



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3970

Introduced 1/21/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2.6 new	
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/24A-10	from Ch. 46, par. 24A-10
10 ILCS 5/24A-10.1	from Ch. 46, par. 24A-10.1
10 ILCS 5/24A-14	from Ch. 46, par. 24A-14
10 ILCS 5/24B-10	
10 ILCS 5/24B-10.1	
10 ILCS 5/24B-14	

Amends the Election Code. Provides that the State Board of Elections shall provide a certified remote accessible vote by mail system through which a vote by mail ballot can be transmitted to voters with disabilities and through which voters with disabilities shall be able to mark a ballot using assistive technology. Provides for other accommodations for voters with a disability and requirements for ballots cast based upon those accommodations. Makes changes relating to damaged, defective, or unreadable ballots.

LRB102 23621 AWJ 32803 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 19-3, 19-4, 19-5, 24A-10, 24A-10.1, 24A-14, 24B-10,
6 24B-10.1, and 24B-14 and by adding Section 19-2.6 as follows:

7 (10 ILCS 5/19-2.6 new)

8 Sec. 19-2.6. Vote by mail; accommodation for voters with a
9 disability.

10 (a) Definitions. As used in this Section, unless the
11 context otherwise requires:

12 "Assistive technology" means any piece of equipment or
13 product system used to increase, maintain, or improve the
14 functional capabilities of individuals with disabilities.

15 "Certified remote accessible vote by mail system" means a
16 process through which an election authority shall
17 electronically transmit a vote by mail ballot to a voter with a
18 disability and which allows a voter with a disability to mark
19 the voter's ballot using assistive technology and approved by
20 the State Board of Elections.

21 "Electronic transmission" means the transfer of data or
22 information through an authorized electronic data interchange
23 system.

1 "Voter with a disability" means a person having a
2 temporary or permanent physical or mental impairment such as
3 blindness, low vision, or other print disability which
4 prevents them from the effective reading, writing, or use of
5 printed material.

6 (b) The State Board of Elections shall provide a certified
7 remote accessible vote by mail system through which a vote by
8 mail ballot can be transmitted to voters with disabilities and
9 through which voters with disabilities shall be able to mark a
10 ballot using assistive technology.

11 (c) Election authorities shall permit a voter with a
12 disability to receive and mark their vote by mail ballot (i)
13 through the certified remote accessible vote by mail system
14 provided by the State Board of Elections pursuant to
15 subsection (b) of this Section or (ii) through a certified
16 remote accessible vote by mail system provided by the election
17 authority.

18 (d) If a vote by mail ballot application from a voter with
19 a disability arrives after the jurisdiction begins
20 transmitting vote by mail ballots and instructions to voters,
21 the election authority shall transmit the ballot,
22 instructions, and balloting materials to the voter within two
23 business days after receipt of the application.

24 (e) Ballots received and marked pursuant to this Section
25 must be printed by the voter and returned to the election
26 authority as provided in Section 19-6.

1 (f) The State Board of Elections shall adopt rules
2 necessary for the implementation of this Section. The State
3 Board of Elections' adopted rules shall include certification
4 standards for a remote accessible vote by mail system and a
5 method subject to the provisions in Sections 19-2 and 19-3 of
6 this Article by which a voter with a disability may request an
7 accessible vote by mail ballot.

8 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

9 Sec. 19-3. Application for a vote by mail ballot. (a)
10 The application for a vote by mail ballot for a single election
11 shall be substantially in the following form:

12 APPLICATION FOR VOTE BY MAIL BALLOT

13 To be voted at the election in the County of and
14 State of Illinois, in the precinct of the (1) *township of
15 (2) *City of or (3) *.... ward in the City of

16 I state that I am a resident of the precinct of the
17 (1) *township of (2) *City of or (3) *.... ward in
18 the city of residing at in such city or town in the
19 county of and State of Illinois; that I have lived at such
20 address for month(s) last past; that I am lawfully
21 entitled to vote in such precinct at the election to be
22 held therein on; and that I wish to vote by vote by mail
23 ballot.

24 I hereby make application for an official ballot or
25 ballots to be voted by me at such election, and I agree that I

1 shall return such ballot or ballots to the official issuing
 2 the same prior to the closing of the polls on the date of the
 3 election or, if returned by mail, postmarked no later than
 4 election day, for counting no later than during the period for
 5 counting provisional ballots, the last day of which is the
 6 14th day following election day.

7 I understand that this application is made for an official
 8 vote by mail ballot or ballots to be voted by me at the
 9 election specified in this application and that I must submit
 10 a separate application for an official vote by mail ballot or
 11 ballots to be voted by me at any subsequent election.

12 Under penalties as provided by law pursuant to Section
 13 29-10 of the Election Code, the undersigned certifies that the
 14 statements set forth in this application are true and correct.

15

16 *fill in either (1), (2) or (3).

17 Post office address to which ballot is mailed:

18

19 (a-5) The application for a vote by mail ballot
 20 transmitted electronically pursuant to Section 19-2.6 shall be
 21 substantively similar to the application for a vote by mail
 22 ballot for a single election and shall include:

23 I swear or affirm that I am a voter with a disability,
 24 and, as a result of this disability, I will be denied the
 25 opportunity to vote by mail privately and independently
 26 unless I am permitted to receive and mark my vote by mail

1 ballot electronically.

2 (b) The application for permanent vote by mail status
3 shall be substantially in the following form:

4 APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

5 I am currently a registered voter and wish to apply for
6 permanent vote by mail status.

7 I state that I am a resident of the City of residing
8 at in such city in the county of and State of
9 Illinois; that I have lived at such address for month(s)
10 last past; that I am lawfully entitled to vote in such precinct
11 at the election to be held therein on; and that I
12 wish to vote by vote by mail ballot in:

13 all subsequent elections that do not require a party
14 designation.

15 all subsequent elections, and I wish to receive a
16 Party vote by mail ballot in
17 elections that require a party designation.

18 I hereby make application for an official ballot or
19 ballots to be voted by me at such election, and I agree that I
20 shall return such ballot or ballots to the official issuing
21 the same prior to the closing of the polls on the date of the
22 election or, if returned by mail, postmarked no later than
23 election day, for counting no later than during the period for
24 counting provisional ballots, the last day of which is the
25 14th day following election day.

26 Under penalties as provided by law under Section 29-10 of

1 the Election Code, the undersigned certifies that the
2 statements set forth in this application are true and correct.

3

4 Post office address to which ballot is mailed:

5

6 (c) However, if application is made for a primary election
7 ballot, such application shall require the applicant to
8 designate the name of the political party with which the
9 applicant is affiliated. The election authority shall allow
10 any voter on permanent vote by mail status to change his or her
11 party affiliation for a primary election ballot by a method
12 and deadline published and selected by the election authority.

13 (d) If application is made electronically, the applicant
14 shall mark the box associated with the above described
15 statement included as part of the online application
16 certifying that the statements set forth in the application
17 under subsection (a) or (b) are true and correct, and a
18 signature is not required.

19 (e) Any person may produce, reproduce, distribute, or
20 return to an election authority an application under this
21 Section. If applications are sent to a post office box
22 controlled by any individual or organization that is not an
23 election authority, those applications shall (i) include a
24 valid and current phone number for the individual or
25 organization controlling the post office box and (ii) be
26 turned over to the appropriate election authority within 7

1 days of receipt or, if received within 2 weeks of the election
2 in which an applicant intends to vote, within 2 days of
3 receipt. Failure to turn over the applications in compliance
4 with this paragraph shall constitute a violation of this Code
5 and shall be punishable as a petty offense with a fine of \$100
6 per application. Removing, tampering with, or otherwise
7 knowingly making the postmark on the application unreadable by
8 the election authority shall establish a rebuttable
9 presumption of a violation of this paragraph. Upon receipt,
10 the appropriate election authority shall accept and promptly
11 process any application under this Section submitted in a form
12 substantially similar to that required by this Section,
13 including any substantially similar production or reproduction
14 generated by the applicant.

