

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 1A-16, 1A-25, 4-6.2, 4-16, 5-16.2, 5-23, 6-50.2, 6-54,
6 7-7, 7-8, 7-10, 7-15, 7-34, 7-56, 7-60, 7-61, 8-8, 9-1.4,
7 9-1.14, 9-3, 9-7.5, 9-9.5, 9-10, 10-9, 12-1, 17-9, 17-15,
8 17-23, 18-5, 18A-5, 18A-15, 19-2.1, 19-4, 19-10, 20-4, 22-1,
9 22-5, 22-7, 22-8, 22-9, 22-15, 22-15.1, 22-17, 23-15.1, 24A-10,
10 24A-10.1, 24A-15.1, 24A-22, 24B-10, 24B-10.1, 24B-15.1, 24C-2,
11 24C-12, 24C-13, and 24C-15 and by adding Articles 12A and 19A
12 and Sections 1A-17, 1A-18, 4-105, 5-105, 6-105, 7-100, 12A-2,
13 12A-5, 12A-10, 12A-15, 12A-35, 12A-40, 12A-45, 12A-50, 12A-55,
14 13-2.5, 14-4.5, 17-100, 18-100, 19A-5, 19A-10, 19A-15, 19A-20,
15 19A-25, 19A-25.5, 19A-30, 19A-35, 19A-40, 19A-45, 19A-50,
16 19A-55, 19A-60, 19A-65, 19A-70, 19A-75, and 23-50 as follows:

17 (10 ILCS 5/1A-16)

18 Sec. 1A-16. Voter registration information; internet
19 posting; processing of voter registration forms; content of
20 such forms. Notwithstanding any law to the contrary, the
21 following provisions shall apply to voter registration under
22 this Code.

23 (a) Voter registration information; Internet posting of
24 voter registration form. Within 90 days after the effective
25 date of this amendatory Act of the 93rd General Assembly, the
26 State Board of Elections shall post on its World Wide Web site
27 the following information:

28 (1) A comprehensive list of the names, addresses, phone
29 numbers, and websites, if applicable, of all county clerks
30 and boards of election commissioners in Illinois.

31 (2) A schedule of upcoming elections and the deadline
32 for voter registration.

1 (3) A downloadable, printable voter registration form,
2 in at least English and in Spanish versions, that a person
3 may complete and mail or submit to the State Board of
4 Elections or the appropriate county clerk or board of
5 election commissioners.

6 Any forms described under paragraph (3) must state the
7 following:

8 If you do not have a driver's license or social
9 security number, and this form is submitted by mail, and
10 you have never registered to vote in the jurisdiction you
11 are now registering in, then you must send, with this
12 application, either (i) a copy of a current and valid photo
13 identification, or (ii) a copy of a current utility bill,
14 bank statement, government check, paycheck, or other
15 government document that shows the name and address of the
16 voter. If you do not provide the information required
17 above, then you will be required to provide election
18 officials with either (i) or (ii) described above the first
19 time you vote at a voting place or by absentee ballot.

20 (b) Acceptance of registration forms by the State Board of
21 Elections and county clerks and board of election
22 commissioners. The State Board of Elections, county clerks, and
23 board of election commissioners shall accept all completed
24 voter registration forms described in subsection (a) (3) of this
25 Section and Section 1A-17 that are:

26 (1) postmarked on or before the day that voter
27 registration is closed under the Election Code;

28 (2) not postmarked, but arrives no later than 5 days
29 after the close of registration;

30 (3) submitted in person by a person using the form on
31 or before the day that voter registration is closed under
32 the Election Code; or

33 (4) submitted in person by a person who submits one or
34 more forms on behalf of one or more persons who used the
35 form on or before the day that voter registration is closed
36 under the Election Code.

1 Upon the receipt of a registration form, the State Board of
2 Elections shall mark the date on which the form was received
3 and send the form via first class mail to the appropriate
4 county clerk or board of election commissioners, as the case
5 may be, within 2 business days based upon the home address of
6 the person submitting the registration form. The county clerk
7 and board of election commissioners shall accept and process
8 any form received from the State Board of Elections.

9 (c) Processing of registration forms by county clerks and
10 boards of election commissioners. The county clerk or board of
11 election commissioners shall promulgate procedures for
12 processing the voter registration form.

13 (d) Contents of the voter registration form. The State
14 Board shall create a voter registration form, which must
15 contain the following content:

16 (1) Instructions for completing the form.

17 (2) A summary of the qualifications to register to vote
18 in Illinois.

19 (3) Instructions for mailing in or submitting the form
20 in person.

21 (4) The phone number for the State Board of Elections
22 should a person submitting the form have questions.

23 (5) A box for the person to check that explains one of
24 3 reasons for submitting the form:

25 (a) new registration;

26 (b) change of address; or

27 (c) change of name.

28 (6) a box for the person to check yes or no that asks,
29 "Are you a citizen of the United States?", a box for the
30 person to check yes or no that asks, "Will you be 18 years
31 of age on or before election day?", and a statement of "If
32 you checked 'no' in response to either of these questions,
33 then do not complete this form."

34 (7) A space for the person to fill in his or her home
35 telephone number.

36 (8) Spaces for the person to fill in his or her first,

1 middle, and last names, street address (principal place of
2 residence), county, city, state, and zip code.

3 (9) Spaces for the person to fill in his or her mailing
4 address, city, state, and zip code if different from his or
5 her principal place of residence.

6 (10) A space for the person to fill in his or her
7 Illinois driver's license number if the person has a
8 driver's license.

9 (11) A space for a person without a driver's license to
10 fill in the last four digits of his or her social security
11 number if the person has a social security number.

12 (12) A space for a person without an Illinois driver's
13 license to fill in his or her identification number from
14 his or her State Identification card issued by the
15 Secretary of State.

16 (13) A space for the person to fill the name appearing
17 on his or her last voter registration, the street address
18 of his or her last registration, including the city,
19 county, state, and zip code.

20 (14) A space where the person swears or affirms the
21 following under penalty of perjury with his or her
22 signature:

23 (a) "I am a citizen of the United States.";

24 (b) "I will be at least 18 years old on or before
25 the next election.";

26 (c) "I will have lived in the State of Illinois and
27 in my election precinct at least 30 days as of the date
28 of the next election."; and

29 "The information I have provided is true to the
30 best of my knowledge under penalty of perjury. If I
31 have provided false information, then ~~then~~ I may be
32 fined, imprisoned, or if I am not a U.S. citizen,
33 deported from or refused entry into the United States."

34 (d) Compliance with federal law; rulemaking authority. The
35 voter registration form described in this Section shall be
36 consistent with the form prescribed by the Federal Election

1 Commission under the National Voter Registration Act of 1993,
2 P.L. 103-31, as amended from time to time, and the Help America
3 Vote Act of 2002, P.L. 107-252, in all relevant respects. The
4 State Board of Elections shall periodically update the form
5 based on changes to federal or State law. The State Board of
6 Elections shall promulgate any rules necessary for the
7 implementation of this Section; provided that the rules comport
8 with the letter and spirit of the National Voter Registration
9 Act of 1993 and Help America Vote Act of 2002 and maximize the
10 opportunity for a person to register to vote.

11 (e) Forms available in paper form. The State Board of
12 Elections shall make the voter registration form available in
13 regular paper stock and form in sufficient quantities for the
14 general public. The State Board of Elections may provide the
15 voter registration form to the Secretary of State, county
16 clerks, boards of election commissioners, designated agencies
17 of the State of Illinois, and any other person or entity
18 designated to have these forms by the Election Code in regular
19 paper stock and form or some other format deemed suitable by
20 the Board. Each county clerk or board of election commissioners
21 has the authority to design and print its own voter
22 registration form so long as the form complies with the
23 requirements of this Section. The State Board of Elections,
24 county clerks, boards of election commissioners, or other
25 designated agencies of the State of Illinois required to have
26 these forms under the Election Code shall provide a member of
27 the public with any reasonable number of forms that he or she
28 may request. Nothing in this Section shall permit the State
29 Board of Elections, county clerk, board of election
30 commissioners, or other appropriate election official who may
31 accept a voter registration form to refuse to accept a voter
32 registration form because the form is printed on photocopier or
33 regular paper stock and form.

