

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 16-4.1, 17-11, 17-21, 18-9, 22-15.1, 24-1, 24A-5.1,  
6 24A-6, 24A-15, 24A-16, 24B-5.1, 24B-6, 24B-15, and 24B-16 and  
7 by adding Section 17-19a as follows:

8 (10 ILCS 5/16-4.1) (from Ch. 46, par. 16-4.1)

9 Sec. 16-4.1. Ballots; Form; Consolidated Elections.

10 This Section shall apply only to the consolidated primary  
11 election, and the consolidated election, except as otherwise  
12 expressly provided herein.

13 The ballot for the nomination or election of officers of  
14 each political subdivision shall be considered a separate  
15 ballot, and candidates for such offices shall be grouped  
16 together. Where paper ballots are used, the names of  
17 candidates for nomination or election to more than one  
18 political subdivision may be contained on a common ballot,  
19 provided that such ballot clearly indicates and separates  
20 each political subdivision from which such officers are to be  
21 nominated or elected. In the case of partisan elections of  
22 officers, a separate party circle shall be included at the  
23 head of the portion of the ballot for each political  
24 subdivision for which candidates of political parties have  
25 been nominated. When an electronic voting system is used  
26 that utilizes a ballot label booklet, the party circles for  
27 straight-party voting shall be on the same ballot page on  
28 which are listed the candidates for the political subdivision  
29 election for which that party circle applies.

30 At the consolidated election, the ballot for school  
31 district offices shall precede the ballot for community

1 college district offices, and thereafter the ballot order of  
2 the political subdivision officers to be elected shall be as  
3 determined by the election authority. In the case of school  
4 districts other than community consolidated school districts,  
5 the ballot for non-high school district offices shall precede  
6 the ballot for high school district offices.

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

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

32 (Source: P.A. 89-700, eff. 1-17-97; 90-358, eff. 1-1-98;  
33 90-655, eff. 7-30-98.)

1 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

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

1 such mark may have been placed. Before leaving the voting  
2 booth the voter shall fold his ballot in such manner as to  
3 conceal the marks thereon. He shall then vote forthwith in  
4 the manner herein provided, except that the number  
5 corresponding to the number of the voter on the poll books  
6 shall not be indorsed on the back of his ballot. He shall  
7 mark and deliver his ballot without undue delay, and shall  
8 quit said inclosed space as soon as he has voted. No voter  
9 shall be allowed to occupy a voting booth already occupied by  
10 another, nor remain within said inclosed space more than ten  
11 minutes, nor to occupy a voting booth more than five minutes  
12 in case all of said voting booths are in use and other voters  
13 waiting to occupy the same. No voter not an election officer,  
14 shall, after having voted, be allowed to re-enter said  
15 inclosed space during said election. No person shall take or  
16 remove any ballot from the polling place before the close of  
17 the poll. No voter shall vote or offer to vote any ballot  
18 except such as he has received from the judges of election in  
19 charge of the ballots. Any voter who shall, by accident or  
20 mistake, spoil his ballot, may, on returning said spoiled  
21 ballot, receive another in place thereof only after the word  
22 "spoiled" has been written in ink diagonally across the  
23 entire face of the ballot returned by the voter.

24 Where voting machines or electronic voting systems are  
25 used, the provisions of this section may be modified as  
26 required or authorized by Article 24 or Article 24A,  
27 whichever is applicable.