15 (f) An election authority may combine the applications in
16 subsections (a) and (b) onto one form, but the distinction
17 between the applications must be clear and the form must
18 provide check boxes for an applicant to indicate whether he or
19 she is applying for a single election vote by mail ballot or
20 for permanent vote by mail status.

21 (Source: P.A. 102-15, eff. 6-17-21.)

22 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

23 Sec. 19-4. Mailing or delivery of ballots; time.
24 Immediately upon the receipt of such application either by
25 mail or electronic means, not more than 90 days nor less than 5

1 days prior to such election, or by personal delivery not more
2 than 90 days nor less than one day prior to such election, at
3 the office of such election authority, it shall be the duty of
4 such election authority to examine the records to ascertain
5 whether or not such applicant is lawfully entitled to vote as
6 requested, including a verification of the applicant's
7 signature by comparison with the signature on the official
8 registration record card, and if found so to be entitled to
9 vote, to post within one business day thereafter the name,
10 street address, ward and precinct number or township and
11 district number, as the case may be, of such applicant given on
12 a list, the pages of which are to be numbered consecutively to
13 be kept by such election authority for such purpose in a
14 conspicuous, open and public place accessible to the public at
15 the entrance of the office of such election authority, and in
16 such a manner that such list may be viewed without necessity of
17 requesting permission therefor. Within one day after posting
18 the name and other information of an applicant for a vote by
19 mail ballot, the election authority shall transmit by
20 electronic means pursuant to a process established by the
21 State Board of Elections that name and other posted
22 information to the State Board of Elections, which shall
23 maintain those names and other information in an electronic
24 format on its website, arranged by county and accessible to
25 State and local political committees. Within 2 business days
26 after posting a name and other information on the list within

1 its office, but no sooner than 40 days before an election, the
2 election authority shall mail, postage prepaid, or deliver in
3 person in such office, or deliver via electronic transmission
4 pursuant to Section 19-2.6, an official ballot or ballots if
5 more than one are to be voted at said election. Mail delivery
6 of Temporarily Absent Student ballot applications pursuant to
7 Section 19-12.3 shall be by nonforwardable mail. However, for
8 the consolidated election, vote by mail ballots for certain
9 precincts may be delivered to applicants not less than 25 days
10 before the election if so much time is required to have
11 prepared and printed the ballots containing the names of
12 persons nominated for offices at the consolidated primary. The
13 election authority shall enclose with each vote by mail ballot
14 or application written instructions on how voting assistance
15 shall be provided pursuant to Section 17-14 and a document,
16 written and approved by the State Board of Elections,
17 informing the vote by mail voter of the required postage for
18 returning the application and ballot, and enumerating the
19 circumstances under which a person is authorized to vote by
20 vote by mail ballot pursuant to this Article; such document
21 shall also include a statement informing the applicant that if
22 he or she falsifies or is solicited by another to falsify his
23 or her eligibility to cast a vote by mail ballot, such
24 applicant or other is subject to penalties pursuant to Section
25 29-10 and Section 29-20 of the Election Code. Each election
26 authority shall maintain a list of the name, street address,

1 ward and precinct, or township and district number, as the
2 case may be, of all applicants who have returned vote by mail
3 ballots to such authority, and the name of such vote by mail
4 voter shall be added to such list within one business day from
5 receipt of such ballot. If the vote by mail ballot envelope
6 indicates that the voter was assisted in casting the ballot,
7 the name of the person so assisting shall be included on the
8 list. The list, the pages of which are to be numbered
9 consecutively, shall be kept by each election authority in a
10 conspicuous, open, and public place accessible to the public
11 at the entrance of the office of the election authority and in
12 a manner that the list may be viewed without necessity of
13 requesting permission for viewing.

14 Each election authority shall maintain a list for each
15 election of the voters to whom it has issued vote by mail
16 ballots. The list shall be maintained for each precinct within
17 the jurisdiction of the election authority. Prior to the
18 opening of the polls on election day, the election authority
19 shall deliver to the judges of election in each precinct the
20 list of registered voters in that precinct to whom vote by mail
21 ballots have been issued by mail.

22 Each election authority shall maintain a list for each
23 election of voters to whom it has issued temporarily absent
24 student ballots. The list shall be maintained for each
25 election jurisdiction within which such voters temporarily
26 abide. Immediately after the close of the period during which

1 application may be made by mail or electronic means for vote by
2 mail ballots, each election authority shall mail to each other
3 election authority within the State a certified list of all
4 such voters temporarily abiding within the jurisdiction of the
5 other election authority.

6 In the event that the return address of an application for
7 ballot by a physically incapacitated elector is that of a
8 facility licensed or certified under the Nursing Home Care
9 Act, the Specialized Mental Health Rehabilitation Act of 2013,
10 the ID/DD Community Care Act, or the MC/DD Act, within the
11 jurisdiction of the election authority, and the applicant is a
12 registered voter in the precinct in which such facility is
13 located, the ballots shall be prepared and transmitted to a
14 responsible judge of election no later than 9 a.m. on the
15 Friday, Saturday, Sunday, or Monday immediately preceding the
16 election as designated by the election authority under Section
17 19-12.2. Such judge shall deliver in person on the designated
18 day the ballot to the applicant on the premises of the facility
19 from which application was made. The election authority shall
20 by mail notify the applicant in such facility that the ballot
21 will be delivered by a judge of election on the designated day.

22 All applications for vote by mail ballots shall be
23 available at the office of the election authority for public
24 inspection upon request from the time of receipt thereof by
25 the election authority until 30 days after the election,
26 except during the time such applications are kept in the

1 office of the election authority pursuant to Section 19-7, and
2 except during the time such applications are in the possession
3 of the judges of election.

4 Notwithstanding any provision of this Section to the
5 contrary, pursuant to subsection (a) of Section 30 of the
6 Address Confidentiality for Victims of Domestic Violence,
7 Sexual Assault, Human Trafficking, or Stalking Act, neither
8 the name nor the address of a program participant under that
9 Act shall be included in any list of registered voters
10 available to the public, including the lists referenced in
11 this Section.

12 (Source: P.A. 102-292, eff. 1-1-22.)

13 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

14 Sec. 19-5. Folding and enclosure of ballots in unsealed
15 envelope; address on envelope; certification; instructions for
16 marking and returning ballots. It shall be the duty of the
17 election authority to fold the ballot or ballots in the manner
18 specified by the statute for folding ballots prior to their
19 deposit in the ballot box, and to enclose such ballot or
20 ballots in an envelope unsealed to be furnished by him, which
21 envelope shall bear upon the face thereof the name, official
22 title and post office address of the election authority, and
23 upon the other side a printed certification in substantially
24 the following form:

25 I state that I am a resident of the precinct of the

1 (1) *township of (2) *City of or (3) *.... ward in
 2 the city of residing at in such city or town in the
 3 county of and State of Illinois, that I have lived at such
 4 address for months last past; and that I am lawfully
 5 entitled to vote in such precinct at the election to be
 6 held on

7 *fill in either (1), (2) or (3).

8 I further state that I personally marked the enclosed
 9 ballot in secret.

10 Under penalties of perjury as provided by law pursuant to
 11 Section 29-10 of The Election Code, the undersigned certifies
 12 that the statements set forth in this certification are true
 13 and correct.

14

15 If the ballot is to go to an elector who is physically
 16 incapacitated and needs assistance marking the ballot, the
 17 envelope shall bear upon the back thereof a certification in
 18 substantially the following form:

19 I state that I am a resident of the precinct of the
 20 (1) *township of (2) *City of or (3) *.... ward in
 21 the city of residing at in such city or town in the
 22 county of and State of Illinois, that I have lived at such
 23 address for months last past; that I am lawfully entitled
 24 to vote in such precinct at the election to be held on
 25; that I am physically incapable of personally marking the
 26 ballot for such election.

1 *fill in either (1), (2) or (3).