34 (f) Internet voter registration study. The State Board of
35 Elections shall investigate the feasibility of offering voter
36 registration on its website and consider voter registration

1 methods of other states in an effort to maximize the
2 opportunity for all Illinois citizens to register to vote. The
3 State Board of Elections shall assemble its findings in a
4 report and submit it to the General Assembly no later than
5 January 1, 2006. The report shall contain legislative
6 recommendations to the General Assembly on improving voter
7 registration in Illinois.

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

9 (10 ILCS 5/1A-17 new)

10 Sec. 1A-17. Voter registration outreach.

11 (a) The Secretary of State, the Department of Human
12 Services, the Department of Children and Family Services, the
13 Department of Public Aid, the Department of Employment
14 Security, and each public institution of higher learning in
15 Illinois must make available on its World Wide Web site a
16 downloadable, printable voter registration form that complies
17 with the requirements in subsection (d) of Section 1A-16 for
18 the State Board of Elections' voter registration form.

19 (b) Each public institution of higher learning in Illinois
20 must include voter registration information and a voter
21 registration form supplied by the State Board of Elections
22 under subsection (e) of Section 1A-16 in any mailing of student
23 registration materials to an address located in Illinois. Each
24 public institution of higher learning must provide voter
25 registration information and a voter registration form
26 supplied by the State Board of Elections under subsection (e)
27 of Section 1A-16 to each person with whom the institution
28 conducts in-person student registration.

29 (c) As used in this Section, a public institution of higher
30 learning means a public university, college, or community
31 college in Illinois.

32 (10 ILCS 5/1A-18 new)

33 Sec. 1A-18. Voter registration applications; General
34 Assembly district offices. Each member of the General Assembly,

1 and his or her State employees (as defined in Section 1-5 of
2 the State Officials and Employees Ethics Act) authorized by the
3 member, may make available voter registration forms supplied by
4 the State Board of Elections under subsection (e) of Section
5 1A-16 to the public and may undertake that and other voter
6 registration activities at the member's district office,
7 during regular business hours or otherwise, in a manner
8 determined by the member.

9 (10 ILCS 5/1A-25)

10 Sec. 1A-25. Centralized statewide voter registration list.
11 The centralized statewide voter registration list required by
12 Title III, Subtitle A, Section 303 of the Help America Vote Act
13 of 2002 shall be created and maintained by the State Board of
14 Elections as provided in this Section.

15 (1) The centralized statewide voter registration list
16 shall be compiled from the voter registration data bases of
17 each election authority in this State.

18 (2) All new voter registration forms and applications
19 to register to vote, including those reviewed by the
20 Secretary of State at a driver services facility, shall be
21 transmitted only to the appropriate election authority as
22 required by Articles 4, 5, and 6 of this Code and not to
23 the State Board of Elections. The election authority shall
24 process and verify each voter registration form and
25 electronically enter verified registrations on an
26 expedited basis onto the statewide voter registration
27 list. All original registration cards shall remain
28 permanently in the office of the election authority as
29 required by this Code Sections 4-20, 5-28, and 6-65.

30 (3) The centralized statewide voter registration list
31 shall:

32 (i) Be designed to allow election authorities to
33 utilize the registration data on the statewide voter
34 registration list pertinent to voters registered in
35 their election jurisdiction on locally maintained

1 software programs that are unique to each
2 jurisdiction.

3 (ii) Allow each election authority to perform
4 essential election management functions, including but
5 not limited to production of voter lists, processing of
6 absentee voters, production of individual, pre-printed
7 applications to vote, administration of election
8 judges, and polling place administration, but shall
9 not prevent any election authority from using
10 information from that election authority's own
11 systems.

12 (4) The registration information maintained by each
13 election authority shall ~~at all times~~ be synchronized with
14 that authority's information on the statewide list at least
15 once every 24 hours ~~on a constant, real-time basis~~.

16 To protect the privacy and confidentiality of voter
17 registration information, the disclosure of any portion of the
18 centralized statewide voter registration list to any person or
19 entity other than to a State or local political committee and
20 other than to a governmental entity for a governmental purpose
21 is specifically prohibited.

22 (Source: P.A. 93-1071, eff. 1-18-05.)

23 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

24 Sec. 4-6.2. (a) The county clerk shall appoint all
25 municipal and township or road district clerks or their duly
26 authorized deputies as deputy registrars who may accept the
27 registration of all qualified residents of the State ~~their~~
28 ~~respective municipalities, townships and road districts. A~~
29 ~~deputy registrar serving as such by virtue of his status as a~~
30 ~~municipal clerk, or a duly authorized deputy of a municipal~~
31 ~~clerk, of a municipality the territory of which lies in more~~
32 ~~than one county may accept the registration of any qualified~~
33 ~~resident of the municipality, regardless of which county the~~
34 ~~resident, municipal clerk or the duly authorized deputy of the~~
35 ~~municipal clerk lives in.~~

1 The county clerk shall appoint all precinct
2 committeepersons in the county as deputy registrars who may
3 accept the registration of any qualified resident of the State
4 ~~county~~, except during the 27 days preceding an election.

5 The election authority shall appoint as deputy registrars a
6 reasonable number of employees of the Secretary of State
7 located at driver's license examination stations and
8 designated to the election authority by the Secretary of State
9 who may accept the registration of any qualified residents of
10 the State ~~county~~ at any such driver's license examination
11 stations. The appointment of employees of the Secretary of
12 State as deputy registrars shall be made in the manner provided
13 in Section 2-105 of the Illinois Vehicle Code.

14 The county clerk shall appoint each of the following named
15 persons as deputy registrars upon the written request of such
16 persons:

17 1. The chief librarian, or a qualified person
18 designated by the chief librarian, of any public library
19 situated within the election jurisdiction, who may accept
20 the registrations of any qualified resident of the State
21 ~~county~~, at such library.

22 2. The principal, or a qualified person designated by
23 the principal, of any high school, elementary school, or
24 vocational school situated within the election
25 jurisdiction, who may accept the registrations of any
26 qualified resident of the State ~~county~~, at such school. The
27 county clerk shall notify every principal and
28 vice-principal of each high school, elementary school, and
29 vocational school situated within the election
30 jurisdiction of their eligibility to serve as deputy
31 registrars and offer training courses for service as deputy
32 registrars at conveniently located facilities at least 4
33 months prior to every election.

34 3. The president, or a qualified person designated by
35 the president, of any university, college, community
36 college, academy or other institution of learning situated

1 within the election jurisdiction, who may accept the
2 registrations of any resident of the State ~~county~~, at such
3 university, college, community college, academy or
4 institution.

5 4. A duly elected or appointed official of a bona fide
6 labor organization, or a reasonable number of qualified
7 members designated by such official, who may accept the
8 registrations of any qualified resident of the State
9 ~~county~~.

10 5. A duly elected or appointed official of a bonafide
11 State civic organization, as defined and determined by rule
12 of the State Board of Elections, or qualified members
13 designated by such official, who may accept the
14 registration of any qualified resident of the State ~~county~~.

