10 ILCS 5/24C-14 new)

31 Sec. 24C-14. Tabulating votes; direction; presence of  
32 public; computer operator's log and canvass. The procedure

1 for tabulating the votes by the Direct Recording Electronic  
2 Voting System shall be under the direction of the election  
3 authority and shall conform to the requirements of the Direct  
4 Recording Electronic Voting System. During any  
5 election-related activity using the Direct Recording  
6 Electronic Voting System equipment, the election authority  
7 shall dedicate the equipment to vote processing to ensure the  
8 security and integrity of the system.

9 A reasonable number of pollwatchers shall be admitted to  
10 the counting location. Persons may observe the tabulating  
11 process at the discretion of the election authority; however,  
12 at least one representative of each established political  
13 party and authorized agents of the State Board of Elections  
14 shall be permitted to observe this process at all times. No  
15 persons except those employed and authorized for the purpose  
16 shall touch any ballot, ballot box, return, or equipment.

17 The computer operator shall be designated by the election  
18 authority and shall be sworn as a deputy of the election  
19 authority. In conducting the vote tabulation and canvass, the  
20 computer operator must maintain a log which shall include the  
21 following information:

22 (1) alterations made to programs associated with  
23 the vote counting process;

24 (2) if applicable, console messages relating to the  
25 program and the respective responses made by the  
26 operator;

27 (3) the starting time for each precinct counted,  
28 the number of ballots counted for each precinct, any  
29 equipment problems and, insofar as practicable, the  
30 number of invalid security designations encountered  
31 during that count; and

32 (4) changes and repairs made to the equipment  
33 during the vote tabulation and canvass.

34 The computer operator's log and canvass shall be

1 available for public inspection in the office of the election  
2 authority for a period of 60 days following the proclamation  
3 of election results. A copy of the computer operator's log  
4 and the canvass shall be transmitted to the State Board of  
5 Elections upon its request and at its expense.

6 (10 ILCS 5/24C-15 new)

7 Sec. 24C-15. Official return of precinct; check of  
8 totals; audit. The precinct return printed by the Direct  
9 Recording Electronic Voting System tabulating equipment shall  
10 include the number of ballots cast, ballots cast by each  
11 political party for a primary election, and votes cast for  
12 each candidate and public question and shall constitute the  
13 official return of each precinct. In addition to the precinct  
14 return, the election authority shall provide the number of  
15 applications for ballots in each precinct, the total number  
16 of ballots counted in each precinct for each political  
17 subdivision and district, the number of registered voters in  
18 each precinct, and the voter verified paper audit trail. The  
19 election authority shall check the totals shown by the  
20 precinct return and, if there is an obvious discrepancy  
21 regarding the total number of votes cast in any precinct,  
22 shall have the ballots for that precinct audited to correct  
23 the return. The procedures for this audit shall apply prior  
24 to and after the proclamation is completed; however, after  
25 the proclamation of results, the election authority must  
26 obtain a court order to unseal voted ballots except for  
27 election contests and discovery recounts. The certificate of  
28 results, that has been prepared and signed by the judges of  
29 election in the polling place and at the election authority's  
30 office after the ballots have been tabulated, shall be the  
31 document used for the canvass of votes for the precinct.  
32 Whenever a discrepancy exists during the canvass of votes  
33 between the unofficial results and the certificate of

1 results, or whenever a discrepancy exists during the canvass  
2 of votes between the certificate of results and the set of  
3 totals reflected on the certificate of results, the ballots  
4 for that precinct shall be audited to correct the return.

5 Prior to the proclamation, the election authority shall  
6 test the voting devices and equipment in 5% of the precincts  
7 within the election jurisdiction. The precincts to be tested  
8 shall be selected after election day on a random basis by the  
9 State Board of Elections, so that every precinct in the  
10 election jurisdiction has an equal mathematical chance of  
11 being selected.

