

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 24B-2, 24B-6, 24B-8, 24B-9, 24B-9.1, 24B-10,
6 24B-10.1, 24B-15, and 24B-18 as follows:

7 (10 ILCS 5/24B-2)

8 Sec. 24B-2. Definitions. As used in this Article:

9 "Computer", "automatic tabulating equipment" or
10 "equipment" includes apparatus necessary to automatically
11 examine and count votes as designated on ballots, and data
12 processing machines which can be used for counting ballots
13 and tabulating results.

14 "Ballot" means paper ballot sheets.

15 "Ballot configuration" means the particular combination
16 of political subdivision ballots including, for each
17 political subdivision, the particular combination of offices,
18 candidate names and questions as it appears for each group of
19 voters who may cast the same ballot.

20 "Ballot sheet" means a paper ballot printed on one or
21 both sides which is (1) designed and prepared so that the
22 voter may indicate his or her votes in designated areas,
23 which must be areas clearly printed or otherwise delineated
24 for such purpose, and (2) capable of having votes marked in
25 the designated areas automatically examined, counted, and
26 tabulated by an electronic scanning process.

27 "Central counting" means the counting of ballots in one
28 or more locations selected by the election authority for the
29 processing or counting, or both, of ballots. A location for
30 central counting shall be within the territorial jurisdiction
31 of the election authority unless there is no suitable

1 tabulating equipment available within his territorial
2 jurisdiction. However, in any event a counting location
3 shall be within this State.

4 "Computer operator" means any person or persons
5 designated by the election authority to operate the automatic
6 tabulating equipment during any portion of the vote tallying
7 process in an election, but shall not include judges of
8 election operating vote tabulating equipment in the precinct.

9 "Computer program" or "program" means the set of
10 operating instructions for the automatic tabulating equipment
11 that examines, counts, tabulates, canvasses and prints votes
12 recorded by a voter on a ballot.

13 "Edit listing" means a computer generated listing of the
14 names of each candidate and proposition as they appear in the
15 program for each precinct.

16 "Header sheet" means a data processing document which is
17 coded to indicate to the computer the precinct identity of
18 the ballots that will follow immediately and may indicate to
19 the computer how such ballots are to be tabulated.

20 "In-precinct counting" means the counting of ballots on
21 automatic tabulating equipment provided by the election
22 authority in the same precinct polling place in which those
23 ballots have been cast.

24 "Marking device" means a pen, computer, or other device
25 or-similar-device approved by the State Board of Elections
26 for marking, or causing to be marked, a paper ballot with ink
27 or other substance which will enable the ballot to be
28 tabulated by automatic tabulating equipment or by an
29 electronic scanning process.

30 "Precinct Tabulation Optical Scan Technology" means the
31 capability to examine a ballot through electronic means and
32 tabulate the votes at one or more counting places.

33 "Redundant count" means a verification of the original
34 computer count by another count using compatible equipment or

1 by hand as part of a discovery recount.

2 "Security designation" means a printed designation placed
3 on a ballot to identify to the computer program the offices
4 and propositions for which votes may be cast and to indicate
5 the manner in which votes cast should be tabulated while
6 negating any inadmissible votes.

7 "Separate ballot", with respect to ballot sheets, means a
8 separate portion of the ballot sheet which is clearly defined
9 by a border or borders or shading.

10 "Specimen ballot" means a representation of names of
11 offices and candidates and statements of measures to be voted
12 on which will appear on the official ballot or marking device
13 on election day. The specimen ballot also contains the party
14 and position number where applicable.

15 "Voting defect identification" means the capability to
16 detect overvoted ballots or ballots which cannot be read by
17 the automatic tabulating equipment.

18 "Voting defects" means an overvoted ballot, or a ballot
19 which cannot be read by the automatic tabulating equipment.

20 "Voting system" or "electronic voting system" means that
21 combination of equipment and programs used in the casting,
22 examination and tabulation of ballots and the cumulation and
23 reporting of results by electronic means.

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

25 (10 ILCS 5/24B-6)

26 Sec. 24B-6. Ballot Information; Arrangement; Electronic
27 Precinct Tabulation Optical Scan Technology Voting System;
28 Absentee Ballots; Spoiled Ballots. The ballot information,
29 shall, as far as practicable, be in the order of arrangement
30 provided for paper ballots, except that the information may
31 be in vertical or horizontal rows, or on a number of separate
32 pages or displays on the marking device. Ballots for all
33 questions or propositions to be voted on should be provided

1 in a similar manner and must be arranged on the ballot sheet
2 or marking device in the places provided for such purposes.
3 Ballots shall be of white paper unless provided otherwise by
4 administrative rule of the State Board of Elections or
5 otherwise specified.