15 In determining the number of deputy registrars that shall
16 be appointed, the county clerk shall consider the
17 population of the jurisdiction, the size of the
18 organization, the geographic size of the jurisdiction,
19 convenience for the public, the existing number of deputy
20 registrars in the jurisdiction and their location, the
21 registration activities of the organization and the need to
22 appoint deputy registrars to assist and facilitate the
23 registration of non-English speaking individuals. In no
24 event shall a county clerk fix an arbitrary number
25 applicable to every civic organization requesting
26 appointment of its members as deputy registrars. The State
27 Board of Elections shall by rule provide for certification
28 of bonafide State civic organizations. Such appointments
29 shall be made for a period not to exceed 2 years,
30 terminating on the first business day of the month
31 following the month of the general election, and shall be
32 valid for all periods of voter registration as provided by
33 this Code during the terms of such appointments.

34 6. The Director of the Illinois Department of Public
35 Aid, or a reasonable number of employees designated by the
36 Director and located at public aid offices, who may accept

1 the registration of any qualified resident of the county at
2 any such public aid office.

3 7. The Director of the Illinois Department of
4 Employment Security, or a reasonable number of employees
5 designated by the Director and located at unemployment
6 offices, who may accept the registration of any qualified
7 resident of the county at any such unemployment office.

8 8. The president of any corporation as defined by the
9 Business Corporation Act of 1983, or a reasonable number of
10 employees designated by such president, who may accept the
11 registrations of any qualified resident of the State
12 ~~county~~.

13 If the request to be appointed as deputy registrar is
14 denied, the county clerk shall, within 10 days after the date
15 the request is submitted, provide the affected individual or
16 organization with written notice setting forth the specific
17 reasons or criteria relied upon to deny the request to be
18 appointed as deputy registrar.

19 The county clerk may appoint as many additional deputy
20 registrars as he considers necessary. The county clerk shall
21 appoint such additional deputy registrars in such manner that
22 the convenience of the public is served, giving due
23 consideration to both population concentration and area. Some
24 of the additional deputy registrars shall be selected so that
25 there are an equal number from each of the 2 major political
26 parties in the election jurisdiction. The county clerk, in
27 appointing an additional deputy registrar, shall make the
28 appointment from a list of applicants submitted by the Chairman
29 of the County Central Committee of the applicant's political
30 party. A Chairman of a County Central Committee shall submit a
31 list of applicants to the county clerk by November 30 of each
32 year. The county clerk may require a Chairman of a County
33 Central Committee to furnish a supplemental list of applicants.

34 Deputy registrars may accept registrations at any time
35 other than the 27 day period preceding an election. All persons
36 appointed as deputy registrars shall be registered voters

1 within the county and shall take and subscribe to the following
2 oath or affirmation:

3 "I do solemnly swear (or affirm, as the case may be) that I
4 will support the Constitution of the United States, and the
5 Constitution of the State of Illinois, and that I will
6 faithfully discharge the duties of the office of deputy
7 registrar to the best of my ability and that I will register no
8 person nor cause the registration of any person except upon his
9 personal application before me.

10

11 (Signature Deputy Registrar)"

12 This oath shall be administered by the county clerk, or by
13 one of his deputies, or by any person qualified to take
14 acknowledgement of deeds and shall immediately thereafter be
15 filed with the county clerk.

16 Appointments of deputy registrars under this Section,
17 except precinct committeemen, shall be for 2-year terms,
18 commencing on December 1 following the general election of each
19 even-numbered year; except that the terms of the initial
20 appointments shall be until December 1st following the next
21 general election. Appointments of precinct committeemen shall
22 be for 2-year terms commencing on the date of the county
23 convention following the general primary at which they were
24 elected. The county clerk shall issue a certificate of
25 appointment to each deputy registrar, and shall maintain in his
26 office for public inspection a list of the names of all
27 appointees.

28 (b) The county clerk shall be responsible for training all
29 deputy registrars appointed pursuant to subsection (a), at
30 times and locations reasonably convenient for both the county
31 clerk and such appointees. The county clerk shall be
32 responsible for certifying and supervising all deputy
33 registrars appointed pursuant to subsection (a). Deputy
34 registrars appointed under subsection (a) shall be subject to
35 removal for cause.

36 (c) Completed registration materials under the control of

1 deputy registrars, appointed pursuant to subsection (a), shall
2 be returned to the appointing ~~proper~~ election authority within
3 7 days, except that completed registration materials received
4 by the deputy registrars during the period between the 35th and
5 28th day preceding an election shall be returned by the deputy
6 registrars to the appointing ~~proper~~ election authority within
7 48 hours after receipt thereof. The completed registration
8 materials received by the deputy registrars on the 28th day
9 preceding an election shall be returned by the deputy
10 registrars within 24 hours after receipt thereof. Unused
11 materials shall be returned by deputy registrars appointed
12 pursuant to paragraph 4 of subsection (a), not later than the
13 next working day following the close of registration.

14 (d) The county clerk or board of election commissioners, as
15 the case may be, must provide any additional forms requested by
16 any deputy registrar regardless of the number of unaccounted
17 registration forms the deputy registrar may have in his or her
18 possession.

19 (e) No deputy registrar shall engage in any electioneering
20 or the promotion of any cause during the performance of his or
21 her duties.

22 (f) The county clerk shall not be criminally or civilly
23 liable for the acts or omissions of any deputy registrar. Such
24 deputy registrars shall not be deemed to be employees of the
25 county clerk.

26 (g) Completed registration materials returned by deputy
27 registrars for persons residing outside the county shall be
28 transmitted by the county clerk within 2 days after receipt to
29 the election authority of the person's election jurisdiction of
30 residence.

31 (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

32 (10 ILCS 5/4-16) (from Ch. 46, par. 4-16)

33 Sec. 4-16. Any registered voter who changes his residence
34 from one address to another within the same county wherein this
35 Article is in effect, may have his registration transferred to

1 his new address by making and signing an application for change
2 of residence address upon a form to be provided by the county
3 clerk. Such application must be made to the office of the
4 county clerk and may be made either in person or by mail. In
5 case the person is unable to sign his name, the county clerk
6 shall require him to execute the application in the presence of
7 the county clerk or of his properly authorized representative,
8 by his mark, and if satisfied of the identity of the person,
9 the county clerk shall make the transfer.

10 Upon receipt of the application, the county clerk, or one
11 of his employees deputized to take registrations shall cause
12 the signature of the voter and the data appearing upon the
13 application to be compared with the signature and data on the
14 registration record card, and if it appears that the applicant
15 is the same person as the person previously registered under
16 that name the transfer shall be made.

17 No transfers of registration under the provisions of this
18 Section shall be made during the 27 days preceding any election
19 at which such voter would be entitled to vote. When a removal
20 of a registered voter takes place from one address to another
21 within the same precinct within a period during which a
22 transfer of registration cannot be made before any election or
23 primary, he shall be entitled to vote upon presenting the
24 judges of election his affidavit substantially in the form
25 prescribed in Section 17-10 of this Act of a change of
26 residence address within the precinct on a date therein
27 specified.

28 The county clerk may obtain information from utility
29 companies, city, village, incorporated town and township
30 records, the post office, or from other sources, regarding the
31 removal of registered voters, and may treat such information,
32 and information procured from his death and marriage records on
33 file in his office, as an application to erase from the
34 register any name concerning which he may so have information
35 that the voter is no longer qualified to vote under the name,
36 or from the address from which registered, and give notice

1 thereof in the manner provided by Section 4--12 of this
2 Article, and notify voters who have changed their address that
3 a transfer of registration may be made in the manner provided
4 in this Section enclosing a form therefor.

5 If any person be registered by error in a precinct other
6 than that in which he resides, the county clerk may transfer
7 his registration to the proper precinct, and if the error is or
8 may be on the part of the registration officials, and is
9 disclosed too late before an election or primary to mail the
10 certificate required by Section 4--15, such certificate may be
11 personally delivered to the voter and he may vote thereon as
12 therein provided, but such certificates so issued shall be
13 specially listed with the reason for the issuance thereof.

