



Sen. William R. Haine

Filed: 3/2/2010

09600SB2503sam001

LRB096 16016 JAM 37939 a

1 AMENDMENT TO SENATE BILL 2503

2 AMENDMENT NO. _____. Amend Senate Bill 2503 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 17-11, 17-43, 18-5, 18-40, 19A-35, 24-1, 24A-16,
6 24B-16, and 24B-20 as follows:

7 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

8 Sec. 17-11. On receipt of his ballot the voter shall
9 forthwith, and without leaving the inclosed space, retire
10 alone, or accompanied by children as provided in Section 17-8,
11 to one of the voting booths so provided and shall prepare his
12 ballot by making in the appropriate margin or place a cross (X)
13 opposite the name of the candidate of his choice for each
14 office to be filled, or by writing in the name of the candidate
15 of his choice in a blank space on said ticket, making a cross
16 (X) opposite thereto; and in case of a question submitted to

1 the vote of the people, by making in the appropriate margin or
2 place a cross (X) against the answer he desires to give. A
3 cross (X) in the square in front of the bracket enclosing the
4 names of a team of candidates for Governor and Lieutenant
5 Governor counts as one vote for each of such candidates. Before
6 leaving the voting booth the voter shall fold his ballot in
7 such manner as to conceal the marks thereon. He shall then vote
8 forthwith in the manner herein provided, except that the number
9 corresponding to the number of the voter on the poll books
10 shall not be indorsed on the back of his ballot. He shall mark
11 and deliver his ballot without undue delay, and shall quit said
12 inclosed space as soon as he has voted; except that immediately
13 after voting, the voter shall be instructed whether the voting
14 equipment, if used, accepted or rejected the ballot or
15 identified the ballot as under-voted for a statewide
16 constitutional office. A voter whose ballot is identified as
17 under-voted may return to the voting booth and complete the
18 voting of that ballot. A voter whose ballot is not accepted by
19 the voting equipment may, upon surrendering the ballot, request
20 and vote another ballot. The voter's surrendered ballot shall
21 be initialed by the election judge and handled as provided in
22 the appropriate Article governing that voting equipment. The
23 voting equipment shall not indicate which office the voter
24 under-voted.

25 No voter shall be allowed to occupy a voting booth already
26 occupied by another, nor remain within said inclosed space more

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

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

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

1 Sec. 17-43. Voting.

2 (a) If the election authority has adopted the use of
3 Precinct Tabulation Optical Scan Technology voting equipment
4 pursuant to Article 24B of this Code, and the provisions of the
5 Article are in conflict with the provisions of this Article 17,
6 the provisions of Article 24B shall govern the procedures
7 followed by the election authority, its judges of elections,
8 and all employees and agents. In following the provisions of
9 Article 24B, the election authority is authorized to develop
10 and implement procedures to fully utilize Precinct Tabulation
11 Optical Scan Technology voting equipment authorized by the
12 State Board of Elections as long as the procedure is not in
13 conflict with either Article 24B or the administrative rules of
14 the State Board of Elections.

15 (b) Notwithstanding subsection (a), when voting equipment
16 governed by any Article of this Code is used, the requirements
17 of Section 7-11 that (i) the voter must be notified of the
18 voting equipment's acceptance or rejection of the ballot or
19 identification of an under-vote for a statewide constitutional
20 office and (ii) the voter shall have the opportunity to correct
21 an under-vote for a statewide constitutional office or
22 surrender the ballot that was not accepted and vote another
23 ballot shall not be modified. The voting equipment shall not
24 indicate which office the voter under-voted.

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

1 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

2 Sec. 18-5. Any person desiring to vote and whose name is
3 found upon the register of voters by the person having charge
4 thereof, shall then be questioned by one of the judges as to
5 his nativity, his term of residence at present address,
6 precinct, State and United States, his age, whether naturalized
7 and if so the date of naturalization papers and court from
8 which secured, and he shall be asked to state his residence
9 when last previously registered and the date of the election
10 for which he then registered. The judges of elections shall
11 check each application for ballot against the list of voters
12 registered in that precinct to whom grace period, absentee, and
13 early ballots have been issued for that election, which shall
14 be provided by the election authority and which list shall be
15 available for inspection by pollwatchers. A voter applying to
16 vote in the precinct on election day whose name appears on the
17 list as having been issued a grace period, absentee, or early
18 ballot shall not be permitted to vote in the precinct, except
19 that a voter to whom an absentee ballot was issued may vote in
20 the precinct if the voter submits to the election judges that
21 absentee ballot for cancellation. If the voter is unable to
22 submit the absentee ballot, it shall be sufficient for the
23 voter to submit to the election judges (i) a portion of the
24 absentee ballot if the absentee ballot was torn or mutilated or
25 (ii) an affidavit executed before the election judges
26 specifying that (A) the voter never received an absentee ballot