2 I further state that I marked the enclosed ballot in
3 secret with the assistance of

4

5 (Individual rendering assistance)

6

7 (Residence Address)

8 Under penalties of perjury as provided by law pursuant to
9 Section 29-10 of The Election Code, the undersigned certifies
10 that the statements set forth in this certification are true
11 and correct.

12

13 In the case of a voter with a physical incapacity, marking
14 a ballot in secret includes marking a ballot with the
15 assistance of another individual, other than a candidate whose
16 name appears on the ballot (unless the voter is the spouse or a
17 parent, child, brother, or sister of the candidate), the
18 voter's employer, an agent of that employer, or an officer or
19 agent of the voter's union, when the voter's physical
20 incapacity necessitates such assistance.

21 In the case of a physically incapacitated voter, marking a
22 ballot in secret includes marking a ballot with the assistance
23 of another individual, other than a candidate whose name
24 appears on the ballot (unless the voter is the spouse or a
25 parent, child, brother, or sister of the candidate), the
26 voter's employer, an agent of that employer, or an officer or

1 agent of the voter's union, when the voter's physical
2 incapacity necessitates such assistance.

3 Provided, that if the ballot enclosed is to be voted at a
4 primary election, the certification shall designate the name
5 of the political party with which the voter is affiliated.

6 In addition to the above, the election authority shall
7 provide printed slips, or an electronic version thereof for
8 voters voting by mail pursuant to Section 19-2.6, giving full
9 instructions regarding the manner of marking and returning the
10 ballot in order that the same may be counted, and shall furnish
11 one of such printed slips to each of such applicants at the
12 same time the ballot is delivered to him. Such instructions
13 shall include the following statement: "In signing the
14 certification on the vote by mail ballot envelope, you are
15 attesting that you personally marked this vote by mail ballot
16 in secret. If you are physically unable to mark the ballot, a
17 friend or relative may assist you after completing the
18 enclosed affidavit. Federal and State laws prohibit a
19 candidate whose name appears on the ballot (unless you are the
20 spouse or a parent, child, brother, or sister of the
21 candidate), your employer, your employer's agent or an officer
22 or agent of your union from assisting voters with physical
23 disabilities."

24 In addition to the above, if a ballot to be provided to an
25 elector pursuant to this Section contains a public question
26 described in subsection (b) of Section 28-6 and the territory

1 concerning which the question is to be submitted is not
2 described on the ballot due to the space limitations of such
3 ballot, the election authority shall provide a printed copy of
4 a notice of the public question, which shall include a
5 description of the territory in the manner required by Section
6 16-7. The notice shall be furnished to the elector at the same
7 time the ballot is delivered to the elector.

8 Election authorities transmitting ballots by electronic
9 transmission pursuant to Section 19-2.6 shall, to the greatest
10 extent possible, provide those applicants with the same
11 instructions, certifications, and other balloting materials
12 required when sending ballots by mail.

13 (Source: P.A. 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15.)

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

15 Sec. 24A-10. (1) In an election jurisdiction which has
16 adopted an electronic voting system, the election official in
17 charge of the election shall select one of the 3 following
18 procedures for receiving, counting, tallying, and return of
19 the ballots:

20 (a) Two ballot boxes shall be provided for each polling
21 place. The first ballot box is for the depositing of votes cast
22 on the electronic voting system; and the second ballot box is
23 for all votes cast on paper ballots, including any paper
24 ballots required to be voted other than on the electronic
25 voting system. Ballots deposited in the second ballot box

1 shall be counted, tallied, and returned as is elsewhere
2 provided in this Code for the counting and handling of paper
3 ballots. Immediately after the closing of the polls, the
4 judges of election shall make out a slip indicating the number
5 of persons who voted in the precinct at the election. Such slip
6 shall be signed by all the judges of election and shall be
7 inserted by them in the first ballot box. The judges of
8 election shall thereupon immediately lock each ballot box;
9 provided, that if such box is not of a type which may be
10 securely locked, such box shall be sealed with filament tape
11 provided for such purpose which shall be wrapped around the
12 box lengthwise and crosswise, at least twice each way, and in
13 such manner that the seal completely covers the slot in the
14 ballot box, and each of the judges shall sign such seal.
15 Thereupon two of the judges of election, of different
16 political parties, shall forthwith and by the most direct
17 route transport both ballot boxes to the counting location
18 designated by the county clerk or board of election
19 commissioners.

20 Before the ballots of a precinct are fed to the electronic
21 tabulating equipment, the first ballot box shall be opened at
22 the central counting station by the two precinct transport
23 judges. Upon opening a ballot box, such team shall first count
24 the number of ballots in the box. If 2 or more are folded
25 together so as to appear to have been cast by the same person,
26 all of the ballots so folded together shall be marked and

1 returned with the other ballots in the same condition, as near
2 as may be, in which they were found when first opened, but
3 shall not be counted. If the remaining ballots are found to
4 exceed the number of persons voting in the precinct as shown by
5 the slip signed by the judges of election, the ballots shall be
6 replaced in the box, and the box closed and well shaken and
7 again opened and one of the precinct transport judges shall
8 publicly draw out so many ballots unopened as are equal to such
9 excess.

10 Such excess ballots shall be marked "Excess-Not Counted"
11 and signed by the two precinct transport judges and shall be
12 placed in the "After 7:00 p.m. Defective Ballots Envelope".
13 The number of excess ballots shall be noted in the remarks
14 section of the Certificate of Results. "Excess" ballots shall
15 not be counted in the total of "defective" ballots.

16 The precinct transport judges shall then examine the
17 remaining ballots for write-in votes and shall count and
18 tabulate the write-in vote; or

19 (b) A single ballot box, for the deposit of all votes cast,
20 shall be used. All ballots which are not to be tabulated on the
21 electronic voting system shall be counted, tallied, and
22 returned as elsewhere provided in this Code for the counting
23 and handling of paper ballots.

24 All ballots to be processed and tabulated with the
25 electronic voting system shall be processed as follows:

26 Immediately after the closing of the polls, the precinct

1 judges of election then shall open the ballot box and canvass
2 the votes polled to determine that the number of ballots
3 therein agree with the number of voters voting as shown by the
4 applications for ballot or if the same do not agree the judges
5 of election shall make such ballots agree with the
6 applications for ballot in the manner provided by Section
7 17-18 of this Code. The judges of election shall then examine
8 all ballot cards and ballot card envelopes which are in the
9 ballot box to determine whether the ballot cards and ballot
10 card envelopes bear the initials of a precinct judge of
11 election. If any ballot card or ballot card envelope is not
12 initialed, it shall be marked on the back "Defective,"
13 initialed as to such label by all judges immediately under
14 such word "Defective," and not counted, but placed in the
15 envelope provided for that purpose labeled "Defective Ballots
16 Envelope."