14 Where a revision or rearrangement of precincts is made by
15 the county board, the county clerk shall immediately transfer
16 to the proper precinct the registration of any voter affected
17 by such revision or rearrangement of the precinct; make the
18 proper notations on the registration cards of a voter affected
19 by the revision or rearrangement and shall issue revised
20 certificates to each registrant of such change.

21 Any registered voter who changes his or her name by
22 marriage or otherwise shall be required to register anew and
23 authorize the cancellation of the previous registration; but if
24 the voter still resides in the same precinct ~~and if the change~~
25 ~~of name takes place within a period during which a transfer of~~
26 ~~registration cannot be made, preceding any election or primary,~~
27 the elector may, if otherwise qualified, vote upon making an
28 affidavit at the polling place attesting that the voter is the
29 same person who is registered to vote under his or her former
30 name. The affidavit shall be treated by the election authority
31 as authorization to cancel the registration under the former
32 name, and the election authority shall register the person
33 under his or her current name. ~~substantially in the form~~
34 ~~prescribed in Section 17-10 of this Act.~~

35 The precinct election officials shall report to the county
36 clerk the names and addresses of all persons who have changed

1 their addresses and voted, which shall be treated as an
2 application to change address accordingly, and the names and
3 addresses of all persons otherwise voting by affidavit as in
4 this Section provided, which shall be treated as an application
5 to erase under Section 4--12 hereof.

6 (Source: P.A. 92-816, eff. 8-21-02.)

7 (10 ILCS 5/4-105 new)

8 Sec. 4-105. First time voting. If a person registered to
9 vote by mail, the person must vote for the first time in person
10 and not by an absentee ballot, except that the person may vote
11 by absentee ballot in person if the person first provides the
12 appropriate election authority with sufficient proof of
13 identity by the person's driver's license number or State
14 identification card number or, if the person does not have
15 either of those, by the last 4 digits of the person's social
16 security number, a copy of a current and valid photo
17 identification, or a copy of any of the following current
18 documents that show the person's name and address: utility
19 bill, bank statement, paycheck, government check, or other
20 government document.

21 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

22 Sec. 5-16.2. (a) The county clerk shall appoint all
23 municipal and township clerks or their duly authorized deputies
24 as deputy registrars who may accept the registration of all
25 qualified residents of the State ~~their respective counties. A~~
26 ~~deputy registrar serving as such by virtue of his status as a~~
27 ~~municipal clerk, or a duly authorized deputy of a municipal~~
28 ~~clerk, of a municipality the territory of which lies in more~~
29 ~~than one county may accept the registration of any qualified~~
30 ~~resident of any county in which the municipality is located,~~
31 ~~regardless of which county the resident, municipal clerk or the~~
32 ~~duly authorized deputy of the municipal clerk lives in.~~

33 The county clerk shall appoint all precinct
34 committeepersons in the county as deputy registrars who may

1 accept the registration of any qualified resident of the State
2 ~~county~~, except during the 27 days preceding an election.

3 The election authority shall appoint as deputy registrars a
4 reasonable number of employees of the Secretary of State
5 located at driver's license examination stations and
6 designated to the election authority by the Secretary of State
7 who may accept the registration of any qualified residents of
8 the State ~~county~~ at any such driver's license examination
9 stations. The appointment of employees of the Secretary of
10 State as deputy registrars shall be made in the manner provided
11 in Section 2-105 of the Illinois Vehicle Code.

12 The county clerk shall appoint each of the following named
13 persons as deputy registrars upon the written request of such
14 persons:

15 1. The chief librarian, or a qualified person
16 designated by the chief librarian, of any public library
17 situated within the election jurisdiction, who may accept
18 the registrations of any qualified resident of the State
19 ~~county~~, at such library.

20 2. The principal, or a qualified person designated by
21 the principal, of any high school, elementary school, or
22 vocational school situated within the election
23 jurisdiction, who may accept the registrations of any
24 resident of the State ~~county~~, at such school. The county
25 clerk shall notify every principal and vice-principal of
26 each high school, elementary school, and vocational school
27 situated within the election jurisdiction of their
28 eligibility to serve as deputy registrars and offer
29 training courses for service as deputy registrars at
30 conveniently located facilities at least 4 months prior to
31 every election.

32 3. The president, or a qualified person designated by
33 the president, of any university, college, community
34 college, academy or other institution of learning situated
35 within the election jurisdiction, who may accept the
36 registrations of any resident of the State ~~county~~, at such

1 university, college, community college, academy or
2 institution.

3 4. A duly elected or appointed official of a bona fide
4 labor organization, or a reasonable number of qualified
5 members designated by such official, who may accept the
6 registrations of any qualified resident of the State
7 ~~county~~.

8 5. A duly elected or appointed official of a bona fide
9 State civic organization, as defined and determined by rule
10 of the State Board of Elections, or qualified members
11 designated by such official, who may accept the
12 registration of any qualified resident of the State ~~county~~.
13 In determining the number of deputy registrars that shall
14 be appointed, the county clerk shall consider the
15 population of the jurisdiction, the size of the
16 organization, the geographic size of the jurisdiction,
17 convenience for the public, the existing number of deputy
18 registrars in the jurisdiction and their location, the
19 registration activities of the organization and the need to
20 appoint deputy registrars to assist and facilitate the
21 registration of non-English speaking individuals. In no
22 event shall a county clerk fix an arbitrary number
23 applicable to every civic organization requesting
24 appointment of its members as deputy registrars. The State
25 Board of Elections shall by rule provide for certification
26 of bona fide State civic organizations. Such appointments
27 shall be made for a period not to exceed 2 years,
28 terminating on the first business day of the month
29 following the month of the general election, and shall be
30 valid for all periods of voter registration as provided by
31 this Code during the terms of such appointments.

32 6. The Director of the Illinois Department of Public
33 Aid, or a reasonable number of employees designated by the
34 Director and located at public aid offices, who may accept
35 the registration of any qualified resident of the county at
36 any such public aid office.

1 7. The Director of the Illinois Department of
2 Employment Security, or a reasonable number of employees
3 designated by the Director and located at unemployment
4 offices, who may accept the registration of any qualified
5 resident of the county at any such unemployment office.

6 8. The president of any corporation as defined by the
7 Business Corporation Act of 1983, or a reasonable number of
8 employees designated by such president, who may accept the
9 registrations of any qualified resident of the State
10 ~~county~~.

11 If the request to be appointed as deputy registrar is
12 denied, the county clerk shall, within 10 days after the date
13 the request is submitted, provide the affected individual or
14 organization with written notice setting forth the specific
15 reasons or criteria relied upon to deny the request to be
16 appointed as deputy registrar.

17 The county clerk may appoint as many additional deputy
18 registrars as he considers necessary. The county clerk shall
19 appoint such additional deputy registrars in such manner that
20 the convenience of the public is served, giving due
21 consideration to both population concentration and area. Some
22 of the additional deputy registrars shall be selected so that
23 there are an equal number from each of the 2 major political
24 parties in the election jurisdiction. The county clerk, in
25 appointing an additional deputy registrar, shall make the
26 appointment from a list of applicants submitted by the Chairman
27 of the County Central Committee of the applicant's political
28 party. A Chairman of a County Central Committee shall submit a
29 list of applicants to the county clerk by November 30 of each
30 year. The county clerk may require a Chairman of a County
31 Central Committee to furnish a supplemental list of applicants.

