



Sen. M. Maggie Crotty

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1 AMENDMENT TO SENATE BILL 2340

2 AMENDMENT NO. _____. Amend Senate Bill 2340 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 24A-9, 24A-15, 24A-16, 24B-9, 24B-15, 24B-16, 24C-9,
6 24C-15, and 24C-16 as follows:

7 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

8 Sec. 24A-9. Prior to the public test, the election
9 authority shall conduct an errorless pre-test of the automatic
10 tabulating equipment and program to ascertain that they will
11 correctly count the votes cast for all offices and all
12 measures. On any day not less than 5 days prior to the election
13 day, the election authority shall publicly test the automatic
14 tabulating equipment and program to ascertain that they will
15 correctly count the votes cast for all offices and on all
16 measures. Public notice of the time and place of the test shall
17 be given at least 48 hours prior thereto by publication once in
18 one or more newspapers published within the election
19 jurisdiction of the election authority if a newspaper is
20 published therein, otherwise in a newspaper of general
21 circulation therein. Timely written notice stating the date,
22 time and location of the public test shall also be provided to
23 the State Board of Elections. The test shall be open to
24 representatives of the political parties, the press,

1 representatives of the State Board of Elections, and the
2 public. The test shall be conducted by processing a preaudited
3 group of ballots so punched or marked as to record a
4 predetermined number of valid votes for each candidate and on
5 each measure, and shall include for each office one or more
6 ballots which have votes in excess of the number allowed by law
7 in order to test the ability of the automatic tabulating
8 equipment to reject such votes. Such test shall also include
9 the use of precinct header cards and may include the production
10 of an edit listing. In those election jurisdictions where
11 in-precinct counting equipment is utilized, a public test of
12 both such equipment and program shall be conducted as nearly as
13 possible in the manner prescribed above. The State Board of
14 Elections may select as many election jurisdictions as the
15 Board deems advisable in the interests of the election process
16 of this State in which to order a special test of the automatic
17 tabulating equipment and program prior to any regular election.
18 The Board may order a special test in any election jurisdiction
19 where, during the preceding twelve months, computer
20 programming errors or other errors in the use of electronic
21 voting systems resulted in vote tabulation errors. Not less
22 than 30 days prior to any election, the State Board of
23 Elections shall provide written notice to those selected
24 jurisdictions of their intent to conduct a test. Within 5 days
25 of receipt of the State Board of Elections' written notice of
26 intent to conduct a test, the selected jurisdictions shall
27 forward to the principal office of the State Board of Elections
28 a copy of all specimen ballots. The State Board of Elections'
29 tests shall be conducted and completed not less than 2 days
30 prior to the public test ~~utilizing testing materials supplied~~
31 ~~by the Board~~ and under the supervision of the Board. The
32 vendor, person, or other private entity shall be solely
33 responsible for the production and cost of: all ballots;
34 additional temporary workers; and other equipment or

1 facilities needed and used in the testing of the vendor's,
2 person's, or other private entity's respective equipment and
3 software., ~~and the Board shall reimburse the election authority~~
4 ~~for the reasonable cost of computer time required to conduct~~
5 ~~the special test.~~ After an errorless test, materials used in
6 the public test, including the program, if appropriate, shall
7 be sealed and remain so until the test is run again on election
8 day. If any error is detected, the cause therefor shall be
9 ascertained and corrected and an errorless public test shall be
10 made before the automatic tabulating equipment is approved.
11 Each election authority shall file a sealed copy of each tested
12 program to be used within its jurisdiction at an election with
13 the State Board of Elections prior to the election. The Board
14 shall secure the program or programs of each election
15 jurisdiction so filed in its office for the 60 days following
16 the canvass and proclamation of election results. Upon the
17 expiration of that time, if no election contest or appeal
18 therefrom is pending in an election jurisdiction, the Board
19 shall destroy ~~return~~ the sealed program or programs ~~to the~~
20 ~~election authority of the jurisdiction.~~ Except where
21 in-precinct counting equipment is utilized, the test shall be
22 repeated immediately before the start of the official count of
23 the ballots, in the same manner as set forth above. After the
24 completion of the count, the test shall be re-run using the
25 same program. An election jurisdiction that was employing, as
26 of January 1, 1983, an electronic voting system that, because
27 of its design, is not technically capable of compliance with
28 such a post-tabulation testing requirement shall satisfy the
29 post-tabulation testing requirement by conducting the
30 post-tabulation test on a duplicate program until such
31 electronic voting system is replaced or until November 1, 1992,
32 whichever is earlier. Immediately thereafter the ballots, all
33 material employed in testing the program and the program shall
34 be sealed and retained under the custody of the election