6 All propositions, including but not limited to
7 propositions calling for a constitutional convention,
8 constitutional amendment, judicial retention, and public
9 measures to be voted upon shall be placed on separate
10 portions of the ballot sheet or marking device by utilizing
11 borders or grey screens. Candidates shall be listed on a
12 separate portion of the ballot sheet or marking device by
13 utilizing borders or grey screens. Below the name of the
14 last candidate listed for an office shall be printed a line
15 or lines on which the voter may select a write-in candidate.
16 Such line or lines shall be proximate to the name of a
17 candidate or candidates may be written by the voter, and
18 proximate to such lines an area shall be provided for marking
19 votes for the write-in candidate or candidates. The number of
20 write-in lines for an office shall equal the number of
21 candidates for which a voter may vote. More than one
22 amendment to the constitution may be placed on the same
23 portion of the ballot sheet or marking device. Constitutional
24 convention or constitutional amendment propositions shall be
25 printed or displayed on a separate portion of the ballot
26 sheet or marking device and designated by borders or grey
27 screens, unless otherwise provided by administrative rule of
28 the State Board of Elections. More than one public measure
29 or proposition may be placed on the same portion of the
30 ballot sheet or marking device. More than one proposition
31 for retention of judges in office may be placed on the same
32 portion of the ballot sheet or marking device. Names of
33 candidates shall be printed in black. The party affiliation
34 of each candidate or the word "independent" shall appear near

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

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

27 Absentee ballots may consist of envelopes, paper ballots
28 or ballot sheets voted in person in the office of the
29 election official in charge of the election or voted by mail.
30 Where a Precinct Tabulation Optical Scan Technology ballot is
31 used for voting by mail it must be accompanied by voter
32 instructions.

33 Any voter who spoils his or her ballot, makes an error,
34 or has a ballot returned by the automatic tabulating

1 equipment may return the ballot to the judges of election and
2 get another ballot.

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

4 (10 ILCS 5/24B-8)

5 Sec. 24B-8. Preparation for Use; Comparison of Ballots;
6 Operational Checks of Automatic Precinct Tabulation Optical
7 Scan Technology Tabulating Equipment; Pollwatchers. The
8 county clerk or board of election commissioners shall cause
9 the approved marking devices to be delivered to the polling
10 places. Before the opening of the polls the judges of
11 election shall compare the ballots or displays on the marking
12 device used with the specimen ballots furnished and see that
13 the names, numbers and letters thereon agree and shall
14 certify thereto on forms provided by the county clerk or
15 board of election commissioners.

16 In addition, in those polling places where in-precinct
17 Precinct Tabulation Optical Scan Technology counting
18 equipment is utilized, the judges of election shall make an
19 operational check of the automatic Precinct Tabulation
20 Optical Scan Technology tabulating equipment before the
21 opening of the polls. The judges of election shall ensure
22 that the totals are all zeroes in the count column on the
23 Precinct Tabulation Optical Scan Technology unit.

24 Pollwatchers as provided by law shall be permitted to
25 closely observe the judges in these procedures and to
26 periodically inspect the Precinct Tabulation Optical Scan
27 Technology equipment when not in use by the voters.

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

29 (10 ILCS 5/24B-9)

30 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan
31 Technology Equipment and Program; Custody of Programs, Test
32 Materials and Ballots. Prior to the public test, the

1 election authority shall conduct an errorless pre-test of the
2 automatic Precinct Tabulation Optical Scan Technology
3 tabulating equipment and program and marking device to
4 determine that they will correctly detect Voting Defects and
5 count the votes cast for all offices and all measures. On any
6 day not less than 5 days prior to the election day, the
7 election authority shall publicly test the automatic Precinct
8 Tabulation Optical Scan Technology tabulating equipment and
9 program to determine that they will correctly detect Voting
10 Defects and count the votes cast for all offices and on all
11 measures. Public notice of the time and place of the test
12 shall be given at least 48 hours before the test by
13 publishing the notice in one or more newspapers within the
14 election jurisdiction of the election authority, if a
15 newspaper is published in that jurisdiction. If a newspaper
16 is not published in that jurisdiction, notice shall be
17 published in a newspaper of general circulation in that
18 jurisdiction. Timely written notice stating the date, time,
19 and location of the public test shall also be provided to the
20 State Board of Elections. The test shall be open to
21 representatives of the political parties, the press,
22 representatives of the State Board of Elections, and the
23 public. The test shall be conducted by processing a
24 preaudited group of ballots marked to record a predetermined
25 number of valid votes for each candidate and on each measure,
26 and shall include for each office one or more ballots having
27 votes exceeding the number allowed by law to test the ability
28 of the automatic tabulating equipment or marking device to
29 reject the votes. The test shall also include producing an
30 edit listing. In those election jurisdictions where
31 in-precinct counting equipment is used, a public test of both
32 the equipment and program shall be conducted as nearly as
33 possible in the manner prescribed above. The State Board of
34 Elections may select as many election jurisdictions as the