17 When an electronic voting system is used which utilizes a
18 ballot card, before separating the ballot cards from their
19 respective covering envelopes, the judges of election shall
20 examine the ballot card envelopes for write-in votes. When the
21 voter has voted a write-in vote, the judges of election shall
22 compare the write-in vote with the votes on the ballot card to
23 determine whether such write-in results in an overvote for any
24 office. In case of an overvote for any office, the judges of
25 election, consisting in each case of at least one judge of
26 election of each of the two major political parties, shall

1 make a true duplicate ballot of all votes on such ballot card
2 except for the office which is overvoted, by using the ballot
3 label booklet of the precinct and one of the marking devices of
4 the precinct so as to transfer all votes of the voter except
5 for the office overvoted, to an official ballot card of that
6 kind used in the precinct at that election. The original
7 ballot card and envelope upon which there is an overvote shall
8 be clearly labeled "Overvoted Ballot", and each shall bear the
9 same serial number which shall be placed thereon by the judges
10 of election, commencing with number 1 and continuing
11 consecutively for the ballots of that kind in that precinct.
12 The judges of election shall initial the "Duplicate Overvoted
13 Ballot" ballot cards and shall place them in the box for return
14 of the ballots. The "Overvoted Ballot" ballots and their
15 envelopes shall be placed in the "Duplicate Ballots" envelope.
16 Envelopes bearing write-in votes marked in the place
17 designated therefor and bearing the initials of a precinct
18 judge of election and not resulting in an overvote and
19 otherwise complying with the election laws as to marking shall
20 be counted, tallied, and their votes recorded on a tally sheet
21 provided by the election official in charge of the election.
22 The ballot cards and ballot card envelopes shall be separated
23 and all except any defective or overvoted shall be placed
24 separately in the box for return of the ballots. The judges of
25 election shall examine the ballots and ballot cards to
26 determine if any is damaged, or defective, or ~~so that it~~ cannot

1 otherwise be counted by the automatic tabulating equipment. If
2 any ballot or ballot card is damaged, ~~or~~ defective, or so that
3 ~~it~~ cannot otherwise properly be counted by the automatic
4 tabulating equipment, the judges of election, consisting in
5 each case of at least one judge of election of each of the two
6 major political parties, shall make a true duplicate ballot of
7 all votes on such ballot card by using the ballot label booklet
8 of the precinct and one of the marking devices of the precinct.
9 The original ballot or ballot card and envelope shall be
10 clearly labeled "Damaged Ballot" and the ballot or ballot card
11 so produced "Duplicate Damaged Ballot," and each shall bear
12 the same number which shall be placed thereon by the judges of
13 election, commencing with number 1 and continuing
14 consecutively for the ballots of that kind in the precinct.
15 The judges of election shall initial the "Duplicate Damaged
16 Ballot" ballot or ballot cards, and shall place them in the box
17 for return of the ballots. The "Damaged Ballot" ballots or
18 ballot cards and their envelopes shall be placed in the
19 "Duplicated Ballots" envelope. A slip indicating the number of
20 voters voting in person shall be made out, signed by all judges
21 of election, and inserted in the box for return of the ballots.
22 The tally sheets recording the write-in votes shall be placed
23 in this box. The judges of election thereupon immediately
24 shall securely lock the ballot box or other suitable box
25 furnished for return of the ballots by the election official
26 in charge of the election; provided that if such box is not of

1 a type which may be securely locked, such box shall be sealed
2 with filament tape provided for such purpose which shall be
3 wrapped around the box lengthwise and crosswise, at least
4 twice each way. A separate adhesive seal label signed by each
5 of the judges of election of the precinct shall be affixed to
6 the box so as to cover any slot therein and to identify the box
7 of the precinct; and if such box is sealed with filament tape
8 as provided herein rather than locked, such tape shall be
9 wrapped around the box as provided herein, but in such manner
10 that the separate adhesive seal label affixed to the box and
11 signed by the judges may not be removed without breaking the
12 filament tape and disturbing the signature of the judges.
13 Thereupon, 2 of the judges of election, of different major
14 political parties, forthwith shall by the most direct route
15 transport the box for return of the ballots and enclosed
16 ballots and returns to the central counting location
17 designated by the election official in charge of the election.
18 If, however, because of the lack of adequate parking
19 facilities at the central counting location or for any other
20 reason, it is impossible or impracticable for the boxes from
21 all the polling places to be delivered directly to the central
22 counting location, the election official in charge of the
23 election may designate some other location to which the boxes
24 shall be delivered by the 2 precinct judges. While at such
25 other location the boxes shall be in the care and custody of
26 one or more teams, each consisting of 4 persons, 2 from each of

1 the two major political parties, designated for such purpose
2 by the election official in charge of elections from
3 recommendations by the appropriate political party
4 organizations. As soon as possible, the boxes shall be
5 transported from such other location to the central counting
6 location by one or more teams, each consisting of 4 persons, 2
7 from each of the 2 major political parties, designated for
8 such purpose by the election official in charge of elections
9 from recommendations by the appropriate political party
10 organizations.

11 The "Defective Ballots" envelope, and "Duplicated Ballots"
12 envelope each shall be securely sealed and the flap or end
13 thereof of each signed by the precinct judges of election and
14 returned to the central counting location with the box for
15 return of the ballots, enclosed ballots and returns.

16 At the central counting location, a team of tally judges
17 designated by the election official in charge of the election
18 shall check the box returned containing the ballots to
19 determine that all seals are intact, and thereupon shall open
20 the box, check the voters' slip and compare the number of
21 ballots so delivered against the total number of voters of the
22 precinct who voted, remove the ballots or ballot cards and
23 deliver them to the technicians operating the automatic
24 tabulating equipment. Any discrepancies between the number of
25 ballots and total number of voters shall be noted on a sheet
26 furnished for that purpose and signed by the tally judges; or

1 (c) A single ballot box, for the deposit of all votes cast,
2 shall be used. Immediately after the closing of the polls, the
3 precinct judges of election shall securely lock the ballot
4 box; provided that if such box is not of a type which may be
5 securely locked, such box shall be sealed with filament tape
6 provided for such purpose which shall be wrapped around the
7 box lengthwise and crosswise, at least twice each way. A
8 separate adhesive seal label signed by each of the judges of
9 election of the precinct shall be affixed to the box so as to
10 cover any slot therein and to identify the box of the precinct;
11 and if such box is sealed with filament tape as provided herein
12 rather than locked, such tape shall be wrapped around the box
13 as provided herein, but in such manner that the separate
14 adhesive seal label affixed to the box and signed by the judges
15 may not be removed without breaking the filament tape and
16 disturbing the signature of the judges. Thereupon, 2 of the
17 judges of election, of different major political parties,
18 shall forthwith by the most direct route transport the box for
19 return of the ballots and enclosed vote by mail and early
20 ballots and returns to the central counting location
21 designated by the election official in charge of the election.
22 If however, because of the lack of adequate parking facilities
23 at the central counting location or for some other reason, it
24 is impossible or impracticable for the boxes from all the
25 polling places to be delivered directly to the central
26 counting location, the election official in charge of the

1 election may designate some other location to which the boxes
2 shall be delivered by the 2 precinct judges. While at such
3 other location the boxes shall be in the care and custody of
4 one or more teams, each consisting of 4 persons, 2 from each of
5 the two major political parties, designated for such purpose
6 by the election official in charge of elections from
7 recommendations by the appropriate political party
8 organizations. As soon as possible, the boxes shall be
9 transported from such other location to the central counting
10 location by one or more teams, each consisting of 4 persons, 2
11 from each of the 2 major political parties, designated for
12 such purpose by the election official in charge of the
13 election from recommendations by the appropriate political
14 party organizations.

15 At the central counting location there shall be one or
16 more teams of tally judges who possess the same qualifications
17 as tally judges in election jurisdictions using paper ballots.
18 The number of such teams shall be determined by the election
19 authority. Each team shall consist of 5 tally judges, 3
20 selected and approved by the county board from a certified
21 list furnished by the chair of the county central committee of
22 the party with the majority of members on the county board and
23 2 selected and approved by the county board from a certified
24 list furnished by the chair of the county central committee of
25 the party with the second largest number of members on the
26 county board. At the central counting location a team of tally

1 judges shall open the ballot box and canvass the votes polled
2 to determine that the number of ballot sheets therein agree
3 with the number of voters voting as shown by the applications
4 for ballot; and, if the same do not agree, the tally judges
5 shall make such ballots agree with the number of applications
6 for ballot in the manner provided by Section 17-18 of this
7 Code. The tally judges shall then examine all ballot sheets
8 which are in the ballot box to determine whether they bear the
9 initials of the precinct judge of election. If any ballot is
10 not initialed, it shall be marked on the back "Defective",
11 initialed as to such label by all tally judges immediately
12 under such word "Defective", and not counted, but placed in
13 the envelope provided for that purpose labeled "Defective
14 Ballots Envelope". An overvote for one office shall invalidate
15 only the vote or count of that particular office.

