



Rep. John A. Fritchey

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LRB095 01097 JAM 49978 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, 16-3, 16-6, 17-11, 22-15.1, 24-1, 24A-5.1,
7 24A-16, 24B-5.1, 24B-16, 24C-1, and 24C-11 as follows:

8 (10 ILCS 5/1-7)

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

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

14 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

15 Sec. 16-3. (a) The names of all candidates to be voted for

1 in each election district or precinct shall be printed on one
2 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
3 this Act and except as otherwise provided in this Act with
4 respect to the odd year regular elections and the emergency
5 referenda; all nominations of any political party being placed
6 under the party appellation or title of such party as
7 designated in the certificates of nomination or petitions. The
8 names of all independent candidates shall be printed upon the
9 ballot in a column or columns under the heading "independent"
10 arranged under the names or titles of the respective offices
11 for which such independent candidates shall have been nominated
12 and so far as practicable, the name or names of any independent
13 candidate or candidates for any office shall be printed upon
14 the ballot opposite the name or names of any candidate or
15 candidates for the same office contained in any party column or
16 columns upon said ballot. The ballot shall contain no other
17 names, except that in cases of electors for President and
18 Vice-President of the United States, the names of the
19 candidates for President and Vice-President may be added to the
20 party designation and words calculated to aid the voter in his
21 choice of candidates may be added, such as "Vote for one,"
22 "Vote for three." When an electronic voting system is used
23 which utilizes a ballot label booklet, the candidates and
24 questions shall appear on the pages of such booklet in the
25 order provided by this Code; and, in any case where candidates
26 for an office appear on a page which does not contain the name

1 of any candidate for another office, and where less than 50% of
2 the page is utilized, the name of no candidate shall be printed
3 on the lowest 25% of such page. On the back or outside of the
4 ballot, so as to appear when folded, shall be printed the words
5 "Official Ballot", followed by the designation of the polling
6 place for which the ballot is prepared, the date of the
7 election and a facsimile of the signature of the election
8 authority who has caused the ballots to be printed. The ballots
9 shall be of plain white paper, through which the printing or
10 writing cannot be read. However, ballots for use at the
11 nonpartisan and consolidated elections may be printed on
12 different color paper, except blue paper, whenever necessary or
13 desirable to facilitate distinguishing between ballots for
14 different political subdivisions. In the case of nonpartisan
15 elections for officers of a political subdivision, unless the
16 statute or an ordinance adopted pursuant to Article VII of the
17 Constitution providing the form of government therefor
18 requires otherwise, the column listing such nonpartisan
19 candidates shall be printed with no appellation or circle at
20 its head. The party appellation or title, or the word
21 "independent" at the head of any column provided for
22 independent candidates, shall be printed in letters not less
23 than one-fourth of an inch in height and a circle one-half inch
24 in diameter shall be printed at the beginning of the line in
25 which such appellation or title is printed, provided, however,
26 that no such circle shall be printed at the head of any column

1 or columns provided for such independent candidates. The names
2 of candidates shall be printed in letters not less than
3 one-eighth nor more than one-fourth of an inch in height, and
4 at the beginning of each line in which a name of a candidate is
5 printed a square shall be printed, the sides of which shall be
6 not less than one-fourth of an inch in length. However, the
7 names of the candidates for Governor and Lieutenant Governor on
8 the same ticket shall be printed within a bracket and a single
9 square shall be printed in front of the bracket. The list of
10 candidates of the several parties and any such list of
11 independent candidates shall be placed in separate columns on
12 the ballot in such order as the election authorities charged
13 with the printing of the ballots shall decide; provided, that
14 the names of the candidates of the several political parties,
15 certified by the State Board of Elections to the several county
16 clerks shall be printed by the county clerk of the proper
17 county on the official ballot in the order certified by the
18 State Board of Elections. Any county clerk refusing, neglecting
19 or failing to print on the official ballot the names of
20 candidates of the several political parties in the order
21 certified by the State Board of Elections, and any county clerk
22 who prints or causes to be printed upon the official ballot the
23 name of a candidate, for an office to be filled by the Electors
24 of the entire State, whose name has not been duly certified to
25 him upon a certificate signed by the State Board of Elections
26 shall be guilty of a Class C misdemeanor.