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

29 (10 ILCS 5/17-19a new)

30 Sec. 17-19a. Tallying straight ticket votes. At all  
31 general and special elections held in this State, when the  
32 law requires that judges tally the votes received by  
33 candidates at the election, it shall not be necessary for the

1 judges of election to mark upon their tally sheets separate  
2 marks or tallies for each vote received by the candidates  
3 upon the ballots containing the same names, commonly known  
4 and in this Act designated as "straight tickets". When the  
5 judges have counted and announced to the judges keeping the  
6 tally, as near as may be as provided by law, the number of  
7 votes received by each set of candidates upon the "straight  
8 tickets", the tally judges shall set that number of votes  
9 down, in figures opposite or directly below the names of the  
10 respective candidates, in a column or line provided for that  
11 purpose upon the tally sheets. That column or line shall read  
12 "number of straight votes". The same column shall be used for  
13 the candidates for Governor and Lieutenant Governor running  
14 on the same ticket. The judges shall then proceed to count  
15 and announce the votes received by each candidate upon all  
16 ballots other than "straight tickets", including all ballots  
17 known as "split tickets" and all ballots known as "scratched  
18 tickets". The tally judges shall proceed to tally the votes  
19 upon the tally sheets and to compare and announce the result  
20 thereof. The counting, announcing, and tallying shall be  
21 conducted as otherwise provided in this Act. The tally judges  
22 shall set down, in figures, the number of votes received by  
23 each candidate on ballots other than "straight tickets", as  
24 so ascertained and announced, in an adjoining column or line  
25 provided for that purpose upon the tally sheets, immediately  
26 opposite or below the name of each candidate. That line shall  
27 read "Number of other votes". The judges keeping the tally  
28 shall then proceed to add together the number of votes  
29 received by each candidate, as shown in the column or line  
30 containing the straight votes and the number as shown in the  
31 column or line containing the votes other than straight  
32 votes. The result will show the total number of votes  
33 received by each candidate. After comparing their results and  
34 finding that the results agree and are correct, the judges

1 shall set down the results, in figures, in an adjoining  
 2 column or line provided upon the tally sheets for that  
 3 purpose, which shall be directly opposite or below the line  
 4 for recording the votes on split and scratched ballots and  
 5 shall read "candidates total vote". One of the tally judges  
 6 shall announce in a loud voice to the other judges the total  
 7 number of votes received by and counted for each candidate.

8 Nothing in this Section shall be construed to authorize  
 9 or permit canvassing, counting, or tallying ballots with any  
 10 less degree of strictness than otherwise required by law. The  
 11 intention of this Section is to dispense with the individual  
 12 tally marks only so far as the so-called "straight tickets"  
 13 are concerned. All other operations of tallying, counting,  
 14 canvassing, and announcing the votes shall proceed as near as  
 15 may be in accordance with the other provisions of this Act.  
 16 Tally sheets and certificates may be prepared in book form or  
 17 in accordion folds.

18 This Section shall apply to all elections for members of  
 19 the General Assembly except as specified in Section 17-19.1.

20 (10 ILCS 5/17-21) (from Ch. 46, par. 17-21)  
 21 Sec. 17-21. When the votes shall have been examined and  
 22 counted, the judges shall set down on a sheet or return form  
 23 to be supplied to them, the name of every person voted for,  
 24 written or printed at full length, the office for which such  
 25 person received such votes, and the number he did receive and  
 26 such additional information as is necessary to complete, as  
 27 nearly as circumstances will admit, the following form,  
 28 to-wit:

29 TALLY SHEET AND CERTIFICATE OF  
 30 RESULTS

31 We do hereby certify that at the .... election held in  
 32 the precinct hereinafter (general or special) specified on  
 33 the .... day of ....., in the year of our Lord, one thousand

1 nine hundred and ....., a total of .... voters requested and  
2 received ballots and we do further certify:

3 Number of blank ballots delivered to us ....

4 Number of absentee ballots delivered to us .....

5 Total number of ballots delivered to us ....

6 Number of blank and spoiled ballots returned.

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

8 ..... Straight Republican ballots cast

9 ..... Straight Democratic ballots cast

10 ..... Split ballots cast

11 ..... Defective and Objected To ballots sealed in envelope

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

13 Line (2) equals line (1)

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

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

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

26 \*Fill in either (1), (2) or (3)