1 authority for a period of 60 days. At the expiration of that
2 time the election authority shall destroy the voted ballot
3 cards, together with all unused ballots returned from the
4 precincts. Provided, if any contest of election is pending at
5 such time in which such ballots may be required as evidence and
6 such election authority has notice thereof, the same shall not
7 be destroyed until after such contest is finally determined. If
8 the use of back-up equipment becomes necessary, the same
9 testing required for the original equipment shall be conducted.
10 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

11 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

12 Sec. 24A-15. The precinct return printed by the automatic
13 tabulating equipment shall include the number of ballots cast
14 and votes cast for each candidate and proposition and shall
15 constitute the official return of each precinct. In addition to
16 the precinct return, the election authority shall provide the
17 number of applications for ballots in each precinct, the
18 write-in votes, the total number of ballots counted in each
19 precinct for each political subdivision and district and the
20 number of registered voters in each precinct. However, the
21 election authority shall check the totals shown by the precinct
22 return and, if there is an obvious discrepancy with respect to
23 the total number of votes cast in any precinct, shall have the
24 ballots for such precinct retabulated to correct the return.
25 The procedures for retabulation shall apply prior to and after
26 the proclamation is completed; however, after the proclamation
27 of results, the election authority must obtain a court order to
28 unseal voted ballots except for election contests and discovery
29 recounts. In those election jurisdictions that utilize
30 in-precinct counting equipment, the certificate of results,
31 which has been prepared by the judges of election in the
32 polling place after the ballots have been tabulated, shall be
33 the document used for the canvass of votes for such precinct.

1 Whenever a discrepancy exists during the canvass of votes
2 between the unofficial results and the certificate of results,
3 or whenever a discrepancy exists during the canvass of votes
4 between the certificate of results and the set of totals which
5 has been affixed to such certificate of results, the ballots
6 for such precinct shall be retabulated to correct the return.
7 As an additional part of this check prior to the proclamation,
8 in those jurisdictions where in-precinct counting equipment is
9 utilized, the election authority shall retabulate the total
10 number of votes cast in 5% of the precincts within the election
11 jurisdiction. The precincts to be retabulated shall be selected
12 after election day on a random basis by the State Board of
13 Elections ~~election authority~~, so that every precinct in the
14 election jurisdiction has an equal mathematical chance of being
15 selected. The State Board of Elections shall design a standard
16 and scientific random method of selecting the precincts which
17 are to be retabulated, and the election authority shall be
18 required to utilize such method. ~~The State Board of Elections,~~
19 ~~the State's Attorney and other appropriate law enforcement~~
20 ~~agencies, the county chairman of each established political~~
21 ~~party and qualified civic organizations shall be given prior~~
22 ~~written notice of the time and place of such random selection~~
23 ~~procedure and may be represented at such procedure.~~ Such
24 retabulation shall consist of counting the ballot cards which
25 were originally counted and shall not involve any determination
26 as to which ballot cards were, in fact, properly counted. The
27 ballots from the precincts selected for such retabulation shall
28 remain at all times under the custody and control of the
29 election authority and shall be transported and retabulated by
30 the designated staff of the election authority.

31 As part of such retabulation, the election authority shall
32 test the computer program in the selected precincts. Such test
33 shall be conducted by processing a preaudited group of ballots
34 so punched so as to record a predetermined number of valid

1 votes for each candidate and on each public question, and shall
2 include for each office one or more ballots which have votes in
3 excess of the number allowed by law in order to test the
4 ability of the equipment to reject such votes. If any error is
5 detected, the cause therefor shall be ascertained and corrected
6 and an errorless count shall be made prior to the official
7 canvass and proclamation of election results.

8 The State Board of Elections, the State's Attorney and
9 other appropriate law enforcement agencies, the county
10 chairman of each established political party and qualified
11 civic organizations shall be given prior written notice of the
12 time and place of such retabulation and may be represented at
13 such retabulation.