16 At the central counting location, a team of tally judges
17 designated by the election official in charge of the election
18 shall deliver the ballot sheets to the technicians operating
19 the automatic tabulating equipment. Any discrepancies between
20 the number of ballots and total number of voters shall be noted
21 on a sheet furnished for that purpose and signed by the tally
22 judges.

23 (2) Regardless of which procedure described in subsection
24 (1) of this Section is used, the judges of election designated
25 to transport the ballots, properly signed and sealed as
26 provided herein, shall ensure that the ballots are delivered

1 to the central counting station no later than 12 hours after
2 the polls close. At the central counting station a team of
3 tally judges designated by the election official in charge of
4 the election shall examine the ballots so transported and
5 shall not accept ballots for tabulating which are not signed
6 and sealed as provided in subsection (1) of this Section until
7 the judges transporting the same make and sign the necessary
8 corrections. Upon acceptance of the ballots by a team of tally
9 judges at the central counting station, the election judges
10 transporting the same shall take a receipt signed by the
11 election official in charge of the election and stamped with
12 the date and time of acceptance. The election judges whose
13 duty it is to transport any ballots shall, in the event such
14 ballots cannot be found when needed, on proper request,
15 produce the receipt which they are to take as above provided.

16 (Source: P.A. 100-1027, eff. 1-1-19; 101-81, eff. 7-12-19.)

17 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

18 Sec. 24A-10.1. In an election jurisdiction where
19 in-precinct counting equipment is utilized, the following
20 procedures for counting and tallying the ballots shall apply:

21 Immediately after the closing of the polls, the precinct
22 judges of election shall open the ballot box and count the
23 number of ballots therein to determine if such number agrees
24 with the number of voters voting as shown by the applications
25 for ballot or, if the same do not agree, the judges of election

1 shall make such ballots agree with the applications for ballot
2 in the manner provided by Section 17-18 of this Act. The judges
3 of election shall then examine all ballot cards and ballot
4 card envelopes which are in the ballot box to determine
5 whether the ballot cards and ballot card envelopes contain the
6 initials of a precinct judge of election. If any ballot card or
7 ballot card envelope is not initialed, it shall be marked on
8 the back "Defective", initialed as to such label by all judges
9 immediately under the word "Defective" and not counted. The
10 judges of election shall place an initialed blank official
11 ballot card in the place of the defective ballot card, so that
12 the count of the ballot cards to be counted on the automatic
13 tabulating equipment will be the same, and each "Defective
14 Ballot" card and "Replacement" card shall contain the same
15 serial number which shall be placed thereon by the judges of
16 election, commencing with number 1 and continuing
17 consecutively for the ballots of that kind in that precinct.
18 The original "Defective" card shall be placed in the
19 "Defective Ballot Envelope" provided for that purpose.

20 When an electronic voting system is used which utilizes a
21 ballot card, before separating the remaining ballot cards from
22 their respective covering envelopes, the judges of election
23 shall examine the ballot card envelopes for write-in votes.
24 When the voter has cast a write-in vote, the judges of election
25 shall compare the write-in vote with the votes on the ballot
26 card to determine whether such write-in results in an overvote

1 for any office. In case of an overvote for any office, the
2 judges of election, consisting in each case of at least one
3 judge of election of each of the 2 major political parties,
4 shall make a true duplicate ballot of all votes on such ballot
5 card except for the office which is overvoted, by using the
6 ballot label booklet of the precinct and one of the marking
7 devices of the precinct so as to transfer all votes of the
8 voter, except for the office overvoted, to a duplicate card.
9 The original ballot card and envelope upon which there is an
10 overvote shall be clearly labeled "Overvoted Ballot", and each
11 such "Overvoted Ballot" as well as its "Replacement" shall
12 contain the same serial number which shall be placed thereon
13 by the judges of election, commencing with number 1 and
14 continuing consecutively for the ballots of that kind in that
15 precinct. The "Overvoted Ballot" card and ballot envelope
16 shall be placed in an envelope provided for that purpose
17 labeled "Duplicate Ballot" envelope, and the judges of
18 election shall initial the "Replacement" ballot cards and
19 shall place them with the other ballot cards to be counted on
20 the automatic tabulating equipment. Envelopes containing
21 write-in votes marked in the place designated therefor and
22 containing the initials of a precinct judge of election and
23 not resulting in an overvote and otherwise complying with the
24 election laws as to marking shall be counted and tallied and
25 their votes recorded on a tally sheet provided by the election
26 authority.

1 The ballot cards and ballot card envelopes shall be
2 separated in preparation for counting by the automatic
3 tabulating equipment provided for that purpose by the election
4 authority.

5 Before the ballots are entered into the automatic
6 tabulating equipment, a precinct identification card provided
7 by the election authority shall be entered into the device to
8 ensure that the totals are all zeroes in the count column on
9 the printing unit. A precinct judge of election shall then
10 count the ballots by entering each ballot card into the
11 automatic tabulating equipment, and if any ballot or ballot
12 card is damaged, or defective, or ~~so that it~~ cannot otherwise
13 properly be counted by the automatic tabulating equipment, the
14 judges of election, consisting in each case of at least one
15 judge of election of each of the 2 major political parties,
16 shall make a true duplicate ballot of all votes on such ballot
17 card by using the ballot label booklet of the precinct and one
18 of the marking devices of the precinct. The original ballot or
19 ballot card and envelope shall be clearly labeled "Damaged
20 Ballot" and the ballot or ballot card so produced shall be
21 clearly labeled "Duplicate Damaged Ballot", and each shall
22 contain the same serial number which shall be placed thereon
23 by the judges of election, commencing with number 1 and
24 continuing consecutively for the ballots of that kind in the
25 precinct. The judges of election shall initial the "Duplicate
26 Damaged Ballot" ballot or ballot cards and shall enter the

1 duplicate damaged cards into the automatic tabulating
2 equipment. The "Damaged Ballot" cards shall be placed in the
3 "Duplicated Ballots" envelope; after all ballot cards have
4 been successfully read, the judges of election shall check to
5 make certain that the last number printed by the printing unit
6 is the same as the number of voters making application for
7 ballot in that precinct. The number shall be listed on the
8 "Statement of Ballots" form provided by the election
9 authority.

10 The totals for all candidates and propositions shall be
11 tabulated. One copy of an "In-Precinct Totals Report" shall be
12 generated by the automatic tabulating equipment for return to
13 the election authority. One copy of an "In-Precinct Totals
14 Report" shall be generated and posted in a conspicuous place
15 inside the polling place, provided that any authorized
16 pollwatcher or other official authorized to be present in the
17 polling place to observe the counting of ballots is present.

18 The judges of election shall provide, if requested, a set
19 for each authorized pollwatcher or other official authorized
20 to be present in the polling place to observe the counting of
21 ballots. In addition, sufficient time shall be provided by the
22 judges of election to the pollwatchers to allow them to copy
23 information from the copy which has been posted.

24 The judges of election shall count all unused ballot cards
25 and enter the number on the "Statement of Ballots". All
26 "Spoiled", "Defective" and "Duplicated" ballot cards shall be

1 counted and the number entered on the "Statement of Ballots".

2 The precinct judges of election shall select a bi-partisan
3 team of 2 judges, who shall immediately return the ballots in a
4 sealed container, along with all other election materials as
5 instructed by the election authority; provided, however, that
6 such container must first be sealed by the election judges
7 with filament tape provided for such purpose which shall be
8 wrapped around the container lengthwise and crosswise, at
9 least twice each way, in such manner that the ballots cannot be
10 removed from such container without breaking the seal and
11 filament tape and disturbing any signatures affixed by the
12 election judges to the container. The election authority shall
13 keep the office of the election authority, or any receiving
14 stations designated by such authority, open for at least 12
15 consecutive hours after the polls close or until the ballots
16 from all precincts with in-precinct counting equipment within
17 the jurisdiction of the election authority have been returned
18 to the election authority. Ballots returned to the office of
19 the election authority which are not signed and sealed as
20 required by law shall not be accepted by the election
21 authority until the judges returning the same make and sign
22 the necessary corrections. Upon acceptance of the ballots by
23 the election authority, the judges returning the same shall
24 take a receipt signed by the election authority and stamped
25 with the time and date of such return. The election judges
26 whose duty it is to return any ballots as herein provided

1 shall, in the event such ballots cannot be found when needed,
2 on proper request, produce the receipt which they are to take
3 as above provided.