27 A B, ....(Address)

28 C D, ....(Address)

29 E F, ....(Address)

30 G H, ....(Address)

31 I J, ....(Address)

32 Each tally sheet shall be in substantially one of the  
33 following forms:

34 -----

1			<u>Number</u>	<u>Number</u>					
			<u>of</u>	<u>of</u>	Candidate's				
3	Name of Candidates		<u>Straight</u>	<u>Split</u>	Total				
4	office	Names	<u>Votes</u>	<u>Votes</u>	Vote	5	10	15	20
5	-----								
6	United	John Smith	<u>60</u>	<u>17</u>	77			11	
7	States								
8	Senator								
9	-----								
10	-----								

11 Names of candidates									
12 Name of		and total vote							
13 office		for each				5 10 15 20			
15	For United	John Smith							
16	States	<u>No. of Straight votes .....</u>							
17	Senator	<u>No. of other votes.....</u>							
18		Total Vote.....							
19	-----								

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

21 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

22 Sec. 18-9. The judges of election shall first count the

23 whole number of ballots in the box. If the ballots shall be

24 found to exceed the number of applications for ballot, they

25 shall reject the ballots, if any, found folded inside of a

26 ballot. And if the ballots and the applications for ballot

27 still do not agree after such rejection, the ballots shall

28 be replaced in the box and the box closed and well shaken,

29 and again opened; and one of the judges shall publicly draw

30 out so many ballots unopened as shall be equal to such

31 excess. Such excess ballots shall be marked "Excess-Not

32 Counted" and signed by a majority of judges and shall be

33 placed in the "After 6:00 p.m. Defective Ballots Envelope".



1 The number of excess ballots shall be noted in the remarks  
2 section of the Certificate of Results. "Excess" ballots  
3 shall not be counted in the total of "defective" ballots.  
4 And the ballots and applications for ballot being made to  
5 agree in this way, the judges shall proceed to count the  
6 votes in the following manner: The judges shall open the  
7 ballots and place those which contain the same names  
8 together, so that the several kinds shall be in separate  
9 piles or on separate files. Each of the judges shall examine  
10 the separate files which are, or are supposed to be, alike,  
11 and exclude from such files any which may have a name or an  
12 erasure, or in any manner shall be different from the others  
13 of such file. One of the judges shall then take one file of  
14 the kind of ballots which contain the same names, and count  
15 them by tens, carefully examining each name on each of the  
16 ballots. Such judge shall then pass the ten ballots aforesaid  
17 to the judge sitting next to him, who shall count them in the  
18 same manner, who shall then pass them to a third judge, who  
19 shall also count them in the same manner. Then the third  
20 judge shall call the names of the persons named in the ten  
21 ballots, and the offices for which they are designated, and 2  
22 of the judges, who did not assist in the counting shall tally  
23 ten votes for each of such persons, except as herein  
24 otherwise provided. When the judges shall have gone through  
25 such file of ballots, containing the same names, and shall  
26 count them by tens in the same way, and shall call the names  
27 of the persons named in the ballots and the office for which  
28 they are designated, the tally judges shall tally the votes  
29 by tens for each of such persons in the same manner as in the  
30 first instance. When the counting of each file of ballots  
31 which contain the same names shall be completed, the tally  
32 judges shall compare their tallies together and ascertain the  
33 total number of ballots of that kind so canvassed; and when  
34 they agree upon the number, one of them shall announce it in

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

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

24 Where voting machines or electronic voting systems are  
25 used, the provisions of this section may be modified as  
26 required or authorized by Article 24 or Article 24A,  
27 whichever is applicable.

