



Rep. John A. Fritchey

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LRB095 01097 JAM 49528 a

1 AMENDMENT TO HOUSE BILL 2673

2 AMENDMENT NO. _____. Amend House Bill 2673, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 1-7, 16-4.1, 16-6, 17-11, 17-21, 18-9, 22-15.1, 24-1,
7 24A-5.1, 24A-6, 24A-15, 24A-16, 24B-5.1, 24B-6, 24B-15,
8 24B-16, 24C-1, and 24C-11 and by adding Section 17-19a as
9 follows:

10 (10 ILCS 5/1-7)

11 Sec. 1-7. No straight party voting. Notwithstanding any
12 provision of law to the contrary, straight party voting by a
13 single vote is not permitted in Illinois, except at the 2008
14 general election.

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

1 (10 ILCS 5/16-4.1) (from Ch. 46, par. 16-4.1)

2 Sec. 16-4.1. Ballots; Form; Consolidated Elections. This
3 Section shall apply only to the consolidated primary election,
4 and the consolidated election, except as otherwise expressly
5 provided herein.

6 The ballot for the nomination or election of officers of
7 each political subdivision shall be considered a separate
8 ballot, and candidates for such offices shall be grouped
9 together. Where paper ballots are used, the names of candidates
10 for nomination or election to more than one political
11 subdivision may be contained on a common ballot, provided that
12 such ballot clearly indicates and separates each political
13 subdivision from which such officers are to be nominated or
14 elected. For the 2008 general election only, a separate party
15 circle shall be included at the head of the portion of the
16 ballot for each political subdivision for which candidates of
17 political parties have been nominated. When an electronic
18 voting system is used that utilizes a ballot label booklet, the
19 party circles for straight-party voting at the 2008 general
20 election shall be on the same ballot page on which are listed
21 the candidates for the political subdivision election for which
22 that party circle applies.

23 At the consolidated election, the ballot for school
24 district offices shall precede the ballot for community college
25 district offices, and thereafter the ballot order of the
26 political subdivision officers to be elected shall be as

1 determined by the election authority. In the case of school
2 districts other than community consolidated school districts,
3 the ballot for non-high school district offices shall precede
4 the ballot for high school district offices.

5 At the consolidated primary and at the consolidated
6 election, the ballot for nomination or election of municipal
7 officers shall precede the ballot for township officers. At the
8 consolidated election, following the ballot for municipal and
9 township offices shall be the ballots for park district and
10 library district offices, following which shall be the ballots
11 for other political subdivision offices in the order determined
12 by the election authority.

13 The election authority, in determining the order of ballot
14 placement for offices of political subdivisions whose ballot
15 placement is not specified in this Section, shall give due
16 regard to the clarity of the ballot presentation to the voters,
17 cost and administrative ease, and the requirement to provide
18 separate ballot formats within precincts in which the electors
19 are not entitled to vote for the same offices or propositions.
20 At the request of a political subdivision which extends into
21 more than one election jurisdiction, the election authority
22 shall endeavor to coordinate placement and color of the ballot
23 for such subdivision with the other election authorities
24 responsible for preparing ballots for such subdivision
25 election. The election authority may conduct a lottery to
26 determine the order of ballot placement of political

1 subdivision ballots where such order is not specified in this
2 Section. Such lottery may be conducted jointly by two or more
3 election authorities.

4 (Source: P.A. 89-700, eff. 1-17-97; 90-358, eff. 1-1-98;
5 90-655, eff. 7-30-98.)

6 (10 ILCS 5/16-6) (from Ch. 46, par. 16-6)

7 Sec. 16-6. Whenever one or more proposals for amendment of
8 the constitution or the calling of a constitutional convention
9 or any combination thereof is or are to be voted upon by the
10 people, the proposition or propositions for the adoption or
11 rejection of such amendment or amendments or convention shall
12 be submitted upon a ballot separate from the "Official Ballot"
13 containing the names of candidates for State and other offices
14 to be voted at such election. Such separate ballot shall be
15 printed upon paper of a distinctly blue color and shall, as
16 near as may be practicable, be of uniform size and blue color,
17 but any variation in the size of such ballots or in the
18 tincture of blue employed shall not affect or impair the
19 validity thereof. Preceding each proposal to amend the
20 constitution shall be printed the brief explanation of the
21 amendment, prepared by the General Assembly, or in the case of
22 a proposed amendment initiated by petition pursuant to Section
23 3 of Article XIV of the Constitution of the State of Illinois
24 by the principal proponents of the amendment as approved by the
25 Attorney General, and immediately below the explanation, the

1 proposition shall be printed in substantially the following
2 form:

3 -----
 4 YES For the proposed amendment
 5 ----- to Article _____ (or Section
 6 NO _____ of Article _____) of
 7 the Constitution.

8 -----

9 In the case of a proposition for the calling of a
10 constitutional convention, such proposition shall be printed
11 in substantially the following form:

12 -----
 13 YES For the calling
 14 ----- of a Constitutional
 15 NO Convention.

16 -----

17 On the back or outside of the ballot so as to appear when
18 folded, shall be printed the words "CONSTITUTION BALLOT",
19 followed by the designation of the polling place for which the
20 ballot is prepared, the date of the election and a facsimile of
21 the signature of the clerk or other officer who has caused the
22 ballots to be printed. Immediately above the words
23 "CONSTITUTION BALLOT" in the case of a proposition for the
24 calling of a constitutional convention the following legend
25 shall be printed in bold face type:

26 "NOTICE

1 THE FAILURE TO VOTE THIS BALLOT IS THE EQUIVALENT OF A
2 NEGATIVE VOTE. (THIS IS NOT TO BE CONSTRUED AS A DIRECTION THAT
3 YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR OF OR IN
4 OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)

5 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
6 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".

7 Immediately above the words "CONSTITUTION BALLOT" in the
8 case of a proposition to amend the Constitution the following
9 legend shall be printed in bold face type:

10 "NOTICE

11 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
12 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH."

13 If a proposition for the calling of a constitutional
14 convention is submitted at the same election as one or more
15 propositions to amend the constitution, the proposition for the
16 calling of a constitutional convention shall be printed at the
17 top of the ballot. In such case, the back or outside of the
18 ballot shall be printed the same as if it were a proposal
19 solely to amend the constitution.

20 Where voting machines or electronic voting systems are
21 used, the provisions of this Section may be modified as
22 required or authorized by Article 24, 24A, 24B, or 24C ~~or~~
23 ~~Article 24A~~, whichever is applicable.