1 (b) When an electronic voting system is used which utilizes
2 a ballot card, on the inside flap of each ballot card envelope
3 there shall be printed a form for write-in voting which shall
4 be substantially as follows:

5 WRITE-IN VOTES

6 (See card of instructions for specific information.
7 Duplicate form below by hand for additional write-in votes.)

8 _____
9 Title of Office

10 () _____

11 Name of Candidate

12 Write-in lines equal to the number of candidates for which
13 a voter may vote shall be printed for an office only if one or
14 more persons filed declarations of intent to be write-in
15 candidates or qualify to file declarations to be write-in
16 candidates under Sections 17-16.1 and 18-9.1 when the
17 certification of ballot contains the words "OBJECTION
18 PENDING".

19 (c) When an electronic voting system is used which uses a
20 ballot sheet, the instructions to voters on the ballot sheet
21 shall refer the voter to the card of instructions for specific
22 information on write-in voting. Below each office appearing on
23 such ballot sheet there shall be a provision for the casting of
24 a write-in vote. Write-in lines equal to the number of
25 candidates for which a voter may vote shall be printed for an
26 office only if one or more persons filed declarations of intent

1 to be write-in candidates or qualify to file declarations to be
2 write-in candidates under Sections 17-16.1 and 18-9.1 when the
3 certification of ballot contains the words "OBJECTION
4 PENDING".

5 (d) When such electronic system is used, there shall be
6 printed on the back of each ballot card, each ballot card
7 envelope, and the first page of the ballot label when a ballot
8 label is used, the words "Official Ballot," followed by the
9 number of the precinct or other precinct identification, which
10 may be stamped, in lieu thereof and, as applicable, the number
11 and name of the township, ward or other election district for
12 which the ballot card, ballot card envelope, and ballot label
13 are prepared, the date of the election and a facsimile of the
14 signature of the election authority who has caused the ballots
15 to be printed. The back of the ballot card shall also include a
16 method of identifying the ballot configuration such as a
17 listing of the political subdivisions and districts for which
18 votes may be cast on that ballot, or a number code identifying
19 the ballot configuration or color coded ballots, except that
20 where there is only one ballot configuration in a precinct, the
21 precinct identification, and any applicable ward
22 identification, shall be sufficient. Ballot card envelopes
23 used in punch card systems shall be of paper through which no
24 writing or punches may be discerned and shall be of sufficient
25 length to enclose all voting positions. However, the election
26 authority may provide ballot card envelopes on which no

1 precinct number or township, ward or other election district
2 designation, or election date are preprinted, if space and a
3 preprinted form are provided below the space provided for the
4 names of write-in candidates where such information may be
5 entered by the judges of election. Whenever an election
6 authority utilizes ballot card envelopes on which the election
7 date and precinct is not preprinted, a judge of election shall
8 mark such information for the particular precinct and election
9 on the envelope in ink before tallying and counting any
10 write-in vote written thereon. If some method of insuring
11 ballot secrecy other than an envelope is used, such information
12 must be provided on the ballot itself.