14 The results of this retabulation shall be treated in the
15 same manner and have the same effect as the results of the
16 discovery procedures set forth in Section 22-9.1 of this Act.
17 Upon completion of the retabulation, the election authority
18 shall print a comparison of the results of the retabulation
19 with the original precinct return printed by the automatic
20 tabulating equipment. Such comparison shall be done for each
21 precinct and for each office voted upon within that precinct,
22 and the comparisons shall be open to the public.

23 (Source: P.A. 89-700, eff. 1-17-97.)

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

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

27 No voting system shall be approved unless it fulfills the
28 following requirements:

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

30 (2) (Blank);

31 (3) It enables a voter to vote a ticket selected in part
32 from the nominees of one party, and in part from the nominees
33 of any or all parties, and in part from independent candidates

1 and in part of candidates whose names are written in by the
2 voter;

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

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

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

12 The State Board of Elections is authorized to withdraw its
13 approval of a voting system if the system fails to fulfill the
14 above requirements.

15 The vendor, person, or other private entity shall be solely
16 responsible for the production and cost of: all ballots;
17 additional temporary workers; and other equipment or
18 facilities needed and used in the testing of the vendor's,
19 person's, or other private entity's respective equipment and
20 software.

21 No vendor, person or other entity may sell, lease or loan a
22 voting system or voting system component to any election
23 jurisdiction unless the voting system or voting system
24 component is first approved by the State Board of Elections
25 pursuant to this Section.

26 (Source: P.A. 89-700, eff. 1-17-97.)

27 (10 ILCS 5/24B-9)

28 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan
29 Technology Equipment and Program; Custody of Programs, Test
30 Materials and Ballots. Prior to the public test, the election
31 authority shall conduct an errorless pre-test of the automatic
32 Precinct Tabulation Optical Scan Technology tabulating
33 equipment and program and marking device to determine that they

1 will correctly detect Voting Defects and count the votes cast
2 for all offices and all measures. On any day not less than 5
3 days prior to the election day, the election authority shall
4 publicly test the automatic Precinct Tabulation Optical Scan
5 Technology tabulating equipment and program to determine that
6 they will correctly detect Voting Defects and count the votes
7 cast for all offices and on all measures. Public notice of the
8 time and place of the test shall be given at least 48 hours
9 before the test by publishing the notice in one or more
10 newspapers within the election jurisdiction of the election
11 authority, if a newspaper is published in that jurisdiction. If
12 a newspaper is not published in that jurisdiction, notice shall
13 be published in a newspaper of general circulation in that
14 jurisdiction. Timely written notice stating the date, time, and
15 location of the public test shall also be provided to the State
16 Board of Elections. The test shall be open to representatives
17 of the political parties, the press, representatives of the
18 State Board of Elections, and the public. The test shall be
19 conducted by processing a preaudited group of ballots marked to
20 record a predetermined number of valid votes for each candidate
21 and on each measure, and shall include for each office one or
22 more ballots having votes exceeding the number allowed by law
23 to test the ability of the automatic tabulating equipment or
24 marking device to reject the votes. The test shall also include
25 producing an edit listing. In those election jurisdictions
26 where in-precinct counting equipment is used, a public test of
27 both the equipment and program shall be conducted as nearly as
28 possible in the manner prescribed above. The State Board of
29 Elections may select as many election jurisdictions as the
30 Board deems advisable in the interests of the election process
31 of this State, to order a special test of the automatic
32 tabulating equipment and program before any regular election.
33 The Board may order a special test in any election jurisdiction
34 where, during the preceding 12 months, computer programming

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

1 ~~jurisdiction~~. Except where in-precinct counting equipment is
2 used, the test shall be repeated immediately before the start
3 of the official counting of the ballots, in the same manner as
4 set forth above. After the completion of the count, the test
5 shall be re-run using the same program. Immediately after the
6 re-run, all material used in testing the program and the
7 programs shall be sealed and retained under the custody of the
8 election authority for a period of 60 days. At the expiration
9 of that time the election authority shall destroy the voted
10 ballots, together with all unused ballots returned from the
11 precincts. Provided, if any contest of election is pending at
12 the time in which the ballots may be required as evidence and
13 the election authority has notice of the contest, the same
14 shall not be destroyed until after the contest is finally
15 determined. If the use of back-up equipment becomes necessary,
16 the same testing required for the original equipment shall be
17 conducted.

18 (Source: P.A. 93-574, eff. 8-21-03.)