24 (Source: P.A. 81-163.)

1 Sec. 17-11. On receipt of his ballot the voter shall
2 forthwith, and without leaving the inclosed space, retire
3 alone, or accompanied by children as provided in Section 17-8,
4 to one of the voting booths so provided and shall prepare his
5 ballot by making in the appropriate margin or place a cross (X)
6 opposite the name of the candidate of his choice for each
7 office to be filled, or by writing in the name of the candidate
8 of his choice in a blank space on said ticket, making a cross
9 (X) opposite thereto; and in case of a question submitted to
10 the vote of the people, by making in the appropriate margin or
11 place a cross (X) against the answer he desires to give. A
12 cross (X) in the square in front of the bracket enclosing the
13 names of a team of candidates for Governor and Lieutenant
14 Governor counts as one vote for each of such candidates. At the
15 2008 general election, if the voter desires to vote for all of
16 the candidates of one political party or group of petitioners,
17 he may place such mark at the appropriate place preceding the
18 appellation or title under which the names of the candidates of
19 such party or group of petitioners are printed, and the ballot
20 so marked shall be counted as cast for all of the candidates
21 named under that title, provided, further, that the voter may
22 place such mark at the appropriate place preceding the
23 appellation or title of one party or group of petitioners and
24 may also mark, at the appropriate place preceding the name or
25 names of one or more candidates printed under the appellation
26 or title of some other party or group of petitioners, and a

1 ballot so marked shall be counted as cast for all the
2 candidates named under the appellation or title that has been
3 so marked, except as to the officers as to which he has placed
4 such mark preceding the name or names of some other candidate
5 or candidates printed under the title of some other party or
6 group of petitioners, and as to such it shall be counted as
7 cast for the candidate or candidates preceding whose name or
8 names such mark may have been placed. Before leaving the voting
9 booth the voter shall fold his ballot in such manner as to
10 conceal the marks thereon. He shall then vote forthwith in the
11 manner herein provided, except that the number corresponding to
12 the number of the voter on the poll books shall not be indorsed
13 on the back of his ballot. He shall mark and deliver his ballot
14 without undue delay, and shall quit said inclosed space as soon
15 as he has voted; except that immediately after voting, the
16 voter shall be instructed whether the voting equipment, if
17 used, accepted or rejected the ballot or identified the ballot
18 as under-voted for a statewide constitutional office. A voter
19 whose ballot is identified as under-voted may return to the
20 voting booth and complete the voting of that ballot. A voter
21 whose ballot is not accepted by the voting equipment may, upon
22 surrendering the ballot, request and vote another ballot. The
23 voter's surrendered ballot shall be initialed by the election
24 judge and handled as provided in the appropriate Article
25 governing that voting equipment.

26 No voter shall be allowed to occupy a voting booth already

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

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

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

1 (10 ILCS 5/17-19a new)

2 Sec. 17-19a. Tallying straight ticket votes. This Section
3 applies with respect to the 2008 general election only. When
4 the law requires that judges tally the votes received by
5 candidates at the election, it shall not be necessary for the
6 judges of election to mark upon their tally sheets separate
7 marks or tallies for each vote received by the candidates upon
8 the ballots containing the same names, commonly known and in
9 this Code designated as "straight tickets". When the judges
10 have counted and announced to the judges keeping the tally, as
11 near as may be as provided by law, the number of votes received
12 by each set of candidates upon the "straight tickets", the
13 tally judges shall set that number of votes down, in figures
14 opposite or directly below the names of the respective
15 candidates, in a column or line provided for that purpose upon
16 the tally sheets. That column or line shall read "number of
17 straight votes". The same column shall be used for the
18 candidates for Governor and Lieutenant Governor running on the
19 same ticket. The judges shall then proceed to count and
20 announce the votes received by each candidate upon all ballots
21 other than "straight tickets", including all ballots known as
22 "split tickets" and all ballots known as "scratched tickets".
23 The tally judges shall proceed to tally the votes upon the
24 tally sheets and to compare and announce the result thereof.
25 The counting, announcing, and tallying shall be conducted as
26 otherwise provided in this Act. The tally judges shall set

1 down, in figures, the number of votes received by each
2 candidate on ballots other than "straight tickets", as so
3 ascertained and announced, in an adjoining column or line
4 provided for that purpose upon the tally sheets, immediately
5 opposite or below the name of each candidate. That line shall
6 read "Number of other votes". The judges keeping the tally
7 shall then proceed to add together the number of votes received
8 by each candidate, as shown in the column or line containing
9 the straight votes and the number as shown in the column or
10 line containing the votes other than straight votes. The result
11 will show the total number of votes received by each candidate.
12 After comparing their results and finding that the results
13 agree and are correct, the judges shall set down the results,
14 in figures, in an adjoining column or line provided upon the
15 tally sheets for that purpose, which shall be directly opposite
16 or below the line for recording the votes on split and
17 scratched ballots and shall read "candidates total vote". One
18 of the tally judges shall announce in a loud voice to the other
19 judges the total number of votes received by and counted for
20 each candidate.

21 Nothing in this Section shall be construed to authorize or
22 permit canvassing, counting, or tallying ballots with any less
23 degree of strictness than otherwise required by law. The
24 intention of this Section is to dispense with the individual
25 tally marks only so far as the so-called "straight tickets" are
26 concerned. All other operations of tallying, counting,

1 canvassing, and announcing the votes shall proceed as near as
2 may be in accordance with the other provisions of this Code.
3 Tally sheets and certificates may be prepared in book form or
4 in accordion folds.

5 (10 ILCS 5/17-21) (from Ch. 46, par. 17-21)

6 Sec. 17-21. When the votes shall have been examined and
7 counted, the judges shall set down on a sheet or return form to
8 be supplied to them, the name of every person voted for,
9 written or printed at full length, the office for which such
10 person received such votes, and the number he did receive,
11 including the number of straight votes (2008 general election
12 only) and the number of split votes (2008 general election
13 only), and such additional information as is necessary to
14 complete, as nearly as circumstances will admit, the following
15 form, to-wit:

16 TALLY SHEET AND CERTIFICATE OF
17 RESULTS

18 We do hereby certify that at the election held in the
19 precinct hereinafter (general or special) specified on the
20 day of, in the year ~~of our Lord, one thousand nine~~
21 ~~hundred and~~, a total of voters requested and received
22 ballots and we do further certify:

23 Number of blank ballots delivered to us

24 ~~Number of absentee ballots delivered to us~~

25 ~~Total number of ballots delivered to us~~

1 Number of blank and spoiled ballots returned.

2 (1) Total number of ballots cast (in box)....