1 or (B) the voter completed and returned an absentee ballot and
2 was informed that the election authority did not receive that
3 absentee ballot. If such person so registered shall be
4 challenged as disqualified, the party challenging shall assign
5 his reasons therefor, and thereupon one of the judges shall
6 administer to him an oath to answer questions, and if he shall
7 take the oath he shall then be questioned by the judge or
8 judges touching such cause of challenge, and touching any other
9 cause of disqualification. And he may also be questioned by the
10 person challenging him in regard to his qualifications and
11 identity. But if a majority of the judges are of the opinion
12 that he is the person so registered and a qualified voter, his
13 vote shall then be received accordingly. But if his vote be
14 rejected by such judges, such person may afterward produce and
15 deliver an affidavit to such judges, subscribed and sworn to by
16 him before one of the judges, in which it shall be stated how
17 long he has resided in such precinct, and state; that he is a
18 citizen of the United States, and is a duly qualified voter in
19 such precinct, and that he is the identical person so
20 registered. In addition to such an affidavit, the person so
21 challenged shall provide to the judges of election proof of
22 residence by producing 2 forms of identification showing the
23 person's current residence address, provided that such
24 identification may include a lease or contract for a residence
25 and not more than one piece of mail addressed to the person at
26 his current residence address and postmarked not earlier than

1 30 days prior to the date of the election, or the person shall
2 procure a witness personally known to the judges of election,
3 and resident in the precinct (or district), or who shall be
4 proved by some legal voter of such precinct or district, known
5 to the judges to be such, who shall take the oath following,
6 viz:

7 I do solemnly swear (or affirm) that I am a resident of
8 this election precinct (or district), and entitled to vote at
9 this election, and that I have been a resident of this State
10 for 30 days last past, and am well acquainted with the person
11 whose vote is now offered; that he is an actual and bona fide
12 resident of this election precinct (or district), and has
13 resided herein 30 days, and as I verily believe, in this State,
14 30 days next preceding this election.

15 The oath in each case may be administered by one of the
16 judges of election, or by any officer, resident in the precinct
17 or district, authorized by law to administer oaths. Also
18 supported by an affidavit by a registered voter residing in
19 such precinct, stating his own residence, and that he knows
20 such person; and that he does reside at the place mentioned and
21 has resided in such precinct and state for the length of time
22 as stated by such person, which shall be subscribed and sworn
23 to in the same way. For purposes of this Section, the
24 submission of a photo identification issued by a college or
25 university, accompanied by either (i) a copy of the applicant's
26 contract or lease for a residence or (ii) one piece of mail

1 addressed to the person at his or her current residence address
2 and postmarked not earlier than 30 days prior to the date of
3 the election, shall be sufficient to establish proof of
4 residence. Whereupon the vote of such person shall be received,
5 and entered as other votes. But such judges, having charge of
6 such registers, shall state in their respective books the facts
7 in such case, and the affidavits, so delivered to the judges,
8 shall be preserved and returned to the office of the
9 commissioners of election. Blank affidavits of the character
10 aforesaid shall be sent out to the judges of all the precincts,
11 and the judges of election shall furnish the same on demand and
12 administer the oaths without criticism. Such oaths, if
13 administered by any other officer than such judge of election,
14 shall not be received. Whenever a proposal for a constitutional
15 amendment or for the calling of a constitutional convention is
16 to be voted upon at the election, the separate blue ballot or
17 ballots pertaining thereto shall be placed on top of the other
18 ballots to be voted at the election in such manner that the
19 legend appearing on the back thereof, as prescribed in Section
20 16-6 of this Act, shall be plainly visible to the voter, and in
21 this fashion the ballots shall be handed to the voter by the
22 judge.