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

29 (10 ILCS 5/22-15.1) (from Ch. 46, par. 22-15.1)

30 Sec. 22-15.1. (a) Within 60 days following the canvass  
31 of the general election within each election jurisdiction,  
32 the election authority shall prepare, in typewritten or  
33 legible computer-generated form, a report of the abstracts of

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

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

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

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

29 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

30 Sec. 24-1. The election authority in all jurisdictions  
31 when voting machines are used shall, except as otherwise  
32 provided in this Code, provide a voting machine or voting  
33 machines for any or all of the election precincts or election

1 districts, as the case may be, for which the election  
2 authority is by law charged with the duty of conducting an  
3 election or elections. A voting machine or machines  
4 sufficient in number to provide a machine for each 400 voters  
5 or fraction thereof shall be supplied for use at all  
6 elections. However, no such voting machine shall be used,  
7 purchased, or adopted until the board of voting machine  
8 commissioners hereinafter provided for, or a majority  
9 thereof, shall have made and filed a report certifying that  
10 they have examined such machine; that it affords each elector  
11 an opportunity to vote in absolute secrecy; that it enables  
12 each elector to vote a straight-party ticket; that it enables  
13 each elector to vote a ticket selected in part from the  
14 nominees of one party, and in part from the nominees of any  
15 or all other parties, and in part from independent nominees  
16 printed in the columns of candidates for public office, and  
17 in part of persons not in nomination by any party or upon any  
18 independent ticket; that it enables each elector to vote a  
19 written or printed ballot of his own selection, for any  
20 person for any office for whom he may desire to vote; that it  
21 enables each elector to vote for all candidates for whom he  
22 is entitled to vote, and prevents him from voting for any  
23 candidate for any office more than once, unless he is  
24 lawfully entitled to cast more than one vote for one  
25 candidate, and in that event permits him to cast only as many  
26 votes for that candidate as he is by law entitled, and no  
27 more; that it prevents the elector from voting for more than  
28 one person for the same office, unless he is lawfully  
29 entitled to vote for more than one person therefor, and in  
30 that event permits him to vote for as many persons for that  
31 office as he is by law entitled, and no more; and that such  
32 machine will register correctly by means of exact counters  
33 every vote cast for the regular tickets thereon; and has the  
34 capacity to contain the tickets of at least 5 political

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

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

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

7 (10 ILCS 5/24A-5.1) (from Ch. 46, par. 24A-5.1)

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

16 Before entering the voting booth each voter shall be  
17 offered instruction in the operation of the marking device by  
18 use of the instruction-model and the voter shall be given  
19 ample opportunity to operate the model by himself. In  
20 instructing voters, no precinct official may show partiality  
21 to any political party, and when instructing a voter on how  
22 to vote a straight ticket for one political party the  
23 precinct official shall at the same time instruct the voter  
24 how to vote a straight ticket for any other political party  
25 that appears on the ballot label. The duties of instruction  
26 shall be discharged by a judge from each of the political  
27 parties represented and they shall alternate serving as  
28 instructor so that each judge shall serve a like time at such  
29 duties. No instructions may be given after the voter has  
30 entered the voting booth.

31 No precinct official, or person assisting a voter may in  
32 any manner request, suggest, or seek to persuade or induce  
33 any voter to cast his vote for any particular ticket,

1 candidate, amendment, question or proposition. All  
2 instructions shall be given by precinct officials in such a  
3 manner that it may be observed by other persons in the  
4 polling place.

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

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

7 Sec. 24A-6. The ballot information, whether placed on the  
8 ballot or on the marking device, shall, as far as  
9 practicable, be in the order of arrangement provided for  
10 paper ballots, except that such information may be in  
11 vertical or horizontal rows, or in a number of separate  
12 pages. Ballots for all questions or propositions to be voted  
13 on must be provided in the same manner and must be arranged  
14 on or in the marking device or on the ballot sheet in the  
15 places provided for such purposes.