3 Straight Republican ballots cast (2008 general
4 election only)

5 Straight Democratic ballots cast (2008 general
6 election only)

7 Straight ballots cast for any other established
8 political party (2008 general election only)

9 Split ballots cast (2008 general election only)

10 Defective and Objected To ballots sealed in envelope

11 (2) Total number of ballots cast (in box)

12 Line (2) equals line (1)

13 We further certify that each of the candidates for
14 representative in the General Assembly received the number of
15 votes ascribed to him on the separate tally sheet.

16 We further certify that each candidate received the number
17 of votes set forth opposite his name or in the box containing
18 his name on the tally sheet contained in the page or pages
19 immediately following our signatures.

20 The undersigned actually served as judges and counted the
21 ballots at the election on the day of in the
22 precinct of the (1) *township of, or (2) *City of, or
23 (3) *.... ward in the city of and the polls were opened at
24 6:00 A.M. and closed at 7:00 P.M. Certified by us.

25 *Fill in either (1), (2) or (3)

26 A B,(Address)

- 1 C D,(Address)
- 2 E F,(Address)
- 3 G H,(Address)
- 4 I J,(Address)

5 For the 2008 general election, the State Board of Elections
 6 shall develop a tally sheet form for use under this Section.

7 For elections other than the 2008 general election, each
 8 ~~Each~~ tally sheet shall be in substantially one of the following
 9 forms:

10 -----

11 Candidate's

13 Name of	13 Candidates	13 Total	
14 office	14 Names	14 Vote	14 5 10 15 20
15 -----			
16 United	16 John Smith	16 77	16 11
17 States			
18 Senator			

19 -----

21 Names of candidates

22 Name of	22 and total vote		
23 office	23 for each		23 5 10 15 20

24 -----

25 For United John Smith

1 States
2 Senator

3 Total Vote
4 -----

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

6 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

7 Sec. 18-9. The judges of election shall first count the
8 whole number of ballots in the box. If the ballots shall be
9 found to exceed the number of applications for ballot, they
10 shall reject the ballots, if any, found folded inside of a
11 ballot. And if the ballots and the applications for ballot
12 still do not agree after such rejection, the ballots shall be
13 replaced in the box and the box closed and well shaken, and
14 again opened; and one of the judges shall publicly draw out so
15 many ballots unopened as shall be equal to such excess. Such
16 excess ballots shall be marked "Excess-Not Counted" and signed
17 by a majority of judges and shall be placed in the "After 6:00
18 p.m. Defective Ballots Envelope". The number of excess ballots
19 shall be noted in the remarks section of the Certificate of
20 Results. "Excess" ballots shall not be counted in the total of
21 "defective" ballots. And the ballots and applications for
22 ballot being made to agree in this way, the judges shall
23 proceed to count the votes in the following manner: The judges
24 shall open the ballots and place those which contain the same
25 names together, so that the several kinds shall be in separate

1 piles or on separate files. Each of the judges shall examine
2 the separate files which are, or are supposed to be, alike, and
3 exclude from such files any which may have a name or an
4 erasure, or in any manner shall be different from the others of
5 such file. One of the judges shall then take one file of the
6 kind of ballots which contain the same names, and count them by
7 tens, carefully examining each name on each of the ballots.
8 Such judge shall then pass the ten ballots aforesaid to the
9 judge sitting next to him, who shall count them in the same
10 manner, who shall then pass them to a third judge, who shall
11 also count them in the same manner. Then the third judge shall
12 call the names of the persons named in the ten ballots, and the
13 offices for which they are designated, and 2 of the judges, who
14 did not assist in the counting shall tally ten votes for each
15 of such persons, except as herein otherwise provided. When the
16 judges shall have gone through such file of ballots, containing
17 the same names, and shall count them by tens in the same way,
18 and shall call the names of the persons named in the ballots
19 and the office for which they are designated, the tally judges
20 shall tally the votes by tens for each of such persons in the
21 same manner as in the first instance. When the counting of each
22 file of ballots which contain the same names shall be
23 completed, the tally judges shall compare their tallies
24 together and ascertain the total number of ballots of that kind
25 so canvassed; and when they agree upon the number, one of them
26 shall announce it in a loud voice to the other judges. The

1 judges shall then canvass the other kinds of ballots which do
2 not correspond, those containing names partly from one kind of
3 ballots and partly from another, being those from which the
4 name of the person proper to be voted for on such ballots has
5 been omitted or erased, usually called "scratched tickets".
6 They shall be canvassed separately by one of the judges sitting
7 between 2 other judges, which judge shall call each name to the
8 tally judges and the office for which it is designated, and the
9 other judges looking at the ballot at the same time, and the
10 tally judges making tally of the same. When all the ballots
11 have been canvassed in this manner, the tally judges shall
12 compare their tallies together, and ascertain the total number
13 of votes received by each candidate and when they agree upon
14 the numbers one of them shall announce in a loud voice to the
15 judges the number of votes received by each candidate on each
16 of the kinds of ballots containing his name, the number
17 received by him on the straight (2008 general election only)
18 and scratch tickets, and the total number of votes received by
19 him. The provisions of Section 17-19a shall apply to the
20 tallying of votes on straight tickets at the 2008 general
21 election.

22 The votes for the offices of Governor and Lieutenant
23 Governor shall be counted and tallied jointly.

24 Where voting machines or electronic voting systems are
25 used, the provisions of this section may be modified as
26 required or authorized by Article 24, 24A, 24B, or 24C ~~or~~

1 ~~Article 24A~~, whichever is applicable.

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

3 (10 ILCS 5/22-15.1) (from Ch. 46, par. 22-15.1)

4 Sec. 22-15.1. (a) Within 60 days following the canvass of
5 the general election within each election jurisdiction, the
6 election authority shall prepare, in typewritten or legible
7 computer-generated form, a report of the abstracts of votes by
8 precinct for all offices and questions of public policy in
9 connection with which votes were cast within the election
10 jurisdiction at the general election. The report shall include
11 the total number of ballots cast within each precinct or ward,
12 ~~and~~ the total number of registered voters within each precinct
13 or ward, and, in 2008, in those election jurisdictions in which
14 electronic voting systems are used, the total number of
15 straight-party ballots cast at the general election. The
16 election authority shall provide a copy of the report to the
17 chairman of the county central committee of each established
18 political party in the county within which the election
19 jurisdiction is contained, and shall make a reasonable number
20 of copies of the report available for distribution to the
21 public.