13 (e) In the designation of the name of a candidate on the
14 ballot, the candidate's given name or names, initial or
15 initials, a nickname by which the candidate is commonly known,
16 or a combination thereof, may be used in addition to the
17 candidate's surname. If a candidate has changed his or her
18 name, whether by a statutory or common law procedure in
19 Illinois or any other jurisdiction, within 3 years before the
20 last day for filing the petition for nomination, nomination
21 papers, or certificate of nomination for that office, whichever
22 is applicable, then (i) the candidate's name on the ballot must
23 be followed by "formerly known as (list all prior names during
24 the 3-year period) until name changed on (list date of each
25 such name change)" and (ii) the petition, papers, or
26 certificate must be accompanied by the candidate's affidavit

1 stating the candidate's previous names during the period
2 specified in (i) and the date or dates each of those names was
3 changed; failure to meet these requirements shall be grounds
4 for denying certification of the candidate's name for the
5 ballot or removing the candidate's name from the ballot, as
6 appropriate, but these requirements do not apply to name
7 changes resulting from adoption to assume an adoptive parent's
8 or parents' surname, marriage to assume a spouse's surname, or
9 dissolution of marriage or declaration of invalidity of
10 marriage to assume a former surname. No other designation such
11 as a political slogan, title, or degree or nickname suggesting
12 or implying possession of a title, degree or professional
13 status, or similar information may be used in connection with
14 the candidate's surname. For purposes of this Section, a
15 "political slogan" is defined as any word or words expressing
16 or connoting a position, opinion, or belief that the candidate
17 may espouse, including but not limited to, any word or words
18 conveying any meaning other than that of the personal identity
19 of the candidate. A candidate may not use a political slogan as
20 part of his or her name on the ballot, notwithstanding that the
21 political slogan may be part of the candidate's name.

22 (f) The State Board of Elections, a local election
23 official, or an election authority shall remove any candidate's
24 name designation from a ballot that is inconsistent with
25 subsection (e) of this Section. In addition, the State Board of
26 Elections, a local election official, or an election authority

1 shall not certify to any election authority any candidate name
2 designation that is inconsistent with subsection (e) of this
3 Section.

4 (g) If the State Board of Elections, a local election
5 official, or an election authority removes a candidate's name
6 designation from a ballot under subsection (f) of this Section,
7 then the aggrieved candidate may seek appropriate relief in
8 circuit court.

9 Where voting machines or electronic voting systems are
10 used, the provisions of this Section may be modified as
11 required or authorized by Article 24 or Article 24A, whichever
12 is applicable.

13 Nothing in this Section shall prohibit election
14 authorities from using or reusing ballot card envelopes which
15 were printed before the effective date of this amendatory Act
16 of 1985.

17 (h) At the 2008 general election, the name of each
18 political party that has candidates' names printed on the
19 ballot shall be printed at the top of the ballot preceding the
20 titles of offices and the names of candidates. Above the names
21 of the established political party or parties shall be printed
22 the heading "Straight Party Ballot" and below such heading
23 shall be printed appropriate instructions to the voter for
24 marking a straight party ballot. Next to the name or
25 appellation of such established political party or parties
26 shall be a place for marking the ballot to indicate a voter's

1 selection of all candidates of such political party. A ballot
2 so marked shall be counted as cast for all of the candidates of
3 that party and shall be known as a "straight party ballot" or a
4 "straight ticket ballot".

5 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07.)

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 established political party, he or she
17 may place such mark in the appropriate space reserved for
18 marking a straight party ballot as provided in Section 16-3 of
19 this Code. A ballot so marked in this manner shall be counted
20 as cast for all of the candidates of that party. If the voter
21 marks the space reserved for marking a straight party ballot
22 and then proceeds to mark the ballot for one or more candidates
23 of a different political party, an independent candidate, or a
24 write-in candidate, the ballot so marked shall be counted as
25 cast for all the candidates of the political party for which
26 the straight party vote was cast, except as to candidates for

1 offices for which the voter has marked the ballot for another
2 candidate, in which case the ballot shall be counted for such
3 other candidate or candidates. A ballot marked in this manner
4 shall be known as a "split ticket" or a "split ticket ballot".