19 (10 ILCS 5/24B-15)

20 Sec. 24B-15. Official Return of Precinct; Check of Totals;
21 Retabulation. The precinct return printed by the automatic
22 Precinct Tabulation Optical Scan Technology tabulating
23 equipment shall include the number of ballots cast and votes
24 cast for each candidate and proposition and shall constitute
25 the official return of each precinct. In addition to the
26 precinct return, the election authority shall provide the
27 number of applications for ballots in each precinct, the
28 write-in votes, the total number of ballots counted in each
29 precinct for each political subdivision and district and the
30 number of registered voters in each precinct. However, the
31 election authority shall check the totals shown by the precinct
32 return and, if there is an obvious discrepancy regarding the
33 total number of votes cast in any precinct, shall have the

1 ballots for that precinct retabulated to correct the return.
2 The procedures for retabulation shall apply prior to and after
3 the proclamation is completed; however, after the proclamation
4 of results, the election authority must obtain a court order to
5 unseal voted ballots except for election contests and discovery
6 recounts. In those election jurisdictions that use in-precinct
7 counting equipment, the certificate of results, which has been
8 prepared by the judges of election in the polling place after
9 the ballots have been tabulated, shall be the document used for
10 the canvass of votes for such precinct. Whenever a discrepancy
11 exists during the canvass of votes between the unofficial
12 results and the certificate of results, or whenever a
13 discrepancy exists during the canvass of votes between the
14 certificate of results and the set of totals which has been
15 affixed to the certificate of results, the ballots for that
16 precinct shall be retabulated to correct the return. As an
17 additional part of this check prior to the proclamation, in
18 those jurisdictions where in-precinct counting equipment is
19 used, the election authority shall retabulate the total number
20 of votes cast in 5% of the precincts within the election
21 jurisdiction. The precincts to be retabulated shall be selected
22 after election day on a random basis by the State Board of
23 Elections ~~election authority~~, so that every precinct in the
24 election jurisdiction has an equal mathematical chance of being
25 selected. The State Board of Elections shall design a standard
26 and scientific random method of selecting the precincts which
27 are to be retabulated, and the election authority shall be
28 required to use that method. ~~The State Board of Elections, the~~
29 ~~State's Attorney and other appropriate law enforcement~~
30 ~~agencies, the county chairman of each established political~~
31 ~~party and qualified civic organizations shall be given prior~~
32 ~~written notice of the time and place of the random selection~~
33 ~~procedure and may be represented at the procedure.~~ The
34 retabulation shall consist of counting the ballots which were

1 originally counted and shall not involve any determination of
2 which ballots were, in fact, properly counted. The ballots from
3 the precincts selected for the retabulation shall remain at all
4 times under the custody and control of the election authority
5 and shall be transported and retabulated by the designated
6 staff of the election authority.

7 As part of the retabulation, the election authority shall
8 test the computer program in the selected precincts. The test
9 shall be conducted by processing a preaudited group of ballots
10 marked to record a predetermined number of valid votes for each
11 candidate and on each public question, and shall include for
12 each office one or more ballots which have votes in excess of
13 the number allowed by law to test the ability of the equipment
14 and the marking device to reject such votes. If any error is
15 detected, the cause shall be determined and corrected, and an
16 errorless count shall be made prior to the official canvass and
17 proclamation of election results.

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

24 The results of this retabulation shall be treated in the
25 same manner and have the same effect as the results of the
26 discovery procedures set forth in Section 22-9.1 of this Code.
27 Upon completion of the retabulation, the election authority
28 shall print a comparison of the results of the retabulation
29 with the original precinct return printed by the automatic
30 tabulating equipment. The comparison shall be done for each
31 precinct and for each office voted upon within that precinct,
32 and the comparisons shall be open to the public. Upon
33 completion of the retabulation, the returns shall be open to
34 the public.

1 (Source: P.A. 93-574, eff. 8-21-03.)

2 (10 ILCS 5/24B-16)

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

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

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

11 (b) (Blank);

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

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

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

24 (f) It will accommodate all propositions to be
25 submitted to the voters in the form provided by law or,
26 where no form is provided, then in brief form, not to
27 exceed 75 words.

28 The State Board of Elections is authorized to withdraw its
29 approval of a Precinct Tabulation Optical Scan Technology
30 voting system if the system fails to fulfill the above
31 requirements.