22 (b) Within 60 days after the effective date of this
23 amendatory Act of 1985, each election authority shall prepare,
24 in typewritten or legible computer-generated form, a report of
25 the type required by subsection (a) concerning the general

1 election of 1984. The election authority shall provide a copy
2 of the report to the chairman of the county central committee
3 of each established political party in the county in which the
4 election jurisdiction is contained, and shall make a reasonable
5 number of copies of the report available for distribution to
6 the public.

7 (c) An election authority may charge a fee to reimburse the
8 actual cost of duplicating each copy of a report provided
9 pursuant to subsection (a) or (b).

10 (Source: P.A. 94-645, eff. 8-22-05.)

11 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

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

1 majority thereof, shall have made and filed a report certifying
2 that they have examined such machine; that it affords each
3 elector an opportunity to vote in absolute secrecy; that it
4 enables each elector to vote a straight-party ticket at the
5 2008 general election only; that it enables each elector to
6 vote a ticket selected in part from the nominees of one party,
7 and in part from the nominees of any or all other parties, and
8 in part from independent nominees printed in the columns of
9 candidates for public office, and in part of persons not in
10 nomination by any party or upon any independent ticket; that it
11 enables each elector to vote a written or printed ballot of his
12 own selection, for any person for any office for whom he may
13 desire to vote; that it enables each elector to vote for all
14 candidates for whom he is entitled to vote, and prevents him
15 from voting for any candidate for any office more than once,
16 unless he is lawfully entitled to cast more than one vote for
17 one candidate, and in that event permits him to cast only as
18 many votes for that candidate as he is by law entitled, and no
19 more; that it prevents the elector from voting for more than
20 one person for the same office, unless he is lawfully entitled
21 to vote for more than one person therefor, and in that event
22 permits him to vote for as many persons for that office as he
23 is by law entitled, and no more; that it identifies when an
24 elector has not voted for all statewide constitutional offices;
25 and that such machine will register correctly by means of exact
26 counters every vote cast for the regular tickets thereon; and

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

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

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

15 (10 ILCS 5/24A-5.1) (from Ch. 46, par. 24A-5.1)

16 Sec. 24A-5.1. For the instruction of voters on election
17 day, the election official in charge of the election shall
18 provide at each polling place one instruction-model electronic
19 voting system marking device. Each such instruction-model
20 shall show the arrangement of party rows, office columns and
21 questions. Such model shall be located at a place which voters
22 must pass to reach the official marking device used in the
23 actual casting of votes.

24 Before entering the voting booth each voter shall be
25 offered instruction in the operation of the marking device by

1 use of the instruction-model and the voter shall be given ample
2 opportunity to operate the model by himself. In instructing
3 voters, no precinct official may show partiality to any
4 political party, and, at the 2008 general election only, when
5 instructing a voter on how to vote a straight ticket for one
6 political party the precinct official shall at the same time
7 instruct the voter how to vote a straight ticket for any other
8 political party that appears on the ballot label. The duties of
9 instruction shall be discharged by a judge from each of the
10 political parties represented and they shall alternate serving
11 as instructor so that each judge shall serve a like time at
12 such duties. No instructions may be given after the voter has
13 entered the voting booth.

14 No precinct official, or person assisting a voter may in
15 any manner request, suggest, or seek to persuade or induce any
16 voter to cast his vote for any particular ticket, candidate,
17 amendment, question or proposition. All instructions shall be
18 given by precinct officials in such a manner that it may be
19 observed by other persons in the polling place.

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

21 (10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)

22 Sec. 24A-6. The ballot information, whether placed on the
23 ballot or on the marking device, shall, as far as practicable,
24 be in the order of arrangement provided for paper ballots,
25 except that such information may be in vertical or horizontal

1 rows, or in a number of separate pages. Ballots for all
2 questions or propositions to be voted on must be provided in
3 the same manner and must be arranged on or in the marking
4 device or on the ballot sheet in the places provided for such
5 purposes.

6 When an electronic voting system utilizes a ballot label
7 booklet and ballot card, ballots for candidates, ballots
8 calling for a constitutional convention, constitutional
9 amendment ballots, judicial retention ballots, public
10 measures, and all propositions to be voted upon may be placed
11 on the electronic voting device by providing in the ballot
12 booklet separate ballot label pages or series of pages
13 distinguished by differing colors as provided below. When an
14 electronic voting system utilizes a ballot sheet, ballots
15 calling for a constitutional convention, constitutional
16 amendment ballots and judicial retention ballots shall be
17 placed on the ballot sheet by providing a separate portion of
18 the ballot sheet for each such kind of ballot which shall be
19 printed in ink of a color distinct from the color of ink used
20 in printing any other portion of the ballot sheet. Ballots for
21 candidates, public measures and all other propositions to be
22 voted upon shall be placed on the ballot sheet by providing a
23 separate portion of the ballot sheet for each such kind of
24 ballot. Whenever a person has submitted a declaration of intent
25 to be a write-in candidate as required in Sections 17-16.1 and
26 18-9.1, a line on which the name of a candidate may be written

1 by the voter shall be printed below the name of the last
2 candidate nominated for such office, and immediately to the
3 left of such line an area shall be provided for marking a vote
4 for such write-in candidate. The number of write-in lines for
5 an office shall equal the number of persons who have filed
6 declarations of intent to be write-in candidates plus an
7 additional line or lines for write-in candidates who qualify to
8 file declarations to be write-in candidates under Sections
9 17-16.1 and 18-9.1 when the certification of ballot contains
10 the words "OBJECTION PENDING" next to the name of the
11 candidate, up to the number of candidates for which a voter may
12 vote. More than one amendment to the constitution may be placed
13 on the same ballot page or series of pages or on the same
14 portion of the ballot sheet, as the case may be. Ballot label
15 pages for constitutional conventions or constitutional
16 amendments shall be on paper of blue color and shall precede
17 all other ballot label pages in the ballot label booklet. More
18 than one public measure or proposition may be placed on the
19 same ballot label page or series of pages or on the same
20 portion of the ballot sheet, as the case may be. More than one
21 proposition for retention of judges in office may be placed on
22 the same ballot label page or series of pages or on the same
23 portion of the ballot sheet, as the case may be. Ballot label
24 pages for candidates shall be on paper of white color, except
25 that in primary elections the ballot label page or pages for
26 the candidates of each respective political party shall be of