1 Board deems advisable in the interests of the election
2 process of this State, to order a special test of the
3 automatic tabulating equipment and program before any regular
4 election. The Board may order a special test in any election
5 jurisdiction where, during the preceding 12 months, computer
6 programming errors or other errors in the use of electronic
7 voting systems resulted in vote tabulation errors. Not less
8 than 30 days before any election, the State Board of
9 Elections shall provide written notice to those selected
10 jurisdictions of their intent to conduct a test. Within 5
11 days of receipt of the State Board of Elections' written
12 notice of intent to conduct a test, the selected
13 jurisdictions shall forward to the principal office of the
14 State Board of Elections a copy of all specimen ballots. The
15 State Board of Elections' tests shall be conducted and
16 completed not less than 2 days before the public test
17 utilizing testing materials supplied by the Board and under
18 the supervision of the Board, and the Board shall reimburse
19 the election authority for the reasonable cost of computer
20 time required to conduct the special test. After an
21 errorless test, materials used in the public test, including
22 the program, if appropriate, shall be sealed and remain
23 sealed until the test is run again on election day. If any
24 error is detected, the cause of the error shall be determined
25 and corrected, and an errorless public test shall be made
26 before the automatic tabulating equipment is approved. Each
27 election authority shall file a sealed copy of each tested
28 program to be used within its jurisdiction at an election
29 with the State Board of Elections before the election. The
30 Board shall secure the program or programs of each election
31 jurisdiction so filed in its office for the 60 days following
32 the canvass and proclamation of election results. At the
33 expiration of that time, if no election contest or appeal is
34 pending in an election jurisdiction, the Board shall return

1 the sealed program or programs to the election authority of
2 the jurisdiction. Except where in-precinct counting
3 equipment is used, the test shall be repeated immediately
4 before the start of the official counting of the ballots, in
5 the same manner as set forth above. After the completion of
6 the count, the test shall be re-run using the same program.
7 Immediately after the re-run, all material used in testing
8 the program and the programs shall be sealed and retained
9 under the custody of the election authority for a period of
10 60 days. At the expiration of that time the election
11 authority shall destroy the voted ballots, together with all
12 unused ballots returned from the precincts. Provided, if any
13 contest of election is pending at the time in which the
14 ballots may be required as evidence and the election
15 authority has notice of the contest, the same shall not be
16 destroyed until after the contest is finally determined. If
17 the use of back-up equipment becomes necessary, the same
18 testing required for the original equipment shall be
19 conducted.

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

21 (10 ILCS 5/24B-9.1)

22 Sec. 24B-9.1. Examination of Votes by Electronic
23 Precinct Tabulation Optical Scan Technology Scanning Process.
24 Whenever a Precinct Tabulation Optical Scan Technology
25 process is used to automatically examine and count the votes
26 on ballot sheets, the provisions of this Section shall apply.
27 A voter shall cast a proper vote on a ballot sheet by making
28 a mark, or causing a mark to be made, in the designated area
29 for the casting of a vote for any party or candidate or for
30 or against any proposition. For this purpose, a mark is an
31 intentional darkening of the designated area on the ballot
32 sheet, and not an identifying mark.

33 The election authority shall provide an envelope, sleeve

1 or other device to each voter so the voter can deliver the
2 voted ballot sheet to the counting equipment and ballot box
3 without the votes indicated on the ballot sheet being visible
4 to other persons in the polling place.

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

6 (10 ILCS 5/24B-10)

7 Sec. 24B-10. Receiving, Counting, Tallying and Return of
8 Ballots; Acceptance of Ballots by Election Authority.

9 (a) In an election jurisdiction which has adopted an
10 electronic Precinct Tabulation Optical Scan Technology voting
11 system, the election official in charge of the election shall
12 select one of the 3 following procedures for receiving,
13 counting, tallying, and return of the ballots:

14 (1) Two ballot boxes shall be provided for each
15 polling place. The first ballot box is for the
16 depositing of votes cast on the electronic voting system;
17 and the second ballot box is for all votes cast on other
18 ballots, including absentee paper ballots and any other
19 paper ballots required to be voted other than on the
20 Precinct Tabulation Optical Scan Technology electronic
21 voting system. Ballots, except absentee ballots for
22 candidates and propositions which are listed on the
23 Precinct Tabulation Optical Scan Technology electronic
24 voting system, deposited in the second ballot box shall
25 be counted, tallied, and returned as is elsewhere
26 provided in this Code for the counting and handling of
27 paper ballots. Immediately after the closing of the
28 polls the absentee ballots delivered to the precinct
29 judges of election by the election official in charge of
30 the election shall be examined to determine that the
31 ballots comply with Sections 19-9 and 20-9 of this Code
32 and are entitled to be inserted into the counting
33 equipment and deposited into the ballot box provided;

1 those entitled to be deposited in this ballot box shall
2 be initialed by the precinct judges of election and
3 deposited. Those not entitled to be deposited in this
4 ballot box shall be marked "Rejected" and disposed of as
5 provided in Sections 19-9 and 20-9. The precinct judges
6 of election shall then open the second ballot box and
7 examine all paper absentee ballots which are in the
8 ballot box to determine whether the absentee ballots bear
9 the initials of a precinct judge of election. If any
10 absentee ballot is not so initialed, it shall be marked
11 on the back "Defective", initialed as to the label by all
12 judges immediately under the word "Defective", and not
13 counted, but placed in the envelope provided for that
14 purpose labeled "Defective Ballots Envelope". The judges
15 of election, consisting in each case of at least one
16 judge of election of each of the 2 major political
17 parties, shall examine the paper absentee ballots which
18 were in such ballot box and properly initialed to
19 determine whether the same contain write-in votes.
20 Write-in votes, not causing an overvote for an office
21 otherwise voted for on the paper absentee ballot, and
22 otherwise properly voted, shall be counted, tallied and
23 recorded on the tally sheet provided for the record. A
24 write-in vote causing an overvote for an office shall not
25 be counted for that office, but the precinct judges shall
26 mark such paper absentee ballot "Objected To" on the back
27 and write on its back the manner in which the ballot is
28 counted and initial the same. An overvote for one office
29 shall invalidate only the vote or count of that
30 particular office. After counting, tallying and
31 recording the write-in votes on absentee ballots, the
32 judges of election, consisting in each case of at least
33 one judge of election of each of the 2 major political
34 parties, shall make a true duplicate ballot of the

1 remaining valid votes on each paper absentee ballot which
2 was in the ballot box and properly initialed, by using
3 the electronic Precinct Tabulation Optical Scan
4 Technology voting system used in the precinct and one of
5 the marking devices, or equivalent marking device or
6 equivalent ballot, of the precinct to transfer the
7 remaining valid votes of the voter on the paper absentee
8 ballot to an official ballot or a ballot card of that
9 kind used in the precinct at that election. The original
10 paper absentee ballot shall be clearly labeled "Absentee
11 Ballot" and the ballot card so produced "Duplicate
12 Absentee Ballot", and each shall bear the same serial
13 number which shall be placed thereon by the judges of
14 election, beginning with number 1 and continuing
15 consecutively for the ballots of that kind in that
16 precinct. The judges of election shall initial the
17 "Duplicate Absentee Ballot" ballots and shall place them
18 in the first ballot box provided for return of the
19 ballots to be counted at the central counting location in
20 lieu of the paper absentee ballots. The paper absentee
21 ballots shall be placed in an envelope provided for that
22 purpose labeled "Duplicate Ballots".

23 As soon as the absentee ballots have been deposited
24 in the first ballot box, the judges of election shall
25 make out a slip indicating the number of persons who
26 voted in the precinct at the election. The slip shall be
27 signed by all the judges of election and shall be
28 inserted by them in the first ballot box. The judges of
29 election shall thereupon immediately lock the first
30 ballot box; provided, that if the box is not of a type
31 which may be securely locked, the box shall be sealed
32 with filament tape provided for the purpose that shall be
33 wrapped around the box lengthwise and crosswise, at least
34 twice each way, and in a manner that the seal completely

1 covers the slot in the ballot box, and each of the judges
2 shall sign the seal. Two of the judges of election, of
3 different political parties, shall by the most direct
4 route transport both ballot boxes to the counting
5 location designated by the county clerk or board of
6 election commissioners.

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

25 The excess ballots shall be marked "Excess-Not
26 Counted" and signed by the 2 precinct transport judges
27 and shall be placed in the "After 7:00 p.m. Defective
28 Ballots Envelope". The number of excess ballots shall be
29 noted in the remarks section of the Certificate of
30 Results. "Excess" ballots shall not be counted in the
31 total of "defective" ballots.