32 Deputy registrars may accept registrations at any time
33 other than the 27 day period preceding an election. All persons
34 appointed as deputy registrars shall be registered voters
35 within the county and shall take and subscribe to the following
36 oath or affirmation:

1 "I do solemnly swear (or affirm, as the case may be) that I
 2 will support the Constitution of the United States, and the
 3 Constitution of the State of Illinois, and that I will
 4 faithfully discharge the duties of the office of deputy
 5 registrar to the best of my ability and that I will register no
 6 person nor cause the registration of any person except upon his
 7 personal application before me.

8
 9 (Signature of Deputy Registrar)"

10 This oath shall be administered by the county clerk, or by
 11 one of his deputies, or by any person qualified to take
 12 acknowledgement of deeds and shall immediately thereafter be
 13 filed with the county clerk.

14 Appointments of deputy registrars under this Section,
 15 except precinct committeemen, shall be for 2-year terms,
 16 commencing on December 1 following the general election of each
 17 even-numbered year, except that the terms of the initial
 18 appointments shall be until December 1st following the next
 19 general election. Appointments of precinct committeemen shall
 20 be for 2-year terms commencing on the date of the county
 21 convention following the general primary at which they were
 22 elected. The county clerk shall issue a certificate of
 23 appointment to each deputy registrar, and shall maintain in his
 24 office for public inspection a list of the names of all
 25 appointees.

26 (b) The county clerk shall be responsible for training all
 27 deputy registrars appointed pursuant to subsection (a), at
 28 times and locations reasonably convenient for both the county
 29 clerk and such appointees. The county clerk shall be
 30 responsible for certifying and supervising all deputy
 31 registrars appointed pursuant to subsection (a). Deputy
 32 registrars appointed under subsection (a) shall be subject to
 33 removal for cause.

34 (c) Completed registration materials under the control of
 35 deputy registrars, appointed pursuant to subsection (a), shall
 36 be returned to the appointing ~~proper~~ election authority within

1 7 days, except that completed registration materials received
2 by the deputy registrars during the period between the 35th and
3 28th day preceding an election shall be returned by the deputy
4 registrars to the appointing ~~proper~~ election authority within
5 48 hours after receipt thereof. The completed registration
6 materials received by the deputy registrars on the 28th day
7 preceding an election shall be returned by the deputy
8 registrars within 24 hours after receipt thereof. Unused
9 materials shall be returned by deputy registrars appointed
10 pursuant to paragraph 4 of subsection (a), not later than the
11 next working day following the close of registration.

12 (d) The county clerk or board of election commissioners, as
13 the case may be, must provide any additional forms requested by
14 any deputy registrar regardless of the number of unaccounted
15 registration forms the deputy registrar may have in his or her
16 possession.

17 (e) No deputy registrar shall engage in any electioneering
18 or the promotion of any cause during the performance of his or
19 her duties.

20 (f) The county clerk shall not be criminally or civilly
21 liable for the acts or omissions of any deputy registrar. Such
22 deputy registers shall not be deemed to be employees of the
23 county clerk.

24 (g) Completed registration materials returned by deputy
25 registrars for persons residing outside the county shall be
26 transmitted by the county clerk within 2 days after receipt to
27 the election authority of the person's election jurisdiction of
28 residence.

29 (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

30 (10 ILCS 5/5-23) (from Ch. 46, par. 5-23)

31 Sec. 5-23. Any registered voter who changes his residence
32 from one address, number or place to another within the same
33 county wherein this article 5 is in effect, may have his
34 registration transferred to his new address by making and
35 signing an application for such change of residence upon a form

1 to be provided by the county clerk. Such application must be
2 made to the office of the county clerk. In case the person is
3 unable to sign his name the county clerk shall require such
4 person to execute the request in the presence of the county
5 clerk or of his properly authorized representative, by his
6 mark, and if satisfied of the identity of the person, the
7 county clerk shall make the transfer.

8 Upon receipt of such application, the county clerk, or one
9 of his employees deputized to take registrations shall cause
10 the signature of the voter and the data appearing upon the
11 application to be compared with the signature and data on the
12 registration record, and if it appears that the applicant is
13 the same person as the party previously registered under that
14 name the transfer shall be made.

15 Transfer of registration under the provisions of this
16 section may not be made within the period when the county
17 clerk's office is closed to registration prior to an election
18 at which such voter would be entitled to vote.

19 Any registered voter who changes his or her name by
20 marriage or otherwise, shall be required to register anew and
21 authorize the cancellation of the previous registration;
22 provided, however, that if the change of name takes place
23 within a period during which such new registration cannot be
24 made, next preceding any election or primary, the elector may,
25 if otherwise qualified, vote upon making the following
26 affidavit before the judges of election:

27 I do solemnly swear that I am the same person now
28 registered in the precinct of the ward of the city of
29 or District Town of under the name of and
30 that I still reside in said precinct or district.

31 (Signed)

32 If the voter whose name has changed still resides in the
33 same precinct, the voter may vote after making the affidavit at
34 the polling place regardless of when the change of name
35 occurred. In that event, the affidavit shall not state that the
36 voter is required to register; the affidavit shall be treated

1 by the election authority as authorization to cancel the
2 registration under the former name, and the election authority
3 shall register the voter under his or her current name.

4 ~~When a removal of a registered voter takes place from one~~
5 ~~address to another within the same precinct within a period~~
6 ~~during which such transfer of registration cannot be made,~~
7 ~~before any election or primary, he shall be entitled to vote~~
8 ~~upon presenting to the judges of election an affidavit of a~~
9 ~~change and having said affidavit supported by the affidavit of~~
10 ~~a qualified voter of the same precinct.~~

11 Suitable forms for this purpose shall be provided by the
12 county clerk. The form in all cases shall be similar to the
13 form furnished by the county clerk for county and state
14 elections.

15 The precinct election officials shall report to the county
16 clerk the names and addresses of all such persons who have
17 changed their addresses and voted. The city, village, town and
18 incorporated town clerks shall within five days after every
19 election report to the county clerk the names and addresses of
20 the persons reported to them as having voted by affidavit as in
21 this section provided.

22 The county clerk may obtain information from utility
23 companies, city, village, town and incorporated town records,
24 the post office or from other sources regarding the removal of
25 registered voters and notify such voters that a transfer of
26 registration may be made in the manner provided by this
27 section.

28 If any person be registered by error in a precinct other
29 than that in which he resides the county clerk shall be
30 empowered to transfer his registration to the proper precinct.

31 Where a revision or rearrangement of precincts is made by
32 the board of county commissioners, the county clerk shall
33 immediately transfer to the proper precinct the registration of
34 any voter affected by such revision or rearrangement of the
35 precincts; make the proper notations on the registration cards
36 of a voter affected by the revision of registration and shall

1 notify the registrant of such change.

2 (Source: P.A. 80-1469.)

3 (10 ILCS 5/5-105 new)

4 Sec. 5-105. First time voting. If a person registered to
5 vote by mail, the person must vote for the first time in person
6 and not by an absentee ballot, except that the person may vote
7 by absentee ballot in person if the person first provides the
8 appropriate election authority with sufficient proof of
9 identity by the person's driver's license number or State
10 identification card number or, if the person does not have
11 either of those, by the last 4 digits of the person's social
12 security number, a copy of a current and valid photo
13 identification, or a copy of any of the following current
14 documents that show the person's name and address: utility
15 bill, bank statement, paycheck, government check, or other
16 government document.

17 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

18 Sec. 6-50.2. (a) The board of election commissioners shall
19 appoint all precinct committeepersons in the election
20 jurisdiction as deputy registrars who may accept the
21 registration of any qualified resident of the State ~~election~~
22 ~~jurisdiction~~, except during the 27 days preceding an election.