4 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
5 95-699, eff. 11-9-07.)

6 (10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)

7 Sec. 24A-14. Damaged, defective, or unreadable ballots;
8 duplicates. If any ballot is damaged, ~~or~~ defective, ~~or so that~~
9 ~~it~~ cannot otherwise properly be counted by the automatic
10 tabulating equipment, a true duplicate copy shall be made of
11 the ~~damaged~~ ballot in the presence of witnesses and
12 substituted for the damaged ballot. Likewise, a duplicate
13 ballot shall ~~be made of a defective ballot which shall~~ not
14 include the invalid votes appearing on the original ballot.
15 All duplicate ballots shall be clearly labeled "duplicate",
16 shall bear a serial number which shall be registered on the
17 damaged, ~~or~~ defective, or otherwise unreadable ballot, and
18 shall be counted in lieu of the damaged, ~~or~~ defective, or
19 otherwise unreadable ballot.

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

21 (10 ILCS 5/24B-10)

22 Sec. 24B-10. Receiving, counting, tallying and return of
23 ballots; acceptance of ballots by election authority.

24 (a) In an election jurisdiction which has adopted an

1 electronic Precinct Tabulation Optical Scan Technology voting
2 system, the election official in charge of the election shall
3 select one of the 3 following procedures for receiving,
4 counting, tallying, and return of the ballots:

5 (1) Two ballot boxes shall be provided for each
6 polling place. The first ballot box is for the depositing
7 of votes cast on the electronic voting system; and the
8 second ballot box is for all votes cast on other ballots,
9 including any paper ballots required to be voted other
10 than on the Precinct Tabulation Optical Scan Technology
11 electronic voting system. Ballots deposited in the second
12 ballot box shall be counted, tallied, and returned as is
13 elsewhere provided in this Code for the counting and
14 handling of paper ballots. Immediately after the closing
15 of the polls, the judges of election shall make out a slip
16 indicating the number of persons who voted in the precinct
17 at the election. The slip shall be signed by all the judges
18 of election and shall be inserted by them in the first
19 ballot box. The judges of election shall thereupon
20 immediately lock each ballot box; provided, that if the
21 box is not of a type which may be securely locked, the box
22 shall be sealed with filament tape provided for the
23 purpose that shall be wrapped around the box lengthwise
24 and crosswise, at least twice each way, and in a manner
25 that the seal completely covers the slot in the ballot
26 box, and each of the judges shall sign the seal. Two of the

1 judges of election, of different political parties, shall
2 by the most direct route transport both ballot boxes to
3 the counting location designated by the county clerk or
4 board of election commissioners.

5 Before the ballots of a precinct are fed to the
6 electronic Precinct Tabulation Optical Scan Technology
7 tabulating equipment, the first ballot box shall be opened
8 at the central counting station by the 2 precinct
9 transport judges. Upon opening a ballot box, the team
10 shall first count the number of ballots in the box. If 2 or
11 more are folded together to appear to have been cast by the
12 same person, all of the ballots folded together shall be
13 marked and returned with the other ballots in the same
14 condition, as near as may be, in which they were found when
15 first opened, but shall not be counted. If the remaining
16 ballots are found to exceed the number of persons voting
17 in the precinct as shown by the slip signed by the judges
18 of election, the ballots shall be replaced in the box, and
19 the box closed and well shaken and again opened and one of
20 the precinct transport judges shall publicly draw out so
21 many ballots unopened as are equal to the excess.

22 The excess ballots shall be marked "Excess-Not
23 Counted" and signed by the 2 precinct transport judges and
24 shall be placed in the "After 7:00 p.m. Defective Ballots
25 Envelope". The number of excess ballots shall be noted in
26 the remarks section of the Certificate of Results.

1 "Excess" ballots shall not be counted in the total of
2 "defective" ballots.

3 The precinct transport judges shall then examine the
4 remaining ballots for write-in votes and shall count and
5 tabulate the write-in vote.

6 (2) A single ballot box, for the deposit of all votes
7 cast, shall be used. All ballots which are not to be
8 tabulated on the electronic voting system shall be
9 counted, tallied, and returned as elsewhere provided in
10 this Code for the counting and handling of paper ballots.

11 All ballots to be processed and tabulated with the
12 electronic Precinct Tabulation Optical Scan Technology
13 voting system shall be processed as follows:

14 Immediately after the closing of the polls, the
15 precinct judges of election shall open the ballot box and
16 canvass the votes polled to determine that the number of
17 ballots agree with the number of voters voting as shown by
18 the applications for ballot, or if the same do not agree
19 the judges of election shall make such ballots agree with
20 the applications for ballot in the manner provided by
21 Section 17-18 of this Code.

22 In case of an overvote for any office, the judges of
23 election, consisting in each case of at least one judge of
24 election of each of the 2 major political parties, shall
25 make a true duplicate ballot of all votes on the ballot
26 except for the office which is overvoted, by using the

1 ballot of the precinct and one of the marking devices, or
2 equivalent ballot, of the precinct to transfer all votes
3 of the voter except for the office overvoted, to an
4 official ballot of that kind used in the precinct at that
5 election. The original ballot upon which there is an
6 overvote shall be clearly labeled "Overvoted Ballot", and
7 each shall bear the same serial number which shall be
8 placed thereon by the judges of election, beginning with
9 number 1 and continuing consecutively for the ballots of
10 that kind in that precinct. The judges of election shall
11 initial the "Duplicate Overvoted Ballot" ballots and shall
12 place them in the box for return of the ballots. The
13 "Overvoted Ballot" ballots shall be placed in the
14 "Duplicate Ballots" envelope. The ballots except any
15 defective or overvoted ballot shall be placed separately
16 in the box for return of the ballots. The judges of
17 election shall examine the ballots to determine if any is
18 damaged, ~~or defective, or so that it~~ cannot otherwise be
19 counted by the automatic tabulating equipment. If any
20 ballot is damaged, ~~or defective, or so that it~~ cannot
21 otherwise properly be counted by the automatic tabulating
22 equipment, the judges of election, consisting in each case
23 of at least one judge of election of each of the 2 major
24 political parties, shall make a true duplicate ballot of
25 all votes on such ballot by using the ballot of the
26 precinct and one of the marking devices, or equivalent

1 ballot, of the precinct. The original ballot and ballot
2 envelope shall be clearly labeled "Damaged Ballot" and the
3 ballot so produced "Duplicate Damaged Ballot", and each
4 shall bear the same number which shall be placed thereon
5 by the judges of election, commencing with number 1 and
6 continuing consecutively for the ballots of that kind in
7 the precinct. The judges of election shall initial the
8 "Duplicate Damaged Ballot" ballot and shall place them in
9 the box for return of the ballots. The "Damaged Ballot"
10 ballots shall be placed in the "Duplicated Ballots"
11 envelope. A slip indicating the number of voters voting in
12 person and the total number of voters of the precinct who
13 voted at the election shall be made out, signed by all
14 judges of election, and inserted in the box for return of
15 the ballots. The tally sheets recording the write-in votes
16 shall be placed in this box. The judges of election
17 immediately shall securely lock the ballot box or other
18 suitable box furnished for return of the ballots by the
19 election official in charge of the election; provided that
20 if the box is not of a type which may be securely locked,
21 the box shall be sealed with filament tape provided for
22 the purpose which shall be wrapped around the box
23 lengthwise and crosswise, at least twice each way. A
24 separate adhesive seal label signed by each of the judges
25 of election of the precinct shall be affixed to the box to
26 cover any slot therein and to identify the box of the