32 The precinct transport judges shall then examine the
33 remaining ballots for write-in votes and shall count and
34 tabulate the write-in vote.

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

6 All ballots to be processed and tabulated with the
7 electronic Precinct Tabulation Optical Scan Technology
8 voting system shall be processed as follows:

9 Immediately after the closing of the polls the
10 absentee ballots delivered to the precinct judges of
11 election by the election official in charge of the
12 election shall be examined to determine that such ballots
13 comply with Sections 19-9 and 20-9 of this Code and are
14 entitled to be deposited in the ballot box; those
15 entitled to be deposited in the ballot box shall be
16 initialed by the precinct judges of election and
17 deposited in the ballot box. Those not entitled to be
18 deposited in the ballot box shall be marked "Rejected"
19 and disposed of as provided in Sections 19-9 and 20-9.
20 The precinct judges of election then shall open the
21 ballot box and canvass the votes polled to determine that
22 the number of ballots agree with the number of voters
23 voting as shown by the applications for ballot, or if the
24 same do not agree the judges of election shall make such
25 ballots agree with the applications for ballot in the
26 manner provided by Section 17-18 of this Code. The
27 judges of election shall then examine all paper absentee
28 ballots and ballot envelopes which are in the ballot box
29 to determine whether the ballots and ballot envelopes
30 bear the initials of a precinct judge of election. If
31 any ballot or ballot envelope is not initialed, it shall
32 be marked on the back "Defective", initialed as to the
33 label by all judges immediately under the word
34 "Defective", and not counted, but placed in the envelope

1 provided for that purpose labeled "Defective Ballots
2 Envelope". The judges of election, consisting in each
3 case of at least one judge of election of each of the 2
4 major political parties, shall examine the paper absentee
5 ballots which were in the ballot box and properly
6 initialed to determine whether the same contain write-in
7 votes. Write-in votes, not causing an overvote for an
8 office otherwise voted for on the paper absentee ballot,
9 and otherwise properly voted, shall be counted, tallied
10 and recorded on the tally sheet provided for the record.
11 A write-in vote causing an overvote for an office shall
12 not be counted for that office, but the precinct judges
13 shall mark the paper absentee ballot "Objected To" on the
14 back and write on its back the manner the ballot is
15 counted and initial the same. An overvote for one office
16 shall invalidate only the vote or count of that
17 particular office. After counting, tallying and
18 recording the write-in votes on absentee ballots, the
19 judges of election, consisting in each case of at least
20 one judge of election of each of the 2 major political
21 parties, shall make a true duplicate ballot of the
22 remaining valid votes on each paper absentee ballot which
23 was in the ballot box and properly initialed, by using
24 the electronic voting system used in the precinct and one
25 of the marking devices of the precinct to transfer the
26 remaining valid votes of the voter on the paper absentee
27 ballot to an official ballot of that kind used in the
28 precinct at that election. The original paper absentee
29 ballot shall be clearly labeled "Absentee Ballot" and the
30 ballot so produced "Duplicate Absentee Ballot", and each
31 shall bear the same serial number which shall be placed
32 thereon by the judges of election, commencing with number
33 1 and continuing consecutively for the ballots of that
34 kind in that precinct. The judges of election shall

1 initial the "Duplicate Absentee Ballot" ballots and shall
2 place them in the box for return of the ballots with all
3 other ballots to be counted at the central counting
4 location in lieu of the paper absentee ballots. The
5 paper absentee ballots shall be placed in an envelope
6 provided for that purpose labeled "Duplicate Ballots".

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

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

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

30 The "Defective Ballots" envelope, and "Duplicated
31 Ballots" envelope each shall be securely sealed and the
32 flap or end of each envelope signed by the precinct
33 judges of election and returned to the central counting
34 location with the box for return of the ballots, enclosed

1 ballots and returns.

2 At the central counting location, a team of tally
3 judges designated by the election official in charge of
4 the election shall check the box returned containing the
5 ballots to determine that all seals are intact, and shall
6 open the box, check the voters' slip and compare the
7 number of ballots so delivered against the total number
8 of voters of the precinct who voted, remove the ballots
9 and deliver them to the technicians operating the
10 automatic tabulating equipment. Any discrepancies
11 between the number of ballots and total number of voters
12 shall be noted on a sheet furnished for that purpose and
13 signed by the tally judges.