5 Before leaving the voting booth the voter shall fold his ballot
6 in such manner as to conceal the marks thereon. He shall then
7 vote forthwith in the manner herein provided, except that the
8 number corresponding to the number of the voter on the poll
9 books shall not be indorsed on the back of his ballot. He shall
10 mark and deliver his ballot without undue delay, and shall quit
11 said inclosed space as soon as he has voted; except that
12 immediately after voting, the voter shall be instructed whether
13 the voting equipment, if used, accepted or rejected the ballot
14 or identified the ballot as under-voted for a statewide
15 constitutional office. A voter whose ballot is identified as
16 under-voted may return to the voting booth and complete the
17 voting of that ballot. A voter whose ballot is not accepted by
18 the voting equipment may, upon surrendering the ballot, request
19 and vote another ballot. The voter's surrendered ballot shall
20 be initialed by the election judge and handled as provided in
21 the appropriate Article governing that voting equipment.

22 No voter shall be allowed to occupy a voting booth already
23 occupied by another, nor remain within said inclosed space more
24 than ten minutes, nor to occupy a voting booth more than five
25 minutes in case all of said voting booths are in use and other
26 voters waiting to occupy the same. No voter not an election

1 officer, shall, after having voted, be allowed to re-enter said
2 inclosed space during said election. No person shall take or
3 remove any ballot from the polling place before the close of
4 the poll. No voter shall vote or offer to vote any ballot
5 except such as he has received from the judges of election in
6 charge of the ballots. Any voter who shall, by accident or
7 mistake, spoil his ballot, may, on returning said spoiled
8 ballot, receive another in place thereof only after the word
9 "spoiled" has been written in ink diagonally across the entire
10 face of the ballot returned by the voter.

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

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

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

23 Sec. 22-15.1. (a) Within 60 days following the canvass of
24 the general election within each election jurisdiction, the
25 election authority shall prepare, in typewritten or legible

1 computer-generated form, a report of the abstracts of votes by
2 precinct for all offices and questions of public policy in
3 connection with which votes were cast within the election
4 jurisdiction at the general election. The report shall include
5 the total number of ballots cast within each precinct or ward,
6 ~~and~~ the total number of registered voters within each precinct
7 or ward, and, in 2008, in those election jurisdictions in which
8 electronic voting systems are used, the total number of
9 straight-party ballots cast at the general election. The
10 election authority shall provide a copy of the report to the
11 chairman of the county central committee of each established
12 political party in the county within which the election
13 jurisdiction is contained, and shall make a reasonable number
14 of copies of the report available for distribution to the
15 public.

16 (b) Within 60 days after the effective date of this
17 amendatory Act of 1985, each election authority shall prepare,
18 in typewritten or legible computer-generated form, a report of
19 the type required by subsection (a) concerning the general
20 election of 1984. The election authority shall provide a copy
21 of the report to the chairman of the county central committee
22 of each established political party in the county in which the
23 election jurisdiction is contained, and shall make a reasonable
24 number of copies of the report available for distribution to
25 the public.

26 (c) An election authority may charge a fee to reimburse the

1 actual cost of duplicating each copy of a report provided
2 pursuant to subsection (a) or (b).

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

4 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

5 Sec. 24-1. The election authority in all jurisdictions when
6 voting machines are used shall, except as otherwise provided in
7 this Code, provide a voting machine or voting machines for any
8 or all of the election precincts or election districts, as the
9 case may be, for which the election authority is by law charged
10 with the duty of conducting an election or elections. A voting
11 machine or machines sufficient in number to provide a machine
12 for each 400 voters or fraction thereof shall be supplied for
13 use at all elections. However, no such voting machine shall be
14 used, purchased, or adopted, and no person or entity may have a
15 written contract, including a contract contingent upon
16 certification of the voting machines, to sell, lease, or loan
17 voting machines to an election authority, until the board of
18 voting machine commissioners hereinafter provided for, or a
19 majority thereof, shall have made and filed a report certifying
20 that they have examined such machine; that it affords each
21 elector an opportunity to vote in absolute secrecy; that it
22 enables each elector to vote a straight-party ticket at the
23 2008 general election only; that it enables each elector to
24 vote a ticket selected in part from the nominees of one party,
25 and in part from the nominees of any or all other parties, and