12 The test shall be conducted by entering a preaudited  
13 group of ballots marked to record a predetermined number of  
14 valid votes for each candidate and on each public question,  
15 and shall include for each office one or more ballots that  
16 have votes in excess of the number allowed by law to test the  
17 ability of the equipment to reject those votes. If any error  
18 is detected, the cause shall be determined and corrected, and  
19 an errorless count shall be made prior to the official  
20 canvass and proclamation of election results.

21 The State Board of Elections, the State's Attorney and  
22 other appropriate law enforcement agencies, the chairman of  
23 the county central committee of each established political  
24 party, and qualified civic organizations shall be given prior  
25 written notice of the time and place of the test and may be  
26 represented at the test.

27 The results of this re-tabulation shall be treated in the  
28 same manner and have the same effect as the results of the  
29 discovery procedures set forth in Section 22-9.1 of this  
30 Code. Upon completion of the test, the election authority  
31 shall print a report showing the results of the test and any  
32 errors encountered and the report shall be made available for  
33 public inspection.

1 (10 ILCS 5/24C-15.01 new)

2 Sec. 24C-15.01. Transporting ballots to central counting  
3 station; container. Upon completion of the tabulation,  
4 audit, or test of voting equipment, if the election authority  
5 so instructs, pursuant to Sections 24C-11 through 24C-15, the  
6 voting equipment and ballots from each precinct shall be  
7 replaced in the container in which they were transported to  
8 the central counting station. If the container is not a type  
9 that may be securely locked, then each container, before  
10 being transferred from the counting station to storage, shall  
11 be sealed with filament tape wrapped around the container  
12 lengthwise and crosswise, at least twice each way, and in a  
13 manner that the equipment and ballots cannot be removed from  
14 the container without breaking the tape.

15 (10 ILCS 5/24C-15.1 new)

16 Sec. 24C-15.1. Discovery recounts and election contests.  
17 Discovery recounts and election contests shall be conducted  
18 as otherwise provided for in this Code. The Direct Recording  
19 Electronic Voting System equipment shall be tested prior to  
20 the discovery recount or election contest as provided in  
21 Section 24C-9 and then the electronic ballots shall be  
22 audited against the voter verified paper audit trail.

23 The log of the computer operator and all materials  
24 retained by the election authority in relation to vote  
25 tabulation and canvass shall be made available for any  
26 discovery recount or election contest.

27 (10 ILCS 5/24C-16 new)

28 Sec. 24C-16. Approval of Direct Recording Electronic  
29 Voting Systems; requisites. The State Board of Elections  
30 shall approve all Direct Recording Electronic Voting Systems  
31 provided by this Article.

32 No Direct Recording Electronic Voting System shall be

1 approved unless it fulfills the following requirements:

2 (1) It enables a voter to vote in absolute secrecy,  
3 except in the case of voters who receive assistance as  
4 provided in this Code.

5 (2) It enables each voter to vote at an election  
6 for all persons and offices for whom and for which the  
7 voter is lawfully entitled to vote, to vote for as many  
8 persons for an office as the voter is entitled to vote  
9 for, and to vote for or against any public question upon  
10 which the voter is entitled to vote, but no other.

11 (3) It will detect and reject all votes for an  
12 office or upon a public question when the voter has cast  
13 more votes for the office or upon the public question  
14 than he or she is entitled to cast; provided, however,  
15 that it will inform a voter that the voter's choices as  
16 recorded on the ballot for an office or public question  
17 exceeds the number that the voter is entitled to vote for  
18 on that office or public question and will offer the  
19 voter an opportunity to correct the error before  
20 rejecting the choices recorded on the voter's ballot.

21 (4) It will enable each voter in primary elections  
22 to vote only for the candidates of the political party  
23 with which he or she had declared affiliation and  
24 preclude the voter from voting for any candidate of any  
25 other political party.

26 (5) It enables a voter to vote a split ticket  
27 selected in part from the nominees of one party, in part  
28 from the nominees of any or all parties, in part from  
29 independent candidates, and in part of candidates whose  
30 names are written in by the voter.