16 When an electronic voting system utilizes a ballot label  
17 booklet and ballot card, ballots for candidates, ballots  
18 calling for a constitutional convention, constitutional  
19 amendment ballots, judicial retention ballots, public  
20 measures, and all propositions to be voted upon may be placed  
21 on the electronic voting device by providing in the ballot  
22 booklet separate ballot label pages or series of pages  
23 distinguished by differing colors as provided below. When an  
24 electronic voting system utilizes a ballot sheet, ballots  
25 calling for a constitutional convention, constitutional  
26 amendment ballots and judicial retention ballots shall be  
27 placed on the ballot sheet by providing a separate portion of  
28 the ballot sheet for each such kind of ballot which shall be  
29 printed in ink of a color distinct from the color of ink used  
30 in printing any other portion of the ballot sheet. Ballots  
31 for candidates, public measures and all other propositions to  
32 be voted upon shall be placed on the ballot sheet by  
33 providing a separate portion of the ballot sheet for each

1 such kind of ballot. Below the name of the last candidate  
2 listed for an office shall be printed a line on which the  
3 name of a candidate may be written by the voter, and  
4 immediately to the left of such line an area shall be  
5 provided for marking a vote for such write-in candidate.  
6 More than one amendment to the constitution may be placed on  
7 the same ballot page or series of pages or on the same  
8 portion of the ballot sheet, as the case may be. Ballot  
9 label pages for constitutional conventions or constitutional  
10 amendments shall be on paper of blue color and shall precede  
11 all other ballot label pages in the ballot label booklet.  
12 More than one public measure or proposition may be placed on  
13 the same ballot label page or series of pages or on the same  
14 portion of the ballot sheet, as the case may be. More than  
15 one proposition for retention of judges in office may be  
16 placed on the same ballot label page or series of pages or on  
17 the same portion of the ballot sheet, as the case may be.  
18 Ballot label pages for candidates shall be on paper of white  
19 color, except that in primary elections the ballot label page  
20 or pages for the candidates of each respective political  
21 party shall be of the color designated by the election  
22 official in charge of the election for that political party's  
23 candidates; provided that the ballot label pages or pages for  
24 candidates for use at the nonpartisan and consolidated  
25 elections may be on paper of different colors, except blue,  
26 whenever necessary or desirable to facilitate distinguishing  
27 between the pages for different political subdivisions.  
28 Except as provided in Section 16-4.1, in elections where  
29 provision is made for straight-party voting by marking a  
30 party circle, the designation of the political parties for  
31 straight-party voting shall be on a separate page on which no  
32 names of candidates shall appear, except no straight-party  
33 circle shall be necessary for any special election not  
34 conducted on a regularly scheduled election day and called



1 for the purpose of filling a vacancy in the office of  
2 Representative in the United States Congress. However, such  
3 page shall be of the same color as the pages containing the  
4 names of candidates for office. On each succeeding page of  
5 the candidate booklet, where the election is made to list  
6 ballot information vertically, the party affiliation of each  
7 candidate or the word "independent" shall appear immediately  
8 to the left of the candidate's name, and the name of  
9 candidates for the same office shall be listed vertically  
10 under the title of that office. In the case of nonpartisan  
11 elections for officers of political subdivisions, unless the  
12 statute or an ordinance adopted pursuant to Article VII of  
13 the Constitution requires otherwise, the listing of such  
14 nonpartisan candidates shall not include any party or  
15 "independent" designation. Ballot label pages for judicial  
16 retention ballots shall be on paper of green color, and  
17 ballot label pages for all public measures and other  
18 propositions shall be on paper of some other distinct and  
19 different color. In primary elections, a separate ballot  
20 label booklet, marking device and voting booth shall be used  
21 for each political party holding a primary, with the ballot  
22 label booklet arranged to include ballot label pages of the  
23 candidates of the party and public measures and other  
24 propositions to be voted upon on the day of the primary  
25 election. One ballot card may be used for recording the  
26 voter's vote or choice on all such ballots, proposals, public  
27 measures or propositions, and such ballot card shall be  
28 arranged so as to record the voter's vote or choice in a  
29 separate column or columns for each such kind of ballot,  
30 proposal, public measure or proposition.

31 If the ballot label booklet includes both candidates for  
32 office and public measures or propositions to be voted on,  
33 the election official in charge of the election shall divide  
34 the pages by protruding tabs identifying the division of the

1 pages, and printing on such tabs "Candidates" and  
2 "Propositions".