1 in part from independent nominees printed in the columns of
2 candidates for public office, and in part of persons not in
3 nomination by any party or upon any independent ticket; that it
4 enables each elector to vote a written or printed ballot of his
5 own selection, for any person for any office for whom he may
6 desire to vote; that it enables each elector to vote for all
7 candidates for whom he is entitled to vote, and prevents him
8 from voting for any candidate for any office more than once,
9 unless he is lawfully entitled to cast more than one vote for
10 one candidate, and in that event permits him to cast only as
11 many votes for that candidate as he is by law entitled, and no
12 more; that it prevents the elector from voting for more than
13 one person for the same office, unless he is lawfully entitled
14 to vote for more than one person therefor, and in that event
15 permits him to vote for as many persons for that office as he
16 is by law entitled, and no more; that it identifies when an
17 elector has not voted for all statewide constitutional offices;
18 and that such machine will register correctly by means of exact
19 counters every vote cast for the regular tickets thereon; and
20 has the capacity to contain the tickets of at least 5 political
21 parties with the names of all the candidates thereon, together
22 with all propositions in the form provided by law, where such
23 form is prescribed, and where no such provision is made for the
24 form thereof, then in brief form, not to exceed 75 words; that
25 all votes cast on the machine on a regular ballot or ballots
26 shall be registered; that voters may, by means of irregular

1 ballots or otherwise vote for any person for any office,
2 although such person may not have been nominated by any party
3 and his name may not appear on such machine; that when a vote
4 is cast for any person for any such office, when his name does
5 not appear on the machine, the elector cannot vote for any
6 other name on the machine for the same office; that each
7 elector can, understandingly and within the period of 4 minutes
8 cast his vote for all candidates of his choice; that the
9 machine is so constructed that the candidates for presidential
10 electors of any party can be voted for only by voting for the
11 ballot label containing a bracket within which are the names of
12 the candidates for President and Vice-President of the party or
13 group; that the machine is provided with a lock or locks by the
14 use of which any movement of the voting or registering
15 mechanism is absolutely prevented so that it cannot be tampered
16 with or manipulated for any purpose; that the machine is
17 susceptible of being closed during the progress of the voting
18 so that no person can see or know the number of votes
19 registered for any candidate; that each elector is permitted to
20 vote for or against any question, proposition or amendment upon
21 which he is entitled to vote, and is prevented from voting for
22 or against any question, proposition or amendment upon which he
23 is not entitled to vote; that the machine is capable of
24 adjustment by the election authority, so as to permit the
25 elector, at a party primary election, to vote only for the
26 candidates seeking nomination by the political party in which

1 primary he is entitled to vote: Provided, also that no such
2 machine or machines shall be purchased, unless the party or
3 parties making the sale shall guarantee in writing to keep the
4 machine or machines in good working order for 5 years without
5 additional cost and shall give a sufficient bond conditioned to
6 that effect.

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

8 (10 ILCS 5/24A-5.1) (from Ch. 46, par. 24A-5.1)

9 Sec. 24A-5.1. For the instruction of voters on election
10 day, the election official in charge of the election shall
11 provide at each polling place one instruction-model electronic
12 voting system marking device. Each such instruction-model
13 shall show the arrangement of party rows, office columns and
14 questions. Such model shall be located at a place which voters
15 must pass to reach the official marking device used in the
16 actual casting of votes.