1 precinct; and if the box is sealed with filament tape as
2 provided rather than locked, such tape shall be wrapped
3 around the box as provided, but in such manner that the
4 separate adhesive seal label affixed to the box and signed
5 by the judges may not be removed without breaking the
6 filament tape and disturbing the signature of the judges.
7 Two of the judges of election, of different major
8 political parties, shall by the most direct route
9 transport the box for return of the ballots and enclosed
10 ballots and returns to the central counting location
11 designated by the election official in charge of the
12 election. If, however, because of the lack of adequate
13 parking facilities at the central counting location or for
14 any other reason, it is impossible or impracticable for
15 the boxes from all the polling places to be delivered
16 directly to the central counting location, the election
17 official in charge of the election may designate some
18 other location to which the boxes shall be delivered by
19 the 2 precinct judges. While at the other location the
20 boxes shall be in the care and custody of one or more
21 teams, each consisting of 4 persons, 2 from each of the 2
22 major political parties, designated for such purpose by
23 the election official in charge of elections from
24 recommendations by the appropriate political party
25 organizations. As soon as possible, the boxes shall be
26 transported from the other location to the central

1 counting location by one or more teams, each consisting of
2 4 persons, 2 from each of the 2 major political parties,
3 designated for the purpose by the election official in
4 charge of elections from recommendations by the
5 appropriate political party organizations.

6 The "Defective Ballots" envelope, and "Duplicated
7 Ballots" envelope each shall be securely sealed and the
8 flap or end of each envelope signed by the precinct judges
9 of election and returned to the central counting location
10 with the box for return of the ballots, enclosed ballots
11 and returns.

12 At the central counting location, a team of tally
13 judges designated by the election official in charge of
14 the election shall check the box returned containing the
15 ballots to determine that all seals are intact, and shall
16 open the box, check the voters' slip and compare the
17 number of ballots so delivered against the total number of
18 voters of the precinct who voted, remove the ballots and
19 deliver them to the technicians operating the automatic
20 tabulating equipment. Any discrepancies between the number
21 of ballots and total number of voters shall be noted on a
22 sheet furnished for that purpose and signed by the tally
23 judges.

24 (3) A single ballot box, for the deposit of all votes
25 cast, shall be used. Immediately after the closing of the
26 polls, the precinct judges of election shall securely lock

1 the ballot box; provided that if such box is not of a type
2 which may be securely locked, the box shall be sealed with
3 filament tape provided for the purpose which shall be
4 wrapped around the box lengthwise and crosswise, at least
5 twice each way. A separate adhesive seal label signed by
6 each of the judges of election of the precinct shall be
7 affixed to the box to cover any slot therein and to
8 identify the box of the precinct; and if the box is sealed
9 with filament tape as provided rather than locked, such
10 tape shall be wrapped around the box as provided, but in a
11 manner that the separate adhesive seal label affixed to
12 the box and signed by the judges may not be removed without
13 breaking the filament tape and disturbing the signature of
14 the judges. Two of the judges of election, of different
15 major political parties, shall by the most direct route
16 transport the box for return of the ballots and enclosed
17 vote by mail and early ballots and returns to the central
18 counting location designated by the election official in
19 charge of the election. If however, because of the lack of
20 adequate parking facilities at the central counting
21 location or for some other reason, it is impossible or
22 impracticable for the boxes from all the polling places to
23 be delivered directly to the central counting location,
24 the election official in charge of the election may
25 designate some other location to which the boxes shall be
26 delivered by the 2 precinct judges. While at the other

1 location the boxes shall be in the care and custody of one
2 or more teams, each consisting of 4 persons, 2 from each of
3 the 2 major political parties, designated for the purpose
4 by the election official in charge of elections from
5 recommendations by the appropriate political party
6 organizations. As soon as possible, the boxes shall be
7 transported from the other location to the central
8 counting location by one or more teams, each consisting of
9 4 persons, 2 from each of the 2 major political parties,
10 designated for the purpose by the election official in
11 charge of the election from recommendations by the
12 appropriate political party organizations.

13 At the central counting location there shall be one or
14 more teams of tally judges who possess the same
15 qualifications as tally judges in election jurisdictions
16 using paper ballots. The number of the teams shall be
17 determined by the election authority. Each team shall
18 consist of 5 tally judges, 3 selected and approved by the
19 county board from a certified list furnished by the chair
20 of the county central committee of the party with the
21 majority of members on the county board and 2 selected and
22 approved by the county board from a certified list
23 furnished by the chair of the county central committee of
24 the party with the second largest number of members on the
25 county board. At the central counting location a team of
26 tally judges shall open the ballot box and canvass the

1 votes polled to determine that the number of ballot sheets
2 therein agree with the number of voters voting as shown by
3 the applications for ballot and, if the same do not agree,
4 the tally judges shall make such ballots agree with the
5 number of applications for ballot in the manner provided
6 by Section 17-18 of this Code. The tally judges shall then
7 examine all ballot sheets that are in the ballot box to
8 determine whether they bear the initials of the precinct
9 judge of election. If any ballot is not initialed, it
10 shall be marked on the back "Defective", initialed as to
11 that label by all tally judges immediately under the word
12 "Defective", and not counted, but placed in the envelope
13 provided for that purpose labeled "Defective Ballots
14 Envelope". An overvote for one office shall invalidate
15 only the vote or count for that particular office.

16 At the central counting location, a team of tally
17 judges designated by the election official in charge of
18 the election shall deliver the ballot sheets to the
19 technicians operating the automatic Precinct Tabulation
20 Optical Scan Technology tabulating equipment. Any
21 discrepancies between the number of ballots and total
22 number of voters shall be noted on a sheet furnished for
23 that purpose and signed by the tally judges.

24 (b) Regardless of which procedure described in subsection
25 (a) of this Section is used, the judges of election designated
26 to transport the ballots properly signed and sealed, shall

1 ensure that the ballots are delivered to the central counting
2 station no later than 12 hours after the polls close. At the
3 central counting station, a team of tally judges designated by
4 the election official in charge of the election shall examine
5 the ballots so transported and shall not accept ballots for
6 tabulating which are not signed and sealed as provided in
7 subsection (a) of this Section until the judges transporting
8 the ballots make and sign the necessary corrections. Upon
9 acceptance of the ballots by a team of tally judges at the
10 central counting station, the election judges transporting the
11 ballots shall take a receipt signed by the election official
12 in charge of the election and stamped with the date and time of
13 acceptance. The election judges whose duty it is to transport
14 any ballots shall, in the event the ballots cannot be found
15 when needed, on proper request, produce the receipt which they
16 are to take as above provided.

17 (Source: P.A. 100-1027, eff. 1-1-19.)

18 (10 ILCS 5/24B-10.1)

19 Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures
20 for Counting and Tallying Ballots. In an election jurisdiction
21 where Precinct Tabulation Optical Scan Technology counting
22 equipment is used, the following procedures for counting and
23 tallying the ballots shall apply:

24 Before the opening of the polls, and before the ballots
25 are entered into the automatic tabulating equipment, the

1 judges of election shall be sure that the totals are all zeros
2 in the counting column. Ballots may then be counted by
3 entering or scanning each ballot into the automatic tabulating
4 equipment. Throughout the election day and before the closing
5 of the polls, no person may check any vote totals for any
6 candidate or proposition on the automatic tabulating
7 equipment. Such automatic tabulating equipment shall be
8 programmed so that no person may reset the equipment for
9 refeeding of ballots unless provided a code from an authorized
10 representative of the election authority. At the option of the
11 election authority, the ballots may be fed into the Precinct
12 Tabulation Optical Scan Technology equipment by the voters
13 under the direct supervision of the judges of elections.