23 Immediately after voting, the voter shall be instructed
24 whether the voting equipment, if used, accepted or rejected the
25 ballot or identified the ballot as under-voted. A voter whose
26 ballot is identified as under-voted for a statewide

1 constitutional office may return to the voting booth and
2 complete the voting of that ballot. A voter whose ballot is not
3 accepted by the voting equipment may, upon surrendering the
4 ballot, request and vote another ballot. The voter's
5 surrendered ballot shall be initialed by the election judge and
6 handled as provided in the appropriate Article governing that
7 voting equipment. The voting equipment shall not indicate which
8 office the voter under-voted.

9 The voter shall, upon quitting the voting booth, deliver to
10 one of the judges of election all of the ballots, properly
11 folded, which he received. The judge of election to whom the
12 voter delivers his ballots shall not accept the same unless all
13 of the ballots given to the voter are returned by him. If a
14 voter delivers less than all of the ballots given to him, the
15 judge to whom the same are offered shall advise him in a voice
16 clearly audible to the other judges of election that the voter
17 must return the remainder of the ballots. The statement of the
18 judge to the voter shall clearly express the fact that the
19 voter is not required to vote such remaining ballots but that
20 whether or not he votes them he must fold and deliver them to
21 the judge. In making such statement the judge of election shall
22 not indicate by word, gesture or intonation of voice that the
23 unreturned ballots shall be voted in any particular manner. No
24 new voter shall be permitted to enter the voting booth of a
25 voter who has failed to deliver the total number of ballots
26 received by him until such voter has returned to the voting

1 booth pursuant to the judge's request and again quit the booth
2 with all of the ballots required to be returned by him. Upon
3 receipt of all such ballots the judges of election shall enter
4 the name of the voter, and his number, as above provided in
5 this Section, and the judge to whom the ballots are delivered
6 shall immediately put the ballots into the ballot box. If any
7 voter who has failed to deliver all the ballots received by him
8 refuses to return to the voting booth after being advised by
9 the judge of election as herein provided, the judge shall
10 inform the other judges of such refusal, and thereupon the
11 ballot or ballots returned to the judge shall be deposited in
12 the ballot box, the voter shall be permitted to depart from the
13 polling place, and a new voter shall be permitted to enter the
14 voting booth.

15 The judge of election who receives the ballot or ballots
16 from the voter shall announce the residence and name of such
17 voter in a loud voice. The judge shall put the ballot or
18 ballots received from the voter into the ballot box in the
19 presence of the voter and the judges of election, and in plain
20 view of the public. The judges having charge of such registers
21 shall then, in a column prepared thereon, in the same line of,
22 the name of the voter, mark "Voted" or the letter "V".

23 No judge of election shall accept from any voter less than
24 the full number of ballots received by such voter without first
25 advising the voter in the manner above provided of the
26 necessity of returning all of the ballots, nor shall any such

1 judge advise such voter in a manner contrary to that which is
2 herein permitted, or in any other manner violate the provisions
3 of this Section; provided, that the acceptance by a judge of
4 election of less than the full number of ballots delivered to a
5 voter who refuses to return to the voting booth after being
6 properly advised by such judge shall not be a violation of this
7 Section.

8 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

9 (10 ILCS 5/18-40)

10 Sec. 18-40. Voting equipment.

11 (a) If the election authority has adopted the use of
12 Precinct Tabulation Optical Scan Technology voting equipment
13 pursuant to Article 24B of this Code, and the provisions of the
14 Article are in conflict with the provisions of this Article 18,
15 the provisions of Article 24B shall govern the procedures
16 followed by the election authority, its judges of elections,
17 and all employees and agents. In following the provisions of
18 Article 24B, the election authority is authorized to develop
19 and implement procedures to fully utilize Precinct Tabulation
20 Optical Scan Technology voting equipment authorized by the
21 State Board of Elections as long as the procedure is not in
22 conflict with either Article 24B or the administrative rules of
23 the State Board of Elections.

24 (b) Notwithstanding subsection (a), when voting equipment
25 governed by any Article of this Code is used, the requirements

1 of Section 18-5 that (i) the voter must be notified of the
2 voting equipment's acceptance or rejection of the ballot or
3 identification of an under-vote for a statewide constitutional
4 office and (ii) the voter shall have the opportunity to correct
5 an under-vote for a statewide constitutional office or
6 surrender the ballot that was not accepted and vote another
7 ballot shall not be modified. The voting equipment shall not
8 indicate which office the voter under-voted.