23 The election authority shall appoint as deputy registrars a
24 reasonable number of employees of the Secretary of State
25 located at driver's license examination stations and
26 designated to the election authority by the Secretary of State
27 who may accept the registration of any qualified residents of
28 the State ~~county~~ at any such driver's license examination
29 stations. The appointment of employees of the Secretary of
30 State as deputy registrars shall be made in the manner provided
31 in Section 2-105 of the Illinois Vehicle Code.

32 The board of election commissioners shall appoint each of
33 the following named persons as deputy registrars upon the
34 written request of such persons:

1 1. The chief librarian, or a qualified person
2 designated by the chief librarian, of any public library
3 situated within the election jurisdiction, who may accept
4 the registrations of any qualified resident of the State
5 ~~election jurisdiction~~, at such library.

6 2. The principal, or a qualified person designated by
7 the principal, of any high school, elementary school, or
8 vocational school situated within the election
9 jurisdiction, who may accept the registrations of any
10 resident of the State ~~election jurisdiction~~, at such
11 school. The board of election commissioners shall notify
12 every principal and vice-principal of each high school,
13 elementary school, and vocational school situated in the
14 election jurisdiction of their eligibility to serve as
15 deputy registrars and offer training courses for service as
16 deputy registrars at conveniently located facilities at
17 least 4 months prior to every election.

18 3. The president, or a qualified person designated by
19 the president, of any university, college, community
20 college, academy or other institution of learning situated
21 within the State ~~election jurisdiction~~, who may accept the
22 registrations of any resident of the election
23 jurisdiction, at such university, college, community
24 college, academy or institution.

25 4. A duly elected or appointed official of a bona fide
26 labor organization, or a reasonable number of qualified
27 members designated by such official, who may accept the
28 registrations of any qualified resident of the State
29 ~~election jurisdiction~~.

30 5. A duly elected or appointed official of a bona fide
31 State civic organization, as defined and determined by rule
32 of the State Board of Elections, or qualified members
33 designated by such official, who may accept the
34 registration of any qualified resident of the State
35 ~~election jurisdiction~~. In determining the number of deputy
36 registrars that shall be appointed, the board of election

1 commissioners shall consider the population of the
2 jurisdiction, the size of the organization, the geographic
3 size of the jurisdiction, convenience for the public, the
4 existing number of deputy registrars in the jurisdiction
5 and their location, the registration activities of the
6 organization and the need to appoint deputy registrars to
7 assist and facilitate the registration of non-English
8 speaking individuals. In no event shall a board of election
9 commissioners fix an arbitrary number applicable to every
10 civic organization requesting appointment of its members
11 as deputy registrars. The State Board of Elections shall by
12 rule provide for certification of bona fide State civic
13 organizations. Such appointments shall be made for a period
14 not to exceed 2 years, terminating on the first business
15 day of the month following the month of the general
16 election, and shall be valid for all periods of voter
17 registration as provided by this Code during the terms of
18 such appointments.

19 6. The Director of the Illinois Department of Public
20 Aid, or a reasonable number of employees designated by the
21 Director and located at public aid offices, who may accept
22 the registration of any qualified resident of the election
23 jurisdiction at any such public aid office.

24 7. The Director of the Illinois Department of
25 Employment Security, or a reasonable number of employees
26 designated by the Director and located at unemployment
27 offices, who may accept the registration of any qualified
28 resident of the election jurisdiction at any such
29 unemployment office. If the request to be appointed as
30 deputy registrar is denied, the board of election
31 commissioners shall, within 10 days after the date the
32 request is submitted, provide the affected individual or
33 organization with written notice setting forth the
34 specific reasons or criteria relied upon to deny the
35 request to be appointed as deputy registrar.

36 8. The president of any corporation, as defined by the

1 Business Corporation Act of 1983, or a reasonable number of
 2 employees designated by such president, who may accept the
 3 registrations of any qualified resident of the State
 4 ~~election jurisdiction.~~

5 The board of election commissioners may appoint as many
 6 additional deputy registrars as it considers necessary. The
 7 board of election commissioners shall appoint such additional
 8 deputy registrars in such manner that the convenience of the
 9 public is served, giving due consideration to both population
 10 concentration and area. Some of the additional deputy
 11 registrars shall be selected so that there are an equal number
 12 from each of the 2 major political parties in the election
 13 jurisdiction. The board of election commissioners, in
 14 appointing an additional deputy registrar, shall make the
 15 appointment from a list of applicants submitted by the Chairman
 16 of the County Central Committee of the applicant's political
 17 party. A Chairman of a County Central Committee shall submit a
 18 list of applicants to the board by November 30 of each year.
 19 The board may require a Chairman of a County Central Committee
 20 to furnish a supplemental list of applicants.

21 Deputy registrars may accept registrations at any time
 22 other than the 27 day period preceding an election. All persons
 23 appointed as deputy registrars shall be registered voters
 24 within the election jurisdiction and shall take and subscribe
 25 to the following oath or affirmation:

26 "I do solemnly swear (or affirm, as the case may be) that I
 27 will support the Constitution of the United States, and the
 28 Constitution of the State of Illinois, and that I will
 29 faithfully discharge the duties of the office of registration
 30 officer to the best of my ability and that I will register no
 31 person nor cause the registration of any person except upon his
 32 personal application before me.

33

34 (Signature of Registration Officer)"

35 This oath shall be administered and certified to by one of
 36 the commissioners or by the executive director or by some

1 person designated by the board of election commissioners, and
2 shall immediately thereafter be filed with the board of
3 election commissioners. The members of the board of election
4 commissioners and all persons authorized by them under the
5 provisions of this Article to take registrations, after
6 themselves taking and subscribing to the above oath, are
7 authorized to take or administer such oaths and execute such
8 affidavits as are required by this Article.

9 Appointments of deputy registrars under this Section,
10 except precinct committeemen, shall be for 2-year terms,
11 commencing on December 1 following the general election of each
12 even-numbered year, except that the terms of the initial
13 appointments shall be until December 1st following the next
14 general election. Appointments of precinct committeemen shall
15 be for 2-year terms commencing on the date of the county
16 convention following the general primary at which they were
17 elected. The county clerk shall issue a certificate of
18 appointment to each deputy registrar, and shall maintain in his
19 office for public inspection a list of the names of all
20 appointees.

21 (b) The board of election commissioners shall be
22 responsible for training all deputy registrars appointed
23 pursuant to subsection (a), at times and locations reasonably
24 convenient for both the board of election commissioners and
25 such appointees. The board of election commissioners shall be
26 responsible for certifying and supervising all deputy
27 registrars appointed pursuant to subsection (a). Deputy
28 registrars appointed under subsection (a) shall be subject to
29 removal for cause.

30 (c) Completed registration materials under the control of
31 deputy registrars appointed pursuant to subsection (a) shall be
32 returned to the appointing ~~proper~~ election authority within 7
33 days, except that completed registration materials received by
34 the deputy registrars during the period between the 35th and
35 28th day preceding an election shall be returned by the deputy
36 registrars to the appointing ~~proper~~ election authority within

1 48 hours after receipt thereof. The completed registration
2 materials received by the deputy registrars on the 28th day
3 preceding an election shall be returned by the deputy
4 registrars within 24 hours after receipt thereof. Unused
5 materials shall be returned by deputy registrars appointed
6 pursuant to paragraph 4 of subsection (a), not later than the
7 next working day following the close of registration.

8 (d) The county clerk or board of election commissioners, as
9 the case may be, must provide any additional forms requested by
10 any deputy registrar regardless of the number of unaccounted
11 registration forms the deputy registrar may have in his or her
12 possession.

13 (e) No deputy registrar shall engage in any electioneering
14 or the promotion of any cause during the performance of his or
15 her duties.

16 (f) The board of election commissioners shall not be
17 criminally or civilly liable for the acts or omissions of any
18 deputy registrar. Such deputy registrars shall not be deemed to
19 be employees of the board of election commissioners.