14 (3) A single ballot box, for the deposit of all
15 votes cast, shall be used. Immediately after the closing
16 of the polls the judges of election shall examine the
17 absentee ballots received by the precinct judges of
18 election from the election authority of voters in that
19 precinct to determine that they comply with the
20 provisions of Sections 19-9, 20-8 and 20-9 of this Code
21 and are entitled to be deposited in the ballot box; those
22 entitled to be deposited in the ballot box shall be
23 initialed by the precinct judges and deposited in the
24 ballot box. Those not entitled to be deposited in the
25 ballot box, in accordance with Sections 19-9, 20-8 and
26 20-9 of this Code shall be marked "Rejected" and
27 preserved in the manner provided in this Code for the
28 retention and preservation of official ballots rejected
29 at such election. Immediately upon the completion of the
30 absentee balloting, the precinct judges of election shall
31 securely lock the ballot box; provided that if such box
32 is not of a type which may be securely locked, the box
33 shall be sealed with filament tape provided for the
34 purpose which shall be wrapped around the box lengthwise

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

1 recommendations by the appropriate political party
2 organizations.

3 At the central counting location there shall be one
4 or more teams of tally judges who possess the same
5 qualifications as tally judges in election jurisdictions
6 using paper ballots. The number of the teams shall be
7 determined by the election authority. Each team shall
8 consist of 5 tally judges, 3 selected and approved by the
9 county board from a certified list furnished by the
10 chairman of the county central committee of the party
11 with the majority of members on the county board and 2
12 selected and approved by the county board from a
13 certified list furnished by the chairman of the county
14 central committee of the party with the second largest
15 number of members on the county board. At the central
16 counting location a team of tally judges shall open the
17 ballot box and canvass the votes polled to determine that
18 the number of ballot sheets therein agree with the number
19 of voters voting as shown by the applications for ballot
20 and for absentee ballot; and, if the same do not agree,
21 the tally judges shall make such ballots agree with the
22 number of applications for ballot in the manner provided
23 by Section 17-18 of this Code. The tally judges shall
24 then examine all ballot sheets that are in the ballot box
25 to determine whether they bear the initials of the
26 precinct judge of election. If any ballot is not
27 initialed, it shall be marked on the back "Defective",
28 initialed as to that label by all tally judges
29 immediately under the word "Defective", and not counted,
30 but placed in the envelope provided for that purpose
31 labeled "Defective Ballots Envelope". Write-in votes,
32 not causing an overvote for an office otherwise voted for
33 on the absentee ballot sheet, and otherwise properly
34 voted, shall be counted, tallied, and recorded by the

1 central counting location judges on the tally sheet
2 provided for the record. A write-in vote causing an
3 overvote for an office shall not be counted for that
4 office, but the tally judges shall mark the absentee
5 ballot sheet "Objected To" and write the manner in which
6 the ballot is counted on its back and initial the sheet.
7 An overvote for one office shall invalidate only the vote
8 or count for that particular office.

9 At the central counting location, a team of tally
10 judges designated by the election official in charge of
11 the election shall deliver the ballot sheets to the
12 technicians operating the automatic Precinct Tabulation
13 Optical Scan Technology tabulating equipment. Any
14 discrepancies between the number of ballots and total
15 number of voters shall be noted on a sheet furnished for
16 that purpose and signed by the tally judges.

17 (b) Regardless of which procedure described in
18 subsection (a) of this Section is used, the judges of
19 election designated to transport the ballots properly signed
20 and sealed, shall ensure that the ballots are delivered to
21 the central counting station no later than 12 hours after the
22 polls close. At the central counting station, a team of
23 tally judges designated by the election official in charge of
24 the election shall examine the ballots so transported and
25 shall not accept ballots for tabulating which are not signed
26 and sealed as provided in subsection (a) of this Section
27 until the judges transporting the ballots make and sign the
28 necessary corrections. Upon acceptance of the ballots by a
29 team of tally judges at the central counting station, the
30 election judges transporting the ballots shall take a receipt
31 signed by the election official in charge of the election and
32 stamped with the date and time of acceptance. The election
33 judges whose duty it is to transport any ballots shall, in
34 the event the ballots cannot be found when needed, on proper

1 request, produce the receipt which they are to take as above
2 provided.

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

4 (10 ILCS 5/24B-10.1)

5 Sec. 24B-10.1. In-Precinct Counting Equipment;
6 Procedures for Counting and Tallying Ballots. In an election
7 jurisdiction where Precinct Tabulation Optical Scan
8 Technology counting equipment is used, the following
9 procedures for counting and tallying the ballots shall apply:

10 Before the opening of the polls, and before the ballots
11 are entered into the automatic tabulating equipment, the
12 judges of election shall be sure that the totals are all
13 zeros in the counting column. Ballots may then be counted by
14 entering or scanning each ballot into the automatic
15 tabulating equipment. Throughout the election day and before
16 the closing of the polls, no person may check any vote totals
17 for any candidate or proposition on the automatic tabulating
18 equipment. Such automatic tabulating equipment shall be
19 programmed so that no person may reset the equipment for
20 refeeding of ballots unless provided a code from an
21 authorized representative of the election authority. At the
22 option of the election authority, the ballots may be fed into
23 the Precinct Tabulation Optical Scan Technology equipment by
24 the voters under the direct supervision of the judges of
25 elections.