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

10 (10 ILCS 5/19A-35)

11 Sec. 19A-35. Procedure for voting.

12 (a) Not more than 23 days before the start of the election,
13 the county clerk shall make available to the election official
14 conducting early voting by personal appearance a sufficient
15 number of early ballots, envelopes, and printed voting
16 instruction slips for the use of early voters. The election
17 official shall receipt for all ballots received and shall
18 return unused or spoiled ballots at the close of the early
19 voting period to the county clerk and must strictly account for
20 all ballots received. The ballots delivered to the election
21 official must include early ballots for each precinct in the
22 election authority's jurisdiction and must include separate
23 ballots for each political subdivision conducting an election
24 of officers or a referendum at that election.

25 (b) In conducting early voting under this Article, the

1 election judge or official is required to verify the signature
2 of the early voter by comparison with the signature on the
3 official registration card, and the judge or official must
4 verify (i) the identity of the applicant, (ii) that the
5 applicant is a registered voter, (iii) the precinct in which
6 the applicant is registered, and (iv) the proper ballots of the
7 political subdivision in which the applicant resides and is
8 entitled to vote before providing an early ballot to the
9 applicant. The applicant's identity must be verified by the
10 applicant's presentation of an Illinois driver's license, a
11 non-driver identification card issued by the Illinois
12 Secretary of State, a photo identification card issued by a
13 university or college, or another government-issued
14 identification document containing the applicant's photograph.
15 The election judge or official must verify the applicant's
16 registration from the most recent poll list provided by the
17 election authority, and if the applicant is not listed on that
18 poll list, by telephoning the office of the election authority.

19 (b-5) A person requesting an early voting ballot to whom an
20 absentee ballot was issued may vote early if the person submits
21 that absentee ballot to the judges of election or official
22 conducting early voting for cancellation. If the voter is
23 unable to submit the absentee ballot, it shall be sufficient
24 for the voter to submit to the judges or official (i) a portion
25 of the absentee ballot if the absentee ballot was torn or
26 mutilated or (ii) an affidavit executed before the judges or

1 official specifying that (A) the voter never received an
2 absentee ballot or (B) the voter completed and returned an
3 absentee ballot and was informed that the election authority
4 did not receive that absentee ballot.

5 (b-10) Within one day after a voter casts an early voting
6 ballot, the election authority shall transmit the voter's name,
7 street address, and precinct, ward, township, and district
8 numbers, as the case may be, to the State Board of Elections,
9 which shall maintain those names and that information in an
10 electronic format on its website, arranged by county and
11 accessible to State and local political committees.

12 (b-15) Immediately after voting an early ballot, the voter
13 shall be instructed whether the voting equipment accepted or
14 rejected the ballot or identified that ballot as under-voted
15 for a statewide constitutional office. A voter whose ballot is
16 identified as under-voted may return to the voting booth and
17 complete the voting of that ballot. A voter whose early voting
18 ballot is not accepted by the voting equipment may, upon
19 surrendering the ballot, request and vote another early voting
20 ballot. The voting equipment shall not indicate which office
21 the voter under-voted. The voter's surrendered ballot shall be
22 initialed by the election judge or official conducting the
23 early voting and handled as provided in the appropriate Article
24 governing the voting equipment used.

25 (c) The sealed early ballots in their carrier envelope
26 shall be delivered by the election authority to the central

1 ballot counting location before the close of the polls on the
2 day of the election.

3 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

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 ticket selected in part from the
23 nominees of one party, and in part from the nominees of any or
24 all other parties, and in part from independent nominees
25 printed in the columns of candidates for public office, and in