31 (6) It enables a voter, at a Presidential election,  
32 by a single selection to vote for the candidates of a  
33 political party for Presidential electors.

34 (7) It will prevent anyone voting for the same



1 person more than once for the same office.

2 (8) It will record and count accurately each vote  
3 properly cast for or against any candidate and for or  
4 against any public question, including the names of all  
5 candidates whose names are written in by the voters.

6 (9) It will be capable of merging the vote  
7 tabulation results produced by other vote tabulation  
8 systems, if necessary.

9 (10) It will provide a means for sealing and  
10 resealing the vote recording devices to prevent their  
11 unauthorized use and to prevent tampering with ballot  
12 labels.

13 (11) It will be suitably designed for the purpose  
14 used, be durably constructed, and be designed for safety,  
15 accuracy, and efficiency.

16 (12) It will be designed to accommodate the needs  
17 of elderly, handicapped, and disabled voters.

18 (13) It will enable a voter to vote for a person  
19 whose name does not appear on the ballot.

20 (14) It will be designed to ensure that vote  
21 recording devices or electronic tabulating equipment that  
22 count votes at the precinct will not be capable of  
23 reporting vote totals before the close of the polls.

24 (15) It will provide a voter verified paper audit  
25 trail for each ballot cast.

26 (16) It will provide an audit trail.

27 The State Board of Elections is authorized to withdraw  
28 its approval of a Direct Recording Electronic Voting System  
29 if the system fails to fulfill the above requirements.

30 No vendor, person, or other entity may sell, lease, or  
31 loan a Direct Recording Electronic Voting System or system  
32 component to any election jurisdiction unless the system or  
33 system component is first approved by the State Board of  
34 Elections pursuant to this Section. The State Board of

1 Elections shall not accept for testing or approval of any  
2 system or system component that has not first been evaluated  
3 by an independent testing laboratory or laboratories for  
4 performance and reliability using the standards that may from  
5 time to time be promulgated by the United States Federal  
6 Election Commission. When the functional requirements of  
7 this Section are in conflict with the standards promulgated  
8 by the Federal Election Commission, the standards of the  
9 Federal Election Commission shall govern.

10 (10 ILCS 5/24C-17 new)

11 Sec. 24C-17. Rules; number of voting booths. The State  
12 Board of Elections may make reasonable rules for the  
13 administration of this Article and may prescribe the number  
14 of voting booths required for the various types of voting  
15 systems.

16 (10 ILCS 5/24C-18 new)

17 Sec. 24C-18. Specimen ballots; publication. When a  
18 Direct Recording Electronic Voting System is used, the  
19 election authority shall cause to be published, at least 5  
20 days before the day of each general and general primary  
21 election, in 2 or more newspapers published in and having a  
22 general circulation in the county, a true and legible copy of  
23 the specimen ballot containing the names of offices,  
24 candidates, and public questions to be voted on, as near as  
25 may be, in the form in which they will appear on the official  
26 ballot on election day. A true legible copy may be in the  
27 form of an actual size ballot and shall be published as  
28 required by this Section if distributed in 2 or more  
29 newspapers published and having a general circulation in the  
30 county as an insert. For each election prescribed in Article  
31 2A of this Code, specimen ballots shall be made available for  
32 public distribution and shall be supplied to the judges of

1 election for posting in the polling place on the day of  
2 election. Notice for the consolidated primary and  
3 consolidated elections shall be given as provided in Article  
4 12.

5 (10 ILCS 5/24C-19 new)

6 Sec. 24C-19. Additional method of voting. This Article  
7 shall be deemed to provide a method of voting in addition to  
8 the methods otherwise provided in this Code.

9 (10 ILCS 5/24A-20 rep.)

10 Section 10. The Election Code is amended by repealing  
11 Section 24A-20.

12 Section 99. Effective date. This Act takes effect on  
13 January 1, 2004."