32 The vendor, person, or other private entity shall be solely
33 responsible for the production and cost of: all ballots;

1 additional temporary workers; and other equipment or
2 facilities needed and used in the testing of the vendor's,
3 person's, or other private entity's respective equipment and
4 software.

5 No vendor, person or other entity may sell, lease or loan a
6 voting system or Precinct Tabulation Optical Scan Technology
7 voting system component to any election jurisdiction unless the
8 voting system or voting system component is first approved by
9 the State Board of Elections pursuant to this Section.

10 (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

11 (10 ILCS 5/24C-9)

12 Sec. 24C-9. Testing of Direct Recording Electronic Voting
13 System Equipment and Programs; Custody of Programs, Test
14 Materials and Ballots. Prior to the public test, the election
15 authority shall conduct an errorless pre-test of the Direct
16 Recording Electronic Voting System equipment and programs to
17 determine that they will correctly detect voting defects and
18 count the votes cast for all offices and all public questions.
19 On any day not less than 5 days prior to the election day, the
20 election authority shall publicly test the Direct Recording
21 Electronic Voting System equipment and programs to determine
22 that they will correctly detect voting errors and accurately
23 count the votes legally cast for all offices and on all public
24 questions. Public notice of the time and place of the test
25 shall be given at least 48 hours before the test by publishing
26 the notice in one or more newspapers within the election
27 jurisdiction of the election authority, if a newspaper is
28 published in that jurisdiction. If a newspaper is not published
29 in that jurisdiction, notice shall be published in a newspaper
30 of general circulation in that jurisdiction. Timely written
31 notice stating the date, time, and location of the public test
32 shall also be provided to the State Board of Elections. The
33 test shall be open to representatives of the political parties,

1 the press, representatives of the State Board of Elections, and
2 the public. The test shall be conducted by entering a pre-
3 audited group of votes designed to record a predetermined
4 number of valid votes for each candidate and on each public
5 question, and shall include for each office one or more ballots
6 having votes exceeding the number allowed by law to test the
7 ability of the automatic tabulating equipment to reject the
8 votes. The test shall also include producing an edit listing.
9 In those election jurisdictions where in-precinct counting
10 equipment is used, a public test of both the equipment and
11 program shall be conducted as nearly as possible in the manner
12 prescribed above. The State Board of Elections may select as
13 many election jurisdictions as the Board deems advisable in the
14 interests of the election process of this State, to order a
15 special test of the automatic tabulating equipment and program
16 before any regular election. The Board may order a special test
17 in any election jurisdiction where, during the preceding 12
18 months, computer programming errors or other errors in the use
19 of System resulted in vote tabulation errors. Not less than 30
20 days before any election, the State Board of Elections shall
21 provide written notice to those selected jurisdictions of their
22 intent to conduct a test. Within 5 days of receipt of the State
23 Board of Elections' written notice of intent to conduct a test,
24 the selected jurisdictions shall forward to the principal
25 office of the State Board of Elections a copy of all specimen
26 ballots. The State Board of Elections' tests shall be conducted
27 and completed not less than 2 days before the public test
28 ~~utilizing testing materials supplied by the Board~~ and under the
29 supervision of the Board. The vendor, person, or other private
30 entity shall be solely responsible for the production and cost
31 of: all ballots; additional temporary workers; and other
32 equipment or facilities needed and used in the testing of the
33 vendor's, person's, or other private entity's respective
34 equipment and software. ~~and the Board shall reimburse the~~

1 ~~election authority for the reasonable cost of computer time~~
2 ~~required to conduct the special test.~~ After an errorless test,
3 materials used in the public test, including the program, if
4 appropriate, shall be sealed and remain sealed until the test
5 is run again on election day. If any error is detected, the
6 cause of the error shall be determined and corrected, and an
7 errorless public test shall be made before the automatic
8 tabulating equipment is approved. Each election authority
9 shall file a sealed copy of each tested program to be used
10 within its jurisdiction at an election with the State Board of
11 Elections before the election. The Board shall secure the
12 program or programs of each election jurisdiction so filed in
13 its office for the 60 days following the canvass and
14 proclamation of election results. At the expiration of that
15 time, if no election contest or appeal is pending in an
16 election jurisdiction, the Board shall destroy ~~return~~ the
17 sealed program or programs ~~to the election authority of the~~
18 ~~jurisdiction~~. Except where in-precinct counting equipment is
19 used, the test shall be repeated immediately before the start
20 of the official counting of the ballots, in the same manner as
21 set forth above. After the completion of the count, the test
22 shall be re-run using the same program. Immediately after the
23 re-run, all material used in testing the program and the
24 programs shall be sealed and retained under the custody of the
25 election authority for a period of 60 days. At the expiration
26 of that time the election authority shall destroy the voted
27 ballots, together with all unused ballots returned from the
28 precincts. Provided, if any contest of election is pending at
29 the time in which the ballots may be required as evidence and
30 the election authority has notice of the contest, the same
31 shall not be destroyed until after the contest is finally
32 determined. If the use of back-up equipment becomes necessary,
33 the same testing required for the original equipment shall be
34 conducted.