1 the color designated by the election official in charge of the
2 election for that political party's candidates; provided that
3 the ballot label pages or pages for candidates for use at the
4 nonpartisan and consolidated elections may be on paper of
5 different colors, except blue, whenever necessary or desirable
6 to facilitate distinguishing between the pages for different
7 political subdivisions. Except as provided in Section 16-4.1,
8 where provision is made for straight-party voting at the 2008
9 general election by marking a party circle, the designation of
10 the political parties for straight-party voting at the 2008
11 general election shall be on a separate page on which no names
12 of candidates shall appear. However, such page shall be of the
13 same color as the pages containing the names of candidates for
14 office. On each succeeding page of the candidate booklet, where
15 the election is made to list ballot information vertically, the
16 party affiliation of each candidate or the word "independent"
17 shall appear immediately to the left of the candidate's name,
18 and the name of candidates for the same office shall be listed
19 vertically under the title of that office. In the case of
20 nonpartisan elections for officers of political subdivisions,
21 unless the statute or an ordinance adopted pursuant to Article
22 VII of the Constitution requires otherwise, the listing of such
23 nonpartisan candidates shall not include any party or
24 "independent" designation. Ballot label pages for judicial
25 retention ballots shall be on paper of green color, and ballot
26 label pages for all public measures and other propositions

1 shall be on paper of some other distinct and different color.
2 In primary elections, a separate ballot label booklet, marking
3 device and voting booth shall be used for each political party
4 holding a primary, with the ballot label booklet arranged to
5 include ballot label pages of the candidates of the party and
6 public measures and other propositions to be voted upon on the
7 day of the primary election. One ballot card may be used for
8 recording the voter's vote or choice on all such ballots,
9 proposals, public measures or propositions, and such ballot
10 card shall be arranged so as to record the voter's vote or
11 choice in a separate column or columns for each such kind of
12 ballot, proposal, public measure or proposition.

13 If the ballot label booklet includes both candidates for
14 office and public measures or propositions to be voted on, the
15 election official in charge of the election shall divide the
16 pages by protruding tabs identifying the division of the pages,
17 and printing on such tabs "Candidates" and "Propositions".

18 The ballot card and all of its columns and the ballot card
19 envelope shall be of the color prescribed for candidate's
20 ballots at the general or primary election, whichever is being
21 held. At an election where no candidates are being nominated or
22 elected, the ballot card, its columns, and the ballot card
23 envelope shall be of a color designated by the election
24 official in charge of the election.

25 The ballot cards, ballot card envelopes and ballot sheets
26 may, at the discretion of the election authority, be printed on

1 white paper and then striped with the appropriate colors.

2 When ballot sheets are used, the various portions thereof
3 shall be arranged to conform to the foregoing format.

4 Absentee ballots may consist of ballot cards, envelopes,
5 paper ballots or ballot sheets voted in person in the office of
6 the election official in charge of the election or voted by
7 mail. Where a ballot card is used for voting by mail it must be
8 accompanied by a punching tool or other appropriate marking
9 device, voter instructions and a specimen ballot showing the
10 proper positions to vote on the ballot card or ballot sheet for
11 each party, candidate, proposal, public measure or
12 proposition, and in the case of a ballot card must be mounted
13 on a suitable material to receive the punched out chip.

14 Any voter who spoils his ballot or makes an error may
15 return the ballot to the judges of election and secure another.
16 However, the protruding identifying tab for proposals for a
17 constitutional convention or constitutional amendments shall
18 have printed thereon "Constitutional Ballot", and the ballot
19 label page or pages for such proposals shall precede the ballot
20 label pages for candidates in the ballot label booklet.

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

22 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

23 Sec. 24A-15. The precinct return printed by the automatic
24 tabulating equipment shall include the number of ballots cast and
25 straight-party tickets (2008 general election only), and votes

1 cast for each candidate and proposition and shall constitute
2 the official return of each precinct. Every 2008 general
3 election ballot on which the voter has cast a vote for all
4 candidates of one party and no votes for any other candidates
5 shall be reported as a straight-party ticket, and all other
6 2008 general election ballots shall be reported as split
7 tickets. In addition to the precinct return, the election
8 authority shall provide the number of applications for ballots
9 in each precinct, the write-in votes, the total number of
10 ballots counted in each precinct for each political subdivision
11 and district and the number of registered voters in each
12 precinct. However, the election authority shall check the
13 totals shown by the precinct return and, if there is an obvious
14 discrepancy with respect to the total number of votes cast in
15 any precinct, shall have the ballots for such precinct
16 retabulated to correct the return. The procedures for
17 retabulation shall apply prior to and after the proclamation is
18 completed; however, after the proclamation of results, the
19 election authority must obtain a court order to unseal voted
20 ballots except for election contests and discovery recounts. In
21 those election jurisdictions that utilize in-precinct counting
22 equipment, the certificate of results, which has been prepared
23 by the judges of election after the ballots have been
24 tabulated, shall be the document used for the canvass of votes
25 for such precinct. Whenever a discrepancy exists during the
26 canvass of votes between the unofficial results and the

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

26 As part of such retabulation, the election authority shall

1 test the computer program in the selected precincts. Such test
2 shall be conducted by processing a preaudited group of ballots
3 so punched so as to record a predetermined number of valid
4 votes for each candidate and on each public question, and shall
5 include for each office one or more ballots which have votes in
6 excess of the number allowed by law in order to test the
7 ability of the equipment to reject such votes. If any error is
8 detected, the cause therefor shall be ascertained and corrected
9 and an errorless count shall be made prior to the official
10 canvass and proclamation of election results.

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

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

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

1 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

4 No voting system shall be approved unless it fulfills the
5 following requirements:

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

7 (2) It enables a voter, at the 2008 general election
8 only, to vote a straight-party ticket ~~(Blank)~~;

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

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

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

21 (5.5) It will identify when a voter has not voted for
22 all statewide constitutional offices;

23 (6) It will accommodate all propositions to be
24 submitted to the voters in the form provided by law or,
25 where no such form is provided, then in brief form, not to

1 exceed 75 words.