17 Before entering the voting booth each voter shall be
18 offered instruction in the operation of the marking device by
19 use of the instruction-model and the voter shall be given ample
20 opportunity to operate the model by himself. In instructing
21 voters, no precinct official may show partiality to any
22 political party, and, at the 2008 general election only, when
23 instructing a voter on how to vote a straight ticket for one
24 political party the precinct official shall at the same time
25 instruct the voter how to vote a straight ticket for any other

1 political party that appears on the ballot label. The duties of
2 instruction shall be discharged by a judge from each of the
3 political parties represented and they shall alternate serving
4 as instructor so that each judge shall serve a like time at
5 such duties. No instructions may be given after the voter has
6 entered the voting booth.

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

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

14 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

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

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

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

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

1 names are written in by the voter;

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

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

9 (5.5) It will identify when a voter has not voted for
10 all statewide constitutional offices;

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

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

18 The State Board of Elections is authorized to withdraw its
19 approval of a voting system if the system fails to fulfill the
20 above requirements.

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

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

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

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

20 (10 ILCS 5/24B-5.1)

21 Sec. 24B-5.1. Instruction of Voters; Instruction Model;
22 Partiality to Political Party; Manner of Instruction. Before
23 entering the voting booth each voter shall be offered
24 instruction in the marking of the Precinct Tabulation Optical
25 Scan Technology ballot sheet. In instructing voters, no

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

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

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

19 (10 ILCS 5/24B-16)

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

24 No Precinct Tabulation Optical Scan Technology voting
25 system shall be approved unless it fulfills the following

1 requirements:

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

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

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

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

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

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

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

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

26 The State Board of Elections is authorized to withdraw its

1 approval of a Precinct Tabulation Optical Scan Technology
2 voting system if the system fails to fulfill the above
3 requirements.

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

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

20 No vendor, person, or other entity may sell, lease, or
21 loan, or have a written contract, including a contract
22 contingent upon State Board approval of the voting system or
23 voting system component, to sell, lease, or loan, a voting
24 system or Precinct Tabulation Optical Scan Technology voting
25 system component to any election jurisdiction unless the voting
26 system or voting system component is first approved by the

1 State Board of Elections pursuant to this Section.

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

3 (10 ILCS 5/24C-1)

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

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

23 (b) This Article shall be implemented to permit straight
24 ticket voting, at the 2008 general election only, as authorized
25 by this Code.

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

2 (10 ILCS 5/24C-11)

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

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

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

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

23 (d) System voting devices shall provide voting choices that
24 are clear to the voter and labels indicating the names of every
25 candidate and the text of every public question on the voter's

1 ballot. Each label shall identify the selection button or
2 switch, or the active area of the ballot associated with it.
3 The system shall be able to incorporate minimal, easy-to-follow
4 on-screen instruction for the voter on how to cast a ballot.

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

25 (f) System voting devices shall provide a means for the
26 voter to signify that the selection of candidates and public

1 questions has been completed. Upon activation, the system shall
2 record an image of the completed ballot, increment the proper
3 ballot position registers, and shall signify to the voter that
4 the ballot has been cast. The system shall then prevent any
5 further attempt to vote until it has been reset or re-enabled
6 by a judge of election.

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

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

24 (i) All system devices shall provide a means of preventing
25 further voting once the polling place has closed and after all
26 eligible voters have voted. Such means of control shall

1 incorporate a visible indication of system status. Each device
2 shall prevent any unauthorized use, prevent tampering with
3 ballot labels and preclude its re-opening once the poll closing
4 has been completed for that election.

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

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

22 (l) System functions shall be implemented such that
23 unauthorized access to them is prevented and the execution of
24 authorized functions in an improper sequence is precluded.
25 System functions shall be executable only in the intended
26 manner and order, and only under the intended conditions. If

1 the preconditions to a system function have not been met, the
2 function shall be precluded from executing by the system's
3 control logic.

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

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

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

26 (p) The system shall include built-in test, measurement and

1 diagnostic software and hardware for detecting and reporting
2 the system's status and degree of operability.

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

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

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

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

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

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

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

25 (x) The system shall be suitably designed for the purpose
26 used, be durably constructed, and be designed for safety,

1 accuracy and efficiency.

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

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".