3 The ballot card and all of its columns and the ballot  
4 card envelope shall be of the color prescribed for  
5 candidate's ballots at the general or primary election,  
6 whichever is being held. At an election where no candidates  
7 are being nominated or elected, the ballot card, its columns,  
8 and the ballot card envelope shall be of a color designated  
9 by the election official in charge of the election.

10 The ballot cards, ballot card envelopes and ballot sheets  
11 may, at the discretion of the election authority, be printed  
12 on white paper and then striped with the appropriate colors.

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

15 Absentee ballots may consist of ballot cards, envelopes,  
16 paper ballots or ballot sheets voted in person in the office  
17 of the election official in charge of the election or voted  
18 by mail. Where a ballot card is used for voting by mail it  
19 must be accompanied by a punching tool or other appropriate  
20 marking device, voter instructions and a specimen ballot  
21 showing the proper positions to vote on the ballot card or  
22 ballot sheet for each party, candidate, proposal, public  
23 measure or proposition, and in the case of a ballot card must  
24 be mounted on a suitable material to receive the punched out  
25 chip.

26 Any voter who spoils his ballot or makes an error may  
27 return the ballot to the judges of election and secure  
28 another. However, the protruding identifying tab for  
29 proposals for a constitutional convention or constitutional  
30 amendments shall have printed thereon "Constitutional  
31 Ballot", and the ballot label page or pages for such  
32 proposals shall precede the ballot label pages for candidates  
33 in the ballot label booklet.

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

1 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

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

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

27 As part of such retabulation, the election authority  
28 shall test the computer program in the selected precincts.  
29 Such test shall be conducted by processing a preaudited group  
30 of ballots so punched so as to record a predetermined number  
31 of valid votes for each candidate and on each public  
32 question, and shall include for each office one or more  
33 ballots which have votes in excess of the number allowed by  
34 law in order to test the ability of the equipment to reject

1 such votes. If any error is detected, the cause therefor  
2 shall be ascertained and corrected and an errorless count  
3 shall be made prior to the official canvass and proclamation  
4 of election results.

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

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

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

21 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

24 No voting system shall be approved unless it fulfills the  
25 following requirements:

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

27 (2) It enables a voter to vote a straight-party ticket  
28 {Blank};

29 (3) It enables a voter to vote a ticket selected in part  
30 from the nominees of one party, and in part from the nominees  
31 of any or all parties, and in part from independent  
32 candidates and in part of candidates whose names are written  
33 in by the voter;

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

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

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

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

13 No vendor, person or other entity may sell, lease or loan  
14 a voting system or voting system component to any election  
15 jurisdiction unless the voting system or voting system  
16 component is first approved by the State Board of Elections  
17 pursuant to this Section.

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

19 (10 ILCS 5/24B-5.1)

20 Sec. 24B-5.1. Instruction of Voters; Instruction Model;  
21 Partiality to Political Party; Manner of Instruction. Before  
22 entering the voting booth each voter shall be offered  
23 instruction in the marking of the Precinct Tabulation Optical  
24 Scan Technology ballot sheet. In instructing voters, no  
25 precinct official may show partiality to any political party,  
26 and when instructing a voter on how to vote a straight ticket  
27 for one political party the precinct official shall at the  
28 same time instruct the voter how to vote a straight ticket  
29 for any other political party that appears on the ballot  
30 label. The duties of instruction shall be discharged by a  
31 judge from each of the political parties represented and they  
32 shall alternate serving as instructor so that each judge  
33 shall serve a like time at such duties. No instructions may

1 be given after the voter has entered the voting booth.