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

5 The State Board of Elections is authorized to withdraw its
6 approval of a voting system if the system fails to fulfill the
7 above requirements.

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

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

24 No vendor, person, or other entity may sell, lease, or
25 loan, or have a written contract, including a contract
26 contingent upon State Board approval of the voting system or

1 voting system component, to sell, lease, or loan, a voting
2 system or voting system component to any election jurisdiction
3 unless the voting system or voting system component is first
4 approved by the State Board of Elections pursuant to this
5 Section.

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

7 (10 ILCS 5/24B-5.1)

8 Sec. 24B-5.1. Instruction of Voters; Instruction Model;
9 Partiality to Political Party; Manner of Instruction. Before
10 entering the voting booth each voter shall be offered
11 instruction in the marking of the Precinct Tabulation Optical
12 Scan Technology ballot sheet. In instructing voters, no
13 precinct official may show partiality to any political party,
14 and, at the 2008 general election, when instructing a voter on
15 how to vote a straight ticket for one political party the
16 precinct official shall at the same time instruct the voter how
17 to vote a straight ticket for any other political party that
18 appears on the ballot label. The duties of instruction shall be
19 discharged by a judge from each of the political parties
20 represented and they shall alternate serving as instructor so
21 that each judge shall serve a like time at such duties. No
22 instructions may be given after the voter has entered the
23 voting booth.

24 No precinct official, or person assisting a voter may in
25 any manner request, suggest, or seek to persuade or induce any

1 voter to cast his or her vote for any particular ticket,
2 candidate, amendment, question or proposition. All
3 instructions shall be given by precinct officials in a manner
4 that it may be observed by other persons in the polling place.

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

6 (10 ILCS 5/24B-6)

7 Sec. 24B-6. Ballot Information; Arrangement; Electronic
8 Precinct Tabulation Optical Scan Technology Voting System;
9 Absentee Ballots; Spoiled Ballots. The ballot information,
10 shall, as far as practicable, be in the order of arrangement
11 provided for paper ballots, except that the information may be
12 in vertical or horizontal rows, or on a number of separate
13 pages or displays on the marking device. Ballots for all
14 questions or propositions to be voted on should be provided in
15 a similar manner and must be arranged on the ballot sheet or
16 marking device in the places provided for such purposes.
17 Ballots shall be of white paper unless provided otherwise by
18 administrative rule of the State Board of Elections or
19 otherwise specified.

20 All propositions, including but not limited to
21 propositions calling for a constitutional convention,
22 constitutional amendment, judicial retention, and public
23 measures to be voted upon shall be placed on separate portions
24 of the ballot sheet or marking device by utilizing borders or
25 grey screens. Candidates shall be listed on a separate portion

1 of the ballot sheet or marking device by utilizing borders or
2 grey screens. Whenever a person has submitted a declaration of
3 intent to be a write-in candidate as required in Sections
4 17-16.1 and 18-9.1, a line or lines on which the voter may
5 select a write-in candidate shall be printed below the name of
6 the last candidate nominated for such office. Such line or
7 lines shall be proximate to an area provided for marking votes
8 for the write-in candidate or candidates. The number of
9 write-in lines for an office shall equal the number of persons
10 who have filed declarations of intent to be write-in candidates
11 plus an additional line or lines for write-in candidates who
12 qualify to file declarations to be write-in candidates under
13 Sections 17-16.1 and 18-9.1 when the certification of ballot
14 contains the words "OBJECTION PENDING" next to the name of that
15 candidate, up to the number of candidates for which a voter may
16 vote. More than one amendment to the constitution may be placed
17 on the same portion of the ballot sheet or marking device.
18 Constitutional convention or constitutional amendment
19 propositions shall be printed or displayed on a separate
20 portion of the ballot sheet or marking device and designated by
21 borders or grey screens, unless otherwise provided by
22 administrative rule of the State Board of Elections. More than
23 one public measure or proposition may be placed on the same
24 portion of the ballot sheet or marking device. More than one
25 proposition for retention of judges in office may be placed on
26 the same portion of the ballot sheet or marking device. Names

1 of candidates shall be printed in black. The designation of the
2 political parties for straight-party voting at the 2008 general
3 election shall be in a special section of the ballot. The party
4 affiliation of each candidate or the word "independent" shall
5 appear near or under the candidate's name, and the names of
6 candidates for the same office shall be listed vertically under
7 the title of that office, on separate pages of the marking
8 device, or as otherwise approved by the State Board of
9 Elections. In the case of nonpartisan elections for officers of
10 political subdivisions, unless the statute or an ordinance
11 adopted pursuant to Article VII of the Constitution requires
12 otherwise, the listing of nonpartisan candidates shall not
13 include any party or "independent" designation. Judicial
14 retention questions and ballot questions for all public
15 measures and other propositions shall be designated by borders
16 or grey screens on the ballot or marking device. In primary
17 elections, a separate ballot, or displays on the marking
18 device, shall be used for each political party holding a
19 primary, with the ballot or marking device arranged to include
20 names of the candidates of the party and public measures and
21 other propositions to be voted upon on the day of the primary
22 election.

23 If the ballot includes both candidates for office and
24 public measures or propositions to be voted on, the election
25 official in charge of the election shall divide the ballot or
26 displays on the marking device in sections for "Candidates" and

1 "Propositions", or separate ballots may be used.

2 Absentee ballots may consist of envelopes, paper ballots or
3 ballot sheets voted in person in the office of the election
4 official in charge of the election or voted by mail. Where a
5 Precinct Tabulation Optical Scan Technology ballot is used for
6 voting by mail it must be accompanied by voter instructions.

7 Any voter who spoils his or her ballot, makes an error, or
8 has a ballot returned by the automatic tabulating equipment may
9 return the ballot to the judges of election and get another
10 ballot.