1 part of persons not in nomination by any party or upon any
2 independent ticket; that it enables each elector to vote a
3 written or printed ballot of his own selection, for any person
4 for any office for whom he may desire to vote; that it enables
5 each elector to vote for all candidates for whom he is entitled
6 to vote, and prevents him from voting for any candidate for any
7 office more than once, unless he is lawfully entitled to cast
8 more than one vote for one candidate, and in that event permits
9 him to cast only as many votes for that candidate as he is by
10 law entitled, and no more; that it prevents the elector from
11 voting for more than one person for the same office, unless he
12 is lawfully entitled to vote for more than one person therefor,
13 and in that event permits him to vote for as many persons for
14 that office as he is by law entitled, and no more; that it
15 identifies when an elector has not voted for all statewide
16 constitutional offices without indicating which office the
17 voter under-voted; and that such machine will register
18 correctly by means of exact counters every vote cast for the
19 regular tickets thereon; and has the capacity to contain the
20 tickets of at least 5 political parties with the names of all
21 the candidates thereon, together with all propositions in the
22 form provided by law, where such form is prescribed, and where
23 no such provision is made for the form thereof, then in brief
24 form, not to exceed 75 words; that all votes cast on the
25 machine on a regular ballot or ballots shall be registered;
26 that voters may, by means of irregular ballots or otherwise

1 vote for any person for any office, although such person may
2 not have been nominated by any party and his name may not
3 appear on such machine; that when a vote is cast for any person
4 for any such office, when his name does not appear on the
5 machine, the elector cannot vote for any other name on the
6 machine for the same office; that each elector can,
7 understandingly and within the period of 4 minutes cast his
8 vote for all candidates of his choice; that the machine is so
9 constructed that the candidates for presidential electors of
10 any party can be voted for only by voting for the ballot label
11 containing a bracket within which are the names of the
12 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-16) (from Ch. 46, par. 24A-16)

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

11 No voting system shall be approved unless it fulfills the
12 following requirements:

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

14 (2) (Blank);

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

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

23 (5) It will reject all votes for an office or upon a
24 proposition when the voter has cast more votes for such
25 office or upon such proposition than he is entitled to

1 cast;

2 (5.5) It will identify when a voter has not voted for
3 all statewide constitutional offices without indicating
4 which office the voter under-voted;

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

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

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

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

21 Any voting system vendor, person, or other private entity
22 seeking the State Board of Elections' approval of a voting
23 system shall, as part of the approval application, submit to
24 the State Board a non-refundable fee. The State Board of
25 Elections by rule shall establish an appropriate fee structure,
26 taking into account the type of voting system approval that is

1 requested (such as approval of a new system, a modification of
2 an existing system, the size of the modification, etc.). No
3 voting system or modification of a voting system shall be
4 approved unless the fee is paid.

5 No vendor, person, or other entity may sell, lease, or
6 loan, or have a written contract, including a contract
7 contingent upon State Board approval of the voting system or
8 voting system component, to sell, lease, or loan, a voting
9 system or voting system component to any election jurisdiction
10 unless the voting system or voting system component is first
11 approved by the State Board of Elections pursuant to this
12 Section.

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

14 (10 ILCS 5/24B-16)

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

19 No Precinct Tabulation Optical Scan Technology voting
20 system shall be approved unless it fulfills the following
21 requirements:

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

23 (b) (Blank);

24 (c) It enables a voter to vote a ticket selected in
25 part from the nominees of one party, and in part from the

1 nominees of any or all parties, and in part from
2 independent candidates, and in part of candidates whose
3 names are written in by the voter;

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

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

11 (e-5) It will identify when a voter has not voted for
12 all statewide constitutional offices without indicating
13 which office the voter under-voted; and

14 (f) It will accommodate all propositions to be
15 submitted to the voters in the form provided by law or,
16 where no form is provided, then in brief form, not to
17 exceed 75 words.

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

21 The State Board of Elections is authorized to withdraw its
22 approval of a Precinct Tabulation Optical Scan Technology
23 voting system if the system fails to fulfill the above
24 requirements.

25 The vendor, person, or other private entity shall be solely
26 responsible for the production and cost of: all application

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

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

15 No vendor, person, or other entity may sell, lease, or
16 loan, or have a written contract, including a contract
17 contingent upon State Board approval of the voting system or
18 voting system component, to sell, lease, or loan, a voting
19 system or Precinct Tabulation Optical Scan Technology voting
20 system component to any election jurisdiction unless the voting
21 system or voting system component is first approved by the
22 State Board of Elections pursuant to this Section.

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

24 (10 ILCS 5/24B-20)

25 Sec. 24B-20. Voting Defect Identification Capabilities.

1 An election authority is required to use the Voting Defect
2 Identification capabilities of the automatic tabulating
3 equipment when used in-precinct, including both the capability
4 of identifying an under-vote and the capability of identifying
5 an over-vote without indicating which office the voter
6 under-voted.

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

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