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

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

10 (10 ILCS 5/24B-6)

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

23 All propositions, including but not limited to  
24 propositions calling for a constitutional convention,  
25 constitutional amendment, judicial retention, and public  
26 measures to be voted upon shall be placed on separate  
27 portions of the ballot sheet by utilizing borders or grey  
28 screens. Candidates shall be listed on a separate portion of  
29 the ballot sheet by utilizing borders or grey screens. Below  
30 the name of the last candidate listed for an office shall be  
31 printed a line or lines on which the name of a candidate or  
32 candidates may be written by the voter, and proximate to such  
33 lines an area shall be provided for marking votes for the

1 write-in candidate or candidates. The number of write-in  
2 lines for an office shall equal the number of candidates for  
3 which a voter may vote. More than one amendment to the  
4 constitution may be placed on the same portion of the ballot  
5 sheet. Constitutional convention or constitutional amendment  
6 propositions shall be printed on a separate portion of the  
7 ballot sheet and designated by borders or grey screens,  
8 unless otherwise provided by administrative rule of the State  
9 Board of Elections. More than one public measure or  
10 proposition may be placed on the same portion of the ballot  
11 sheet. More than one proposition for retention of judges in  
12 office may be placed on the same portion of the ballot sheet.  
13 Names of candidates shall be printed in black. The  
14 designation of the political parties for straight-party  
15 voting shall be in a special section of the ballot, except no  
16 means by which a voter can cast a straight-party vote shall  
17 be necessary for any special election not conducted on a  
18 regularly scheduled election day and called for filling a  
19 vacancy in the office of Representative in the United States  
20 Congress. The party affiliation of each candidate or the word  
21 "independent" shall appear near or under the candidate's  
22 name, and the names of candidates for the same office shall  
23 be listed vertically under the title of that office. In the  
24 case of nonpartisan elections for officers of political  
25 subdivisions, unless the statute or an ordinance adopted  
26 pursuant to Article VII of the Constitution requires  
27 otherwise, the listing of nonpartisan candidates shall not  
28 include any party or "independent" designation. Judicial  
29 retention ballots shall be designated by borders or grey  
30 screens. Ballots for all public measures and other  
31 propositions shall be designated by borders or grey screens.  
32 In primary elections, a separate ballot, shall be used for  
33 each political party holding a primary, with the ballot  
34 arranged to include names of the candidates of the party and



1 public measures and other propositions to be voted upon on  
2 the day of the primary election.

3 If the ballot includes both candidates for office and  
4 public measures or propositions to be voted on, the election  
5 official in charge of the election shall divide the ballot in  
6 sections for "Candidates" and "Propositions", or separate  
7 ballots may be used.

8 Absentee ballots may consist of envelopes, paper ballots  
9 or ballot sheets voted in person in the office of the  
10 election official in charge of the election or voted by mail.  
11 Where a Precinct Tabulation Optical Scan Technology ballot is  
12 used for voting by mail it must be accompanied by voter  
13 instructions.

14 Any voter who spoils his or her ballot, makes an error,  
15 or has a ballot returned by the automatic tabulating  
16 equipment may return the ballot to the judges of election and  
17 get another ballot.

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

19 (10 ILCS 5/24B-15)

20 Sec. 24B-15. Official Return of Precinct; Check of  
21 Totals; Retabulation. The precinct return printed by the  
22 automatic Precinct Tabulation Optical Scan Technology  
23 tabulating equipment shall include the number of ballots  
24 cast, straight-party tickets, and votes cast for each  
25 candidate and proposition and shall constitute the official  
26 return of each precinct. Every ballot on which the voter  
27 has cast a vote for all candidates of one party and no votes  
28 for any other candidates shall be reported as a  
29 straight-party ticket, and all other ballots shall be  
30 reported as split tickets. In addition to the precinct  
31 return, the election authority shall provide the number of  
32 applications for ballots in each precinct, the write-in  
33 votes, the total number of ballots counted in each precinct