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

12 (10 ILCS 5/24B-15)

13 Sec. 24B-15. Official Return of Precinct; Check of Totals;
14 Retabulation. The precinct return printed by the automatic
15 Precinct Tabulation Optical Scan Technology tabulating
16 equipment shall include the number of ballots cast, and
17 straight-party tickets (2008 general election only), and votes
18 cast for each candidate and proposition and shall constitute
19 the official return of each precinct. Every 2008 general
20 election ballot on which the voter has cast a vote for all
21 candidates of one party and no votes for any other candidates
22 shall be reported as a straight-party ticket, and all other
23 2008 general election ballots shall be reported as split
24 tickets. In addition to the precinct return, the election
25 authority shall provide the number of applications for ballots

1 in each precinct, the write-in votes, the total number of
2 ballots counted in each precinct for each political subdivision
3 and district and the number of registered voters in each
4 precinct. However, the election authority shall check the
5 totals shown by the precinct return and, if there is an obvious
6 discrepancy regarding the total number of votes cast in any
7 precinct, shall have the ballots for that precinct retabulated
8 to correct the return. The procedures for retabulation shall
9 apply prior to and after the proclamation is completed;
10 however, after the proclamation of results, the election
11 authority must obtain a court order to unseal voted ballots
12 except for election contests and discovery recounts. In those
13 election jurisdictions that use in-precinct counting
14 equipment, the certificate of results, which has been prepared
15 by the judges of election after the ballots have been
16 tabulated, shall be the document used for the canvass of votes
17 for such precinct. Whenever a discrepancy exists during the
18 canvass of votes between the unofficial results and the
19 certificate of results, or whenever a discrepancy exists during
20 the canvass of votes between the certificate of results and the
21 set of totals which has been affixed to the certificate of
22 results, the ballots for that precinct shall be retabulated to
23 correct the return. As an additional part of this check prior
24 to the proclamation, in those jurisdictions where in-precinct
25 counting equipment is used, the election authority shall
26 retabulate the total number of votes cast in 5% of the

1 precincts within the election jurisdiction. The precincts to be
2 retabulated shall be selected after election day on a random
3 basis by the State Board of Elections, so that every precinct
4 in the election jurisdiction has an equal mathematical chance
5 of being selected. The State Board of Elections shall design a
6 standard and scientific random method of selecting the
7 precincts which are to be retabulated. The State central
8 committee chairman of each established political party shall be
9 given prior written notice of the time and place of the random
10 selection procedure and may be represented at the procedure.
11 The retabulation shall consist of counting the ballots which
12 were originally counted and shall not involve any determination
13 of which ballots were, in fact, properly counted. The ballots
14 from the precincts selected for the retabulation shall remain
15 at all times under the custody and control of the election
16 authority and shall be transported and retabulated by the
17 designated staff of the election authority.

18 As part of the retabulation, the election authority shall
19 test the computer program in the selected precincts. The test
20 shall be conducted by processing a preaudited group of ballots
21 marked to record a predetermined number of valid votes for each
22 candidate and on each public question, and shall include for
23 each office one or more ballots which have votes in excess of
24 the number allowed by law to test the ability of the equipment
25 and the marking device to reject such votes. If any error is
26 detected, the cause shall be determined and corrected, and an

1 errorless count shall be made prior to the official canvass and
2 proclamation of election results.

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

9 The results of this retabulation shall be treated in the
10 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 Upon completion of the retabulation, the election authority
13 shall print a comparison of the results of the retabulation
14 with the original precinct return printed by the automatic
15 tabulating equipment. The comparison shall be done for each
16 precinct and for each office voted upon within that precinct,
17 and the comparisons shall be open to the public. Upon
18 completion of the retabulation, the returns shall be open to
19 the public.

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

21 (10 ILCS 5/24B-16)

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

1 No Precinct Tabulation Optical Scan Technology voting
2 system shall be approved unless it fulfills the following
3 requirements:

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

5 (b) It enables a voter, at the 2008 general election
6 only, to vote a straight-party ticket ~~(Blank)~~;

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

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

15 (e) It will reject all votes for an office or upon a
16 proposition when the voter has cast more votes for the
17 office or upon the proposition than he or she is entitled
18 to cast;

19 (e-5) It will identify when a voter has not voted for
20 all statewide constitutional offices; and

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

25 The State Board of Elections shall not approve any voting
26 equipment or system that includes an external Infrared Data

1 Association (IrDA) communications port.

2 The State Board of Elections is authorized to withdraw its
3 approval of a Precinct Tabulation Optical Scan Technology
4 voting system if the system fails to fulfill the above
5 requirements.

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

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

22 No vendor, person, or other entity may sell, lease, or
23 loan, or have a written contract, including a contract
24 contingent upon State Board approval of the voting system or
25 voting system component, to sell, lease, or loan, a voting
26 system or Precinct Tabulation Optical Scan Technology voting

1 system component to any election jurisdiction unless the voting
2 system or voting system component is first approved by the
3 State Board of Elections pursuant to this Section.

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

5 (10 ILCS 5/24C-1)

6 Sec. 24C-1. Purpose; straight ticket voting.

7 (a) The purpose of this Article is to authorize the use of
8 Direct Recording Electronic Voting Systems approved by the
9 State Board of Elections. In a Direct Recording Electronic
10 Voting System, voters cast votes by means of a ballot display
11 provided with mechanical or electro-optical devices that can be
12 activated by the voters to mark their choices for the
13 candidates of their preference and for or against public
14 questions. Such voting devices shall be capable of
15 instantaneously recording such votes, storing such votes,
16 producing a permanent paper record and tabulating such votes at
17 the precinct or at one or more counting stations. This Article
18 authorizes the use of Direct Recording Electronic Voting
19 Systems for in-precinct counting applications and for
20 in-person absentee voting in the office of the election
21 authority and in the offices of local officials authorized by
22 the election authority to conduct such absentee voting. All
23 other absentee ballots must be counted at the office of the
24 election authority.

25 (b) This Article shall be implemented to permit straight

1 ticket voting, at the 2008 general election only, as authorized
2 by this Code.

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

4 (10 ILCS 5/24C-11)

5 Sec. 24C-11. Functional requirements. A Direct Recording
6 Electronic Voting System shall, in addition to satisfying the
7 other requirements of this Article, fulfill the following
8 functional requirements:

9 (a) Provide a voter in a primary election with the means of
10 casting a ballot containing votes for any and all candidates of
11 the party or parties of his or her choice, and for any and all
12 non-partisan candidates and public questions and preclude the
13 voter from voting for any candidate of any other political
14 party except when legally permitted. In a general election, the
15 system shall provide the voter with means of selecting the
16 appropriate number of candidates for any office, and of voting
17 on any public question on the ballot to which he or she is
18 entitled to vote.

19 (b) If a voter is not entitled to vote for particular
20 candidates or public questions appearing on the ballot, the
21 system shall prevent the selection of the prohibited votes.

22 (c) Once the proper ballot has been selected, the system
23 devices shall provide a means of enabling the recording of
24 votes and the casting of said ballot.