26 Immediately after the closing of the polls, the absentee
27 ballots delivered to the precinct judges of election by the
28 election authority shall be examined to determine that the
29 ballots comply with Sections 19-9 and 20-9 of this Code and
30 are entitled to be scanned by the Precinct Tabulation Optical
31 Scan Technology equipment and then deposited in the ballot
32 box; those entitled to be scanned and deposited in the ballot
33 box shall be initialed by the precinct judges of election and

1 then scanned and deposited in the ballot box. Those not
2 entitled to be deposited in the ballot box shall be marked
3 "Rejected" and disposed of as provided in said Sections 19-9
4 and 20-9.

5 The precinct judges of election shall open the ballot box
6 and count the number of ballots to determine if the number
7 agrees with the number of voters voting as shown on the
8 Precinct Tabulation Optical Scan Technology equipment and by
9 the applications for ballot or, if the same do not agree, the
10 judges of election shall make the ballots agree with the
11 applications for ballot in the manner provided by Section
12 17-18 of this Code. The judges of election shall then
13 examine all ballots which are in the ballot box to determine
14 whether the ballots contain the initials of a precinct judge
15 of election. If any ballot is not initialed, it shall be
16 marked on the back "Defective", initialed as to such label by
17 all judges immediately under the word "Defective" and not
18 counted. The judges of election shall place an initialed
19 blank official ballot in the place of the defective ballot,
20 so that the count of the ballots to be counted on the
21 automatic tabulating equipment will be the same, and each
22 "Defective Ballot" and "Replacement" ballot shall contain the
23 same serial number which shall be placed thereon by the
24 judges of election, beginning with number 1 and continuing
25 consecutively for the ballots of that kind in that precinct.
26 The original "Defective" ballot shall be placed in the
27 "Defective Ballot Envelope" provided for that purpose.

28 If the judges of election have removed a ballot pursuant
29 to Section 17-18, have labeled "Defective" a ballot which is
30 not initialed, or have otherwise determined under this Code
31 to not count a ballot originally deposited into a ballot box,
32 the judges of election shall be sure that the totals on the
33 automatic tabulating equipment are reset to all zeros in the
34 counting column. Thereafter the judges of election shall

1 enter or otherwise scan each ballot to be counted in the
2 automatic tabulating equipment. Resetting the automatic
3 tabulating equipment to all zeros and re-entering of ballots
4 to be counted may occur at the precinct polling place, the
5 office of the election authority, or any receiving station
6 designated by the election authority. The election authority
7 shall designate the place for resetting and re-entering or
8 re-scanning.

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

1 ballots to be counted on the automatic tabulating equipment.

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

28 The totals for all candidates and propositions shall be
29 tabulated; and 4 copies of a "Certificate of Results" shall
30 be generated by the automatic tabulating equipment; one copy
31 shall be posted in a conspicuous place inside the polling
32 place; and every effort shall be made by the judges of
33 election to provide a copy for each authorized pollwatcher or
34 other official authorized to be present in the polling place

1 to observe the counting of ballots; but in no case shall the
2 number of copies to be made available to pollwatchers be
3 fewer than 4, chosen by lot by the judges of election. In
4 addition, sufficient time shall be provided by the judges of
5 election to the pollwatchers to allow them to copy
6 information from the copy which has been posted.

7 The judges of election shall count all unused ballots and
8 enter the number on the "Statement of Ballots". All
9 "Spoiled", "Defective" and "Duplicated" ballots shall be
10 counted and the number entered on the "Statement of Ballots".

11 The precinct judges of election shall select a
12 bi-partisan team of 2 judges, who shall immediately return
13 the ballots in a sealed container, along with all other
14 election materials as instructed by the election authority;
15 provided, however, that such container must first be sealed
16 by the election judges with filament tape or other approved
17 sealing devices provided for the purpose which shall be
18 wrapped around the container lengthwise and crosswise, at
19 least twice each way, in a manner that the ballots cannot be
20 removed from the container without breaking the seal and
21 filament tape and disturbing any signatures affixed by the
22 election judges to the container, or which other approved
23 sealing devices are affixed in a manner approved by the
24 election authority. The election authority shall keep the
25 office of the election authority or any receiving stations
26 designated by the authority, open for at least 12 consecutive
27 hours after the polls close or until the ballots from all
28 precincts with in-precinct counting equipment within the
29 jurisdiction of the election authority have been returned to
30 the election authority. Ballots returned to the office of
31 the election authority which are not signed and sealed as
32 required by law shall not be accepted by the election
33 authority until the judges returning the ballots make and
34 sign the necessary corrections. Upon acceptance of the