1 for each political subdivision and district and the number of  
2 registered voters in each precinct. However, the election  
3 authority shall check the totals shown by the precinct return  
4 and, if there is an obvious discrepancy regarding the total  
5 number of votes cast in any precinct, shall have the ballots  
6 for that precinct retabulated to correct the return. The  
7 procedures for retabulation shall apply prior to and after  
8 the proclamation is completed; however, after the  
9 proclamation of results, the election authority must obtain a  
10 court order to unseal voted ballots except for election  
11 contests and discovery recounts. In those election  
12 jurisdictions that use in-precinct counting equipment, the  
13 certificate of results, which has been prepared by the judges  
14 of election in the polling place after the ballots have been  
15 tabulated, shall be the document used for the canvass of  
16 votes for such precinct. Whenever a discrepancy exists  
17 during the canvass of votes between the unofficial results  
18 and the certificate of results, or whenever a discrepancy  
19 exists during the canvass of votes between the certificate of  
20 results and the set of totals which has been affixed to the  
21 certificate of results, the ballots for that precinct shall  
22 be retabulated to correct the return. As an additional part  
23 of this check prior to the proclamation, in those  
24 jurisdictions where in-precinct counting equipment is used,  
25 the election authority shall retabulate the total number of  
26 votes cast in 5% of the precincts within the election  
27 jurisdiction. The precincts to be retabulated shall be  
28 selected after election day on a random basis by the election  
29 authority, so that every precinct in the election  
30 jurisdiction has an equal mathematical chance of being  
31 selected. The State Board of Elections shall design a  
32 standard and scientific random method of selecting the  
33 precincts which are to be retabulated, and the election  
34 authority shall be required to use that method. The State

1 Board of Elections, the State's Attorney and other  
2 appropriate law enforcement agencies, the county chairman of  
3 each established political party and qualified civic  
4 organizations shall be given prior written notice of the time  
5 and place of the random selection procedure and may be  
6 represented at the procedure. The retabulation shall consist  
7 of counting the ballots which were originally counted and  
8 shall not involve any determination of which ballots were, in  
9 fact, properly counted. The ballots from the precincts  
10 selected for the retabulation shall remain at all times under  
11 the custody and control of the election authority and shall  
12 be transported and retabulated by the designated staff of the  
13 election authority.

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

25 The State Board of Elections, the State's Attorney and  
26 other appropriate law enforcement agencies, the county  
27 chairman of each established political party and qualified  
28 civic organizations shall be given prior written notice of  
29 the time and place of the retabulation and may be represented  
30 at the retabulation.

31 The results of this retabulation shall be treated in the  
32 same manner and have the same effect as the results of the  
33 discovery procedures set forth in Section 22-9.1 of this  
34 Code. Upon completion of the retabulation, the election

1 authority shall print a comparison of the results of the  
2 retabulation with the original precinct return printed by the  
3 automatic tabulating equipment. The comparison shall be done  
4 for each precinct and for each office voted upon within that  
5 precinct, and the comparisons shall be open to the public.  
6 Upon completion of the retabulation, the returns shall be  
7 open to the public.

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

9 (10 ILCS 5/24B-16)

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

14 No Precinct Tabulation Optical Scan Technology voting  
15 system shall be approved unless it fulfills the following  
16 requirements:

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

18 (b) It enables a voter to vote a straight-party  
19 ticket {Blank};

20 (c) It enables a voter to vote a ticket selected in  
21 part from the nominees of one party, and in part from the  
22 nominees of any or all parties, and in part from  
23 independent candidates, and in part of candidates whose  
24 names are written in by the voter;

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

28 (e) It will reject all votes for an office or upon  
29 a proposition when the voter has cast more votes for the  
30 office or upon the proposition than he or she is entitled  
31 to cast; and

32 (f) It will accommodate all propositions to be  
33 submitted to the voters in the form provided by law or,

1 where no form is provided, then in brief form, not to  
2 exceed 75 words.

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

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

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

14 (10 ILCS 5/1-7 rep.)

15 Section 10. The Election Code is amended by repealing  
16 Section 1-7.

17 Section 99. Effective date. This Act takes effect  
18 January 1, 2004.