25 (d) System voting devices shall provide voting choices that

1 are clear to the voter and labels indicating the names of every
2 candidate and the text of every public question on the voter's
3 ballot. Each label shall identify the selection button or
4 switch, or the active area of the ballot associated with it.
5 The system shall be able to incorporate minimal, easy-to-follow
6 on-screen instruction for the voter on how to cast a ballot.

7 (e) Voting devices shall (i) enable the voter to vote for
8 any and all candidates and public questions appearing on the
9 ballot for which the voter is lawfully entitled to vote, in any
10 legal number and combination, including, at the 2008 general
11 election only, a straight party ticket; (ii) detect and reject
12 all votes for an office or upon a public question when the
13 voter has cast more votes for the office or upon the public
14 question than the voter is entitled to cast; (iii) notify the
15 voter if the voter's choices as recorded on the ballot for an
16 office or public question are fewer than or exceed the number
17 that the voter is entitled to vote for on that office or public
18 question and the effect of casting more or fewer votes than
19 legally permitted; (iv) notify the voter if the voter has
20 failed to completely cast a vote for an office or public
21 question appearing on the ballot; and (v) permit the voter, in
22 a private and independent manner, to verify the votes selected
23 by the voter, to change the ballot or to correct any error on
24 the ballot before the ballot is completely cast and counted. A
25 means shall be provided to indicate each selection after it has
26 been made or canceled.

1 (f) System voting devices shall provide a means for the
2 voter to signify that the selection of candidates and public
3 questions has been completed. Upon activation, the system shall
4 record an image of the completed ballot, increment the proper
5 ballot position registers, and shall signify to the voter that
6 the ballot has been cast. The system shall then prevent any
7 further attempt to vote until it has been reset or re-enabled
8 by a judge of election.

9 (g) Each system voting device shall be equipped with a
10 public counter that can be set to zero prior to the opening of
11 the polling place, and that records the number of ballots cast
12 at a particular election. The counter shall be incremented only
13 by the casting of a ballot. The counter shall be designed to
14 prevent disabling or resetting by other than authorized persons
15 after the polls close. The counter shall be visible to all
16 judges of election so long as the device is installed at the
17 polling place.

18 (h) Each system voting device shall be equipped with a
19 protective counter that records all of the testing and election
20 ballots cast since the unit was built. This counter shall be
21 designed so that its reading cannot be changed by any cause
22 other than the casting of a ballot. The protective counter
23 shall be incapable of ever being reset and it shall be visible
24 at all times when the device is configured for testing,
25 maintenance, or election use.

26 (i) All system devices shall provide a means of preventing

1 further voting once the polling place has closed and after all
2 eligible voters have voted. Such means of control shall
3 incorporate a visible indication of system status. Each device
4 shall prevent any unauthorized use, prevent tampering with
5 ballot labels and preclude its re-opening once the poll closing
6 has been completed for that election.

7 (j) The system shall produce a printed summary report of
8 the votes cast upon each voting device. Until the proper
9 sequence of events associated with closing the polling place
10 has been completed, the system shall not allow the printing of
11 a report or the extraction of data. The printed report shall
12 also contain all system audit information to be required by the
13 election authority. Data shall not be altered or otherwise
14 destroyed by report generation and the system shall ensure the
15 integrity and security of data for a period of at least 6
16 months after the polls close.

17 (k) If more than one voting device is used in a polling
18 place, the system shall provide a means to manually or
19 electronically consolidate the data from all such units into a
20 single report even if different voting systems are used to
21 record absentee ballots. The system shall also be capable of
22 merging the vote tabulation results produced by other vote
23 tabulation systems, if necessary.

24 (l) System functions shall be implemented such that
25 unauthorized access to them is prevented and the execution of
26 authorized functions in an improper sequence is precluded.

1 System functions shall be executable only in the intended
2 manner and order, and only under the intended conditions. If
3 the preconditions to a system function have not been met, the
4 function shall be precluded from executing by the system's
5 control logic.

6 (m) All system voting devices shall incorporate at least 3
7 memories in the machine itself and in its programmable memory
8 devices.

9 (n) The system shall include capabilities of recording and
10 reporting the date and time of normal and abnormal events and
11 of maintaining a permanent record of audit information that
12 cannot be turned off. Provisions shall be made to detect and
13 record significant events (e.g., casting a ballot, error
14 conditions that cannot be disposed of by the system itself,
15 time-dependent or programmed events that occur without the
16 intervention of the voter or a judge of election).

17 (o) The system and each system voting device must be
18 capable of creating, printing and maintaining a permanent paper
19 record and an electronic image of each ballot that is cast such
20 that records of individual ballots are maintained by a
21 subsystem independent and distinct from the main vote
22 detection, interpretation, processing and reporting path. The
23 electronic images of each ballot must protect the integrity of
24 the data and the anonymity of each voter, for example, by means
25 of storage location scrambling. The ballot image records may be
26 either machine-readable or manually transcribed, or both, at

1 the discretion of the election authority.

2 (p) The system shall include built-in test, measurement and
3 diagnostic software and hardware for detecting and reporting
4 the system's status and degree of operability.

5 (q) The system shall contain provisions for maintaining the
6 integrity of memory voting and audit data during an election
7 and for a period of at least 6 months thereafter and shall
8 provide the means for creating an audit trail.

9 (r) The system shall be fully accessible so as to permit
10 blind or visually impaired voters as well as physically
11 disabled voters to exercise their right to vote in private and
12 without assistance.

13 (s) The system shall provide alternative language
14 accessibility if required pursuant to Section 203 of the Voting
15 Rights Act of 1965.

16 (t) Each voting device shall enable a voter to vote for a
17 person whose name does not appear on the ballot.

18 (u) The system shall record and count accurately each vote
19 properly cast for or against any candidate and for or against
20 any public question, including the names of all candidates
21 whose names are written in by the voters.

22 (v) The system shall allow for accepting provisional
23 ballots and for separating such provisional ballots from
24 precinct totals until authorized by the election authority.

25 (w) The system shall provide an effective audit trail as
26 defined in Section 24C-2 in this Code.

1 (x) The system shall be suitably designed for the purpose
2 used, be durably constructed, and be designed for safety,
3 accuracy and efficiency.

4 (y) The system shall comply with all provisions of federal,
5 State and local election laws and regulations and any future
6 modifications to those laws and regulations.

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

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