14 Immediately after the closing of the polls, the precinct
15 judges of election shall open the ballot box and count the
16 number of ballots to determine if the number agrees with the
17 number of voters voting as shown on the Precinct Tabulation
18 Optical Scan Technology equipment and by the applications for
19 ballot or, if the same do not agree, the judges of election
20 shall make the ballots agree with the applications for ballot
21 in the manner provided by Section 17-18 of this Code. The
22 judges of election shall then examine all ballots which are in
23 the ballot box to determine whether the ballots contain the
24 initials of a precinct judge of election. If any ballot is not
25 initialed, it shall be marked on the back "Defective",
26 initialed as to such label by all judges immediately under the

1 word "Defective" and not counted. The judges of election shall
2 place an initialed blank official ballot in the place of the
3 defective ballot, so that the count of the ballots to be
4 counted on the automatic tabulating equipment will be the
5 same, and each "Defective Ballot" and "Replacement" ballot
6 shall contain the same serial number which shall be placed
7 thereon by the judges of election, beginning with number 1 and
8 continuing consecutively for the ballots of that kind in that
9 precinct. The original "Defective" ballot shall be placed in
10 the "Defective Ballot Envelope" provided for that purpose.

11 If the judges of election have removed a ballot pursuant
12 to Section 17-18, have labeled "Defective" a ballot which is
13 not initialed, or have otherwise determined under this Code to
14 not count a ballot originally deposited into a ballot box, the
15 judges of election shall be sure that the totals on the
16 automatic tabulating equipment are reset to all zeros in the
17 counting column. Thereafter the judges of election shall enter
18 or otherwise scan each ballot to be counted in the automatic
19 tabulating equipment. Resetting the automatic tabulating
20 equipment to all zeros and re-entering of ballots to be
21 counted may occur at the precinct polling place, the office of
22 the election authority, or any receiving station designated by
23 the election authority. The election authority shall designate
24 the place for resetting and re-entering or re-scanning.

25 When a Precinct Tabulation Optical Scan Technology
26 electronic voting system is used which uses a paper ballot,

1 the judges of election shall examine the ballot for write-in
2 votes. When the voter has cast a write-in vote, the judges of
3 election shall compare the write-in vote with the votes on the
4 ballot to determine whether the write-in results in an
5 overvote for any office, unless the Precinct Tabulation
6 Optical Scan Technology equipment has already done so. In case
7 of an overvote for any office, the judges of election,
8 consisting in each case of at least one judge of election of
9 each of the 2 major political parties, shall make a true
10 duplicate ballot of all votes on such ballot except for the
11 office which is overvoted, by using the ballot of the precinct
12 and one of the marking devices, or equivalent ballot, of the
13 precinct so as to transfer all votes of the voter, except for
14 the office overvoted, to a duplicate ballot. The original
15 ballot upon which there is an overvote shall be clearly
16 labeled "Overvoted Ballot", and each such "Overvoted Ballot"
17 as well as its "Replacement" shall contain the same serial
18 number which shall be placed thereon by the judges of
19 election, beginning with number 1 and continuing consecutively
20 for the ballots of that kind in that precinct. The "Overvoted
21 Ballot" shall be placed in an envelope provided for that
22 purpose labeled "Duplicate Ballot" envelope, and the judges of
23 election shall initial the "Replacement" ballots and shall
24 place them with the other ballots to be counted on the
25 automatic tabulating equipment.

26 If any ballot is damaged, ~~or~~ defective, or if any ballot

1 otherwise contains a Voting Defect, so that it cannot properly
2 be counted by the automatic tabulating equipment, the voter or
3 the judges of election, consisting in each case of at least one
4 judge of election of each of the 2 major political parties,
5 shall make a true duplicate ballot of all votes on such ballot
6 by using the ballot of the precinct and one of the marking
7 devices of the precinct, or equivalent. If a damaged ballot,
8 the original ballot shall be clearly labeled "Damaged Ballot"
9 and the ballot so produced shall be clearly labeled "Damaged
10 Ballot" and the ballot so produced shall be clearly labeled
11 "Duplicate Damaged Ballot", and each shall contain the same
12 serial number which shall be placed by the judges of election,
13 beginning with number 1 and continuing consecutively for the
14 ballots of that kind in the precinct. The judges of election
15 shall initial the "Duplicate Damaged Ballot" ballot and shall
16 enter or otherwise scan the duplicate damaged ballot into the
17 automatic tabulating equipment. The "Damaged Ballots" shall be
18 placed in the "Duplicated Ballots" envelope; after all ballots
19 have been successfully read, the judges of election shall
20 check to make certain that the Precinct Tabulation Optical
21 Scan Technology equipment readout agrees with the number of
22 voters making application for ballot in that precinct. The
23 number shall be listed on the "Statement of Ballots" form
24 provided by the election authority.

25 The totals for all candidates and propositions shall be
26 tabulated. One copy of an "In-Precinct Totals Report" shall be

1 generated by the automatic tabulating equipment for return to
2 the election authority. One copy of an "In-Precinct Totals
3 Report" shall be generated and posted in a conspicuous place
4 inside the polling place, provided that any authorized
5 pollwatcher or other official authorized to be present in the
6 polling place to observe the counting of ballots is present.
7 The judges of election shall provide, if requested, a copy for
8 each authorized pollwatcher or other official authorized to be
9 present in the polling place to observe the counting of
10 ballots. In addition, sufficient time shall be provided by the
11 judges of election to the pollwatchers to allow them to copy
12 information from the copy which has been posted.

13 The judges of election shall count all unused ballots and
14 enter the number on the "Statement of Ballots". All "Spoiled",
15 "Defective" and "Duplicated" ballots shall be counted and the
16 number entered on the "Statement of Ballots".

17 The precinct judges of election shall select a bi-partisan
18 team of 2 judges, who shall immediately return the ballots in a
19 sealed container, along with all other election materials as
20 instructed by the election authority; provided, however, that
21 such container must first be sealed by the election judges
22 with filament tape or other approved sealing devices provided
23 for the purpose which shall be wrapped around the container
24 lengthwise and crosswise, at least twice each way, in a manner
25 that the ballots cannot be removed from the container without
26 breaking the seal and filament tape and disturbing any

1 signatures affixed by the election judges to the container, or
2 which other approved sealing devices are affixed in a manner
3 approved by the election authority. The election authority
4 shall keep the office of the election authority or any
5 receiving stations designated by the authority, open for at
6 least 12 consecutive hours after the polls close or until the
7 ballots from all precincts with in-precinct counting equipment
8 within the jurisdiction of the election authority have been
9 returned to the election authority. Ballots returned to the
10 office of the election authority which are not signed and
11 sealed as required by law shall not be accepted by the election
12 authority until the judges returning the ballots make and sign
13 the necessary corrections. Upon acceptance of the ballots by
14 the election authority, the judges returning the ballots shall
15 take a receipt signed by the election authority and stamped
16 with the time and date of the return. The election judges whose
17 duty it is to return any ballots as provided shall, in the
18 event the ballots cannot be found when needed, on proper
19 request, produce the receipt which they are to take as above
20 provided. The precinct judges of election shall also deliver
21 the Precinct Tabulation Optical Scan Technology equipment to
22 the election authority.

23 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
24 95-699, eff. 11-9-07.)

1 Sec. 24B-14. Damaged, defective, or unreadable ballots;
2 duplicates ~~Ballots; Duplicates.~~

3 If any ballot is damaged, ~~or~~ defective, or so that it cannot
4 otherwise properly be counted by the automatic Precinct
5 Tabulation Optical Scan Technology tabulating equipment, a
6 true duplicate copy shall be made of the ~~damaged~~ ballot in the
7 presence of witnesses and substituted for the original ~~damaged~~
8 ballot. Likewise, a duplicate ballot shall ~~be made of a~~
9 ~~defective ballot which shall~~ not include the invalid votes
10 appearing on the original ballot. All duplicate ballots shall
11 be clearly labeled "Duplicate", shall bear a serial number
12 which shall be registered on the damaged, ~~or~~ defective, or
13 otherwise unreadable ballot, and shall be counted in lieu of
14 the damaged, ~~or~~ defective, or otherwise unreadable ballot.

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