20 (g) Completed registration materials returned by deputy
21 registrars for persons residing outside the election
22 jurisdiction shall be transmitted by the board of election
23 commissioners within 2 days after receipt to the election
24 authority of the person's election jurisdiction of residence.

25 (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)

26 (10 ILCS 5/6-54) (from Ch. 46, par. 6-54)

27 Sec. 6-54. Any registered voter who changes his or her name
28 by marriage or otherwise, shall be required to register anew
29 and authorize the cancellation of the previous registration;
30 provided, however, that if the change of name takes place
31 within a period during which such new registration cannot be
32 made, next preceding any election or primary, the elector may,
33 if otherwise qualified, vote upon making the following
34 affidavit before the judges of election:

35 "I do solemnly swear that I am the same person now

1 registered in the precinct of the ward, under the
2 name of and that I still reside in said precinct.

3 (Signed)...."

4 If the voter whose name has changed still resides in the
5 same precinct, the voter may vote after making the affidavit at
6 the polling place regardless of when the change of name
7 occurred. In that event, the affidavit shall not state that the
8 voter is required to register; the affidavit shall be treated
9 by the election authority as authorization to cancel the
10 registration under the former name, and the election authority
11 shall register the voter under his or her current name.

12 (Source: Laws 1943, vol. 2, p. 1.)

13 (10 ILCS 5/6-105 new)

14 Sec. 6-105. First time voting. If a person registered to
15 vote by mail, the person must vote for the first time in person
16 and not by an absentee ballot, except that the person may vote
17 by absentee ballot in person if the person first provides the
18 appropriate election authority with sufficient proof of
19 identity by the person's driver's license number or State
20 identification card number or, if the person does not have
21 either of those, by the last 4 digits of the person's social
22 security number, a copy of a current and valid photo
23 identification, or a copy of any of the following current
24 documents that show the person's name and address: utility
25 bill, bank statement, paycheck, government check, or other
26 government document.

27 (10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

28 Sec. 7-7. For the purpose of making nominations in certain
29 instances as provided in this Article and this Act, the
30 following committees are authorized and shall constitute the
31 central or managing committees of each political party, viz: A
32 State central committee, whose responsibilities include, but
33 are not limited to, filling by appointment vacancies in
34 nomination for statewide offices, including but not limited to

1 the office of United States Senator, a congressional committee
2 for each congressional district, a county central committee for
3 each county, a municipal central committee for each city,
4 incorporated town or village, a ward committeeman for each ward
5 in cities containing a population of 500,000 or more; a
6 township committeeman for each township or part of a township
7 that lies outside of cities having a population of 200,000 or
8 more, in counties having a population of 2,000,000 or more; a
9 precinct committeeman for each precinct in counties having a
10 population of less than 2,000,000; a county board district
11 committee for each county board district created under Division
12 2-3 of the Counties Code; a State's Attorney committee for each
13 group of 2 or more counties which jointly elect a State's
14 Attorney; a Superintendent of Multi-County Educational Service
15 Region committee for each group of 2 or more counties which
16 jointly elect a Superintendent of a Multi-County Educational
17 Service Region; a judicial subcircuit committee in a judicial
18 circuit divided into subcircuits for each judicial subcircuit
19 in that circuit; and a board of review election district
20 committee for each Cook County Board of Review election
21 district.

22 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;
23 revised 9-22-03.)

24 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

25 Sec. 7-8. The State central committee shall be composed of
26 one or two members from each congressional district in the
27 State and shall be elected as follows:

28 State Central Committee

29 (a) Within 30 days after the effective date of this
30 amendatory Act of 1983 the State central committee of each
31 political party shall certify to the State Board of Elections
32 which of the following alternatives it wishes to apply to the
33 State central committee of that party.

34 Alternative A. At the primary held on the third Tuesday in
35 March 1970, and at the primary held every 4 years thereafter,

1 each primary elector may vote for one candidate of his party
2 for member of the State central committee for the congressional
3 district in which he resides. The candidate receiving the
4 highest number of votes shall be declared elected State central
5 committeeman from the district. A political party may, in lieu
6 of the foregoing, by a majority vote of delegates at any State
7 convention of such party, determine to thereafter elect the
8 State central committeemen in the manner following:

9 At the county convention held by such political party State
10 central committeemen shall be elected in the same manner as
11 provided in this Article for the election of officers of the
12 county central committee, and such election shall follow the
13 election of officers of the county central committee. Each
14 elected ward, township or precinct committeeman shall cast as
15 his vote one vote for each ballot voted in his ward, township,
16 part of a township or precinct in the last preceding primary
17 election of his political party. In the case of a county lying
18 partially within one congressional district and partially
19 within another congressional district, each ward, township or
20 precinct committeeman shall vote only with respect to the
21 congressional district in which his ward, township, part of a
22 township or precinct is located. In the case of a congressional
23 district which encompasses more than one county, each ward,
24 township or precinct committeeman residing within the
25 congressional district shall cast as his vote one vote for each
26 ballot voted in his ward, township, part of a township or
27 precinct in the last preceding primary election of his
28 political party for one candidate of his party for member of
29 the State central committee for the congressional district in
30 which he resides and the Chairman of the county central
31 committee shall report the results of the election to the State
32 Board of Elections. The State Board of Elections shall certify
33 the candidate receiving the highest number of votes elected
34 State central committeeman for that congressional district.

35 The State central committee shall adopt rules to provide
36 for and govern the procedures to be followed in the election of

1 members of the State central committee.

2 After the effective date of this amendatory Act of the 91st
3 General Assembly, whenever a vacancy occurs in the office of
4 Chairman of a State central committee, or at the end of the
5 term of office of Chairman, the State central committee of each
6 political party that has selected Alternative A shall elect a
7 Chairman who shall not be required to be a member of the State
8 Central Committee. The Chairman shall be a registered voter in
9 this State and of the same political party as the State central
10 committee.

11 Alternative B. Each congressional committee shall, within
12 30 days after the adoption of this alternative, appoint a
13 person of the sex opposite that of the incumbent member for
14 that congressional district to serve as an additional member of
15 the State central committee until his or her successor is
16 elected at the general primary election in 1986. Each
17 congressional committee shall make this appointment by voting
18 on the basis set forth in paragraph (e) of this Section. In
19 each congressional district at the general primary election
20 held in 1986 and every 4 years thereafter, the male candidate
21 receiving the highest number of votes of the party's male
22 candidates for State central committeeman, and the female
23 candidate receiving the highest number of votes of the party's
24 female candidates for State central committeewoman, shall be
25 declared elected State central committeeman and State central
26 committeewoman from the district. At the general primary
27 election held in 1986 and every 4 years thereafter, if all a
28 party's candidates for State central committeemen or State
29 central committeewomen from a congressional district are of the
30 same sex, the candidate receiving the highest number of votes
31 shall be declared elected a State central committeeman or State
32 central committeewoman from the district, and, because of a
33 failure to elect one male and one female to the committee, a
34 vacancy shall be declared to exist in the office of the second
35 member of the State central committee from the district. This
36 vacancy shall be filled by appointment by the congressional

1 committee of the political party, and the person appointed to
2 fill the vacancy shall be a resident of the congressional
3 district and of the sex opposite that of the committeeman or
4 committeewoman elected at the general primary election. Each
5 congressional committee shall make this appointment by voting
6 on the basis set forth in paragraph (e) of this Section.

7 The Chairman of a State central committee composed as
8 provided in this Alternative B must be selected from the
9 committee's members.