1 ballots by the election authority, the judges returning the
2 ballots shall take a receipt signed by the election authority
3 and stamped with the time and date of the return. The
4 election judges whose duty it is to return any ballots as
5 provided shall, in the event the ballots cannot be found when
6 needed, on proper request, produce the receipt which they are
7 to take as above provided. The precinct judges of election
8 shall also deliver the Precinct Tabulation Optical Scan
9 Technology equipment to the election authority.

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

11 (10 ILCS 5/24B-15)

12 Sec. 24B-15. Official Return of Precinct; Check of
13 Totals; Retabulation. The precinct return printed by the
14 automatic Precinct Tabulation Optical Scan Technology
15 tabulating equipment shall include the number of ballots cast
16 and votes cast for each candidate and proposition and shall
17 constitute the official return of each precinct. In
18 addition to the precinct return, the election authority shall
19 provide the number of applications for ballots in each
20 precinct, the write-in votes, the total number of ballots
21 counted in each precinct for each political subdivision and
22 district and the number of registered voters in each
23 precinct. However, the election authority shall check the
24 totals shown by the precinct return and, if there is an
25 obvious discrepancy regarding the total number of votes cast
26 in any precinct, shall have the ballots for that precinct
27 retabulated to correct the return. The procedures for
28 retabulation shall apply prior to and after the proclamation
29 is completed; however, after the proclamation of results, the
30 election authority must obtain a court order to unseal voted
31 ballots except for election contests and discovery recounts.
32 In those election jurisdictions that use in-precinct counting
33 equipment, the certificate of results, which has been

1 prepared by the judges of election in the polling place after
2 the ballots have been tabulated, shall be the document used
3 for the canvass of votes for such precinct. Whenever a
4 discrepancy exists during the canvass of votes between the
5 unofficial results and the certificate of results, or
6 whenever a discrepancy exists during the canvass of votes
7 between the certificate of results and the set of totals
8 which has been affixed to the certificate of results, the
9 ballots for that precinct shall be retabulated to correct the
10 return. As an additional part of this check prior to the
11 proclamation, in those jurisdictions where in-precinct
12 counting equipment is used, the election authority shall
13 retabulate the total number of votes cast in 5% of the
14 precincts within the election jurisdiction. The precincts to
15 be retabulated shall be selected after election day on a
16 random basis by the election authority, so that every
17 precinct in the election jurisdiction has an equal
18 mathematical chance of being selected. The State Board of
19 Elections shall design a standard and scientific random
20 method of selecting the precincts which are to be
21 retabulated, and the election authority shall be required to
22 use that method. The State Board of Elections, the State's
23 Attorney and other appropriate law enforcement agencies, the
24 county chairman of each established political party and
25 qualified civic organizations shall be given prior written
26 notice of the time and place of the random selection
27 procedure and may be represented at the procedure. The
28 retabulation shall consist of counting the ballots which were
29 originally counted and shall not involve any determination of
30 which ballots were, in fact, properly counted. The ballots
31 from the precincts selected for the retabulation shall remain
32 at all times under the custody and control of the election
33 authority and shall be transported and retabulated by the
34 designated staff of the election authority.

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

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

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

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

31 (10 ILCS 5/24B-18)

32 Sec. 24B-18. Specimen Ballots; Publication. When an
33 electronic Precinct Tabulation Optical Scan Technology voting

1 system is used, the election authority shall cause to be
2 published, at least 5 days before the day of each general and
3 general primary election, in 2 or more newspapers published
4 in and having a general circulation in the county, a true and
5 legible copy of the specimen ballot containing ~~the names of~~
6 ~~offices and candidates and statements of measures to be voted~~
7 ~~on, as near as may be, in the form in which they will appear~~
8 ~~on the official ballot on election day.~~ A true legible copy
9 may be in the form of an actual size ballot and shall be
10 published as required by this Section if distributed in 2 or
11 more newspapers published and having a general circulation in
12 the county as an insert. For each election prescribed in
13 Article 2A of this Code, specimen ballots shall be made
14 available for public distribution and shall be supplied to
15 the judges of election for posting in the polling place on
16 the day of election. Notice for the nonpartisan and
17 consolidated elections shall be given as provided in Article
18 12.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.