1 (Source: P.A. 93-574, eff. 8-21-03.)

2 (10 ILCS 5/24C-15)

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

32 Prior to the proclamation, the election authority shall
33 test the voting devices and equipment in 5% of the precincts

1 within the election jurisdiction. The precincts to be tested
2 shall be selected after election day on a random basis by the
3 State Board of Elections ~~election authority~~, so that every
4 precinct in the election jurisdiction has an equal mathematical
5 chance of being selected. The State Board of Elections shall
6 design a standard and scientific random method of selecting the
7 precincts that are to be tested, and the election authority
8 shall be required to use that method. ~~The State Board of~~
9 ~~Elections, the State's Attorney and other appropriate law~~
10 ~~enforcement agencies, the county chairman of each established~~
11 ~~political party and qualified civic organizations shall be~~
12 ~~given prior written notice of the time and place of the random~~
13 ~~selection procedure and may be represented at the procedure.~~

14 The test shall be conducted by counting the votes marked on
15 the permanent paper record of each ballot cast in the tested
16 precinct printed by the voting system at the time that each
17 ballot was cast and comparing the results of this count with
18 the results shown by the certificate of results prepared by the
19 Direct Recording Electronic Voting System in the test precinct.
20 The election authority shall test count these votes either by
21 hand or by using an automatic tabulating device other than a
22 Direct Recording Electronic voting device that has been
23 approved by the State Board of Elections for that purpose and
24 tested before use to ensure accuracy. The election authority
25 shall print the results of each test count. If any error is
26 detected, the cause shall be determined and corrected, and an
27 errorless count shall be made prior to the official canvass and
28 proclamation of election results. If an errorless count cannot
29 be conducted and there continues to be difference in vote
30 results between the certificate of results produced by the
31 Direct Recording Electronic Voting System and the count of the
32 permanent paper records or if an error was detected and
33 corrected, the election authority shall immediately prepare
34 and forward to the appropriate canvassing board a written

1 report explaining the results of the test and any errors
2 encountered and the report shall be made available for public
3 inspection.

4 The State Board of Elections, the State's Attorney and
5 other appropriate law enforcement agencies, the county
6 chairman of each established political party and qualified
7 civic organizations shall be given prior written notice of the
8 time and place of the test and may be represented at the test.

9 The results of this post-election test shall be treated in
10 the same manner and have the same effect as the results of the
11 discovery procedures set forth in Section 22-9.1 of this Code.
12 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

13 (10 ILCS 5/24C-16)

14 Sec. 24C-16. Approval of Direct Recording Electronic
15 Voting Systems; Requisites. The State Board of Elections shall
16 approve all Direct Recording Electronic Voting Systems that
17 fulfill the functional requirements provided by Section 24C-11
18 of this Code, the mandatory requirements of the federal voting
19 system standards pertaining to Direct Recording Electronic
20 Voting Systems promulgated by the Federal Election Commission
21 or the Election Assistance Commission, the testing
22 requirements of an approved independent testing authority and
23 the rules of the State Board of Elections.

24 The State Board of Elections is authorized to withdraw its
25 approval of a Direct Recording Electronic Voting System if the
26 System, once approved, fails to fulfill the above requirements.

27 The vendor, person, or other private entity shall be solely
28 responsible for the production and cost of: all ballots;
29 additional temporary workers; and other equipment or
30 facilities needed and used in the testing of the vendor's,
31 person's, or other private entity's respective equipment and
32 software.

33 No vendor, person or other entity may sell, lease or loan a

1 Direct Recording Electronic Voting System or system component
2 to any election jurisdiction unless the system or system
3 component is first approved by the State Board of Elections
4 pursuant to this Section.
5 (Source: P.A. 93-574, eff. 8-21-03.)"