10 Except as provided for in Alternative A with respect to the
11 selection of the Chairman of the State central committee, under
12 both of the foregoing alternatives, the State central committee
13 of each political party shall be composed of members elected or
14 appointed from the several congressional districts of the
15 State, and of no other person or persons whomsoever. The
16 members of the State central committee shall, within 41 ~~30~~ days
17 after each quadrennial election of the full committee, meet in
18 the city of Springfield and organize by electing a chairman,
19 and may at such time elect such officers from among their own
20 number (or otherwise), as they may deem necessary or expedient.
21 The outgoing chairman of the State central committee of the
22 party shall, 10 days before the meeting, notify each member of
23 the State central committee elected at the primary of the time
24 and place of such meeting. In the organization and proceedings
25 of the State central committee, each State central committeeman
26 and State central committeewoman shall have one vote for each
27 ballot voted in his or her congressional district by the
28 primary electors of his or her party at the primary election
29 immediately preceding the meeting of the State central
30 committee. Whenever a vacancy occurs in the State central
31 committee of any political party, the vacancy shall be filled
32 by appointment of the chairmen of the county central committees
33 of the political party of the counties located within the
34 congressional district in which the vacancy occurs and, if
35 applicable, the ward and township committeemen of the political
36 party in counties of 2,000,000 or more inhabitants located

1 within the congressional district. If the congressional
2 district in which the vacancy occurs lies wholly within a
3 county of 2,000,000 or more inhabitants, the ward and township
4 committeemen of the political party in that congressional
5 district shall vote to fill the vacancy. In voting to fill the
6 vacancy, each chairman of a county central committee and each
7 ward and township committeeman in counties of 2,000,000 or more
8 inhabitants shall have one vote for each ballot voted in each
9 precinct of the congressional district in which the vacancy
10 exists of his or her county, township, or ward cast by the
11 primary electors of his or her party at the primary election
12 immediately preceding the meeting to fill the vacancy in the
13 State central committee. The person appointed to fill the
14 vacancy shall be a resident of the congressional district in
15 which the vacancy occurs, shall be a qualified voter, and, in a
16 committee composed as provided in Alternative B, shall be of
17 the same sex as his or her predecessor. A political party may,
18 by a majority vote of the delegates of any State convention of
19 such party, determine to return to the election of State
20 central committeeman and State central committeewoman by the
21 vote of primary electors. Any action taken by a political party
22 at a State convention in accordance with this Section shall be
23 reported to the State Board of Elections by the chairman and
24 secretary of such convention within 10 days after such action.

25 Ward, Township and Precinct Committeemen

26 (b) At the primary held on the third Tuesday in March,
27 1972, and every 4 years thereafter, each primary elector in
28 cities having a population of 200,000 or over may vote for one
29 candidate of his party in his ward for ward committeeman. Each
30 candidate for ward committeeman must be a resident of and in
31 the ward where he seeks to be elected ward committeeman. The
32 one having the highest number of votes shall be such ward
33 committeeman of such party for such ward. At the primary
34 election held on the third Tuesday in March, 1970, and every 4
35 years thereafter, each primary elector in counties containing a
36 population of 2,000,000 or more, outside of cities containing a

1 population of 200,000 or more, may vote for one candidate of
2 his party for township committeeman. Each candidate for
3 township committeeman must be a resident of and in the township
4 or part of a township (which lies outside of a city having a
5 population of 200,000 or more, in counties containing a
6 population of 2,000,000 or more), and in which township or part
7 of a township he seeks to be elected township committeeman. The
8 one having the highest number of votes shall be such township
9 committeeman of such party for such township or part of a
10 township. At the primary held on the third Tuesday in March,
11 1970 and every 2 years thereafter, each primary elector, except
12 in counties having a population of 2,000,000 or over, may vote
13 for one candidate of his party in his precinct for precinct
14 committeeman. Each candidate for precinct committeeman must be
15 a bona fide resident of the precinct where he seeks to be
16 elected precinct committeeman. The one having the highest
17 number of votes shall be such precinct committeeman of such
18 party for such precinct. The official returns of the primary
19 shall show the name of the committeeman of each political
20 party.

21 Terms of Committeemen. All precinct committeemen elected
22 under the provisions of this Article shall continue as such
23 committeemen until the date of the primary to be held in the
24 second year after their election. Except as otherwise provided
25 in this Section for certain State central committeemen who have
26 2 year terms, all State central committeemen, township
27 committeemen and ward committeemen shall continue as such
28 committeemen until the date of primary to be held in the fourth
29 year after their election. However, a vacancy exists in the
30 office of precinct committeeman when a precinct committeeman
31 ceases to reside in the precinct in which he was elected and
32 such precinct committeeman shall thereafter neither have nor
33 exercise any rights, powers or duties as committeeman in that
34 precinct, even if a successor has not been elected or
35 appointed.

36 (c) The Multi-Township Central Committee shall consist of

1 the precinct committeemen of such party, in the multi-township
2 assessing district formed pursuant to Section 2-10 of the
3 Property Tax Code and shall be organized for the purposes set
4 forth in Section 45-25 of the Township Code. In the
5 organization and proceedings of the Multi-Township Central
6 Committee each precinct committeeman shall have one vote for
7 each ballot voted in his precinct by the primary electors of
8 his party at the primary at which he was elected.

9 County Central Committee

10 (d) The county central committee of each political party in
11 each county shall consist of the various township committeemen,
12 precinct committeemen and ward committeemen, if any, of such
13 party in the county. In the organization and proceedings of the
14 county central committee, each precinct committeeman shall
15 have one vote for each ballot voted in his precinct by the
16 primary electors of his party at the primary at which he was
17 elected; each township committeeman shall have one vote for
18 each ballot voted in his township or part of a township as the
19 case may be by the primary electors of his party at the primary
20 election for the nomination of candidates for election to the
21 General Assembly immediately preceding the meeting of the
22 county central committee; and in the organization and
23 proceedings of the county central committee, each ward
24 committeeman shall have one vote for each ballot voted in his
25 ward by the primary electors of his party at the primary
26 election for the nomination of candidates for election to the
27 General Assembly immediately preceding the meeting of the
28 county central committee.

29 Cook County Board of Review Election District Committee

30 (d-1) Each board of review election district committee of
31 each political party in Cook County shall consist of the
32 various township committeemen and ward committeemen, if any, of
33 that party in the portions of the county composing the board of
34 review election district. In the organization and proceedings
35 of each of the 3 election district committees, each township
36 committeeman shall have one vote for each ballot voted in his

1 or her township or part of a township, as the case may be, by
2 the primary electors of his or her party at the primary
3 election immediately preceding the meeting of the board of
4 review election district committee; and in the organization and
5 proceedings of each of the 3 election district committees, each
6 ward committeeman shall have one vote for each ballot voted in
7 his or her ward or part of that ward, as the case may be, by the
8 primary electors of his or her party at the primary election
9 immediately preceding the meeting of the board of review
10 election district committee.

11 Congressional Committee

12 (e) The congressional committee of each party in each
13 congressional district shall be composed of the chairmen of the
14 county central committees of the counties composing the
15 congressional district, except that in congressional districts
16 wholly within the territorial limits of one county, or partly
17 within 2 or more counties, but not coterminous with the county
18 lines of all of such counties, the precinct committeemen,
19 township committeemen and ward committeemen, if any, of the
20 party representing the precincts within the limits of the
21 congressional district, shall compose the congressional
22 committee. A State central committeeman in each district shall
23 be a member and the chairman or, when a district has 2 State
24 central committeemen, a co-chairman of the congressional
25 committee, but shall not have the right to vote except in case
26 of a tie.

27 In the organization and proceedings of congressional
28 committees composed of precinct committeemen or township
29 committeemen or ward committeemen, or any combination thereof,
30 each precinct committeeman shall have one vote for each ballot
31 voted in his precinct by the primary electors of his party at
32 the primary at which he was elected, each township committeeman
33 shall have one vote for each ballot voted in his township or
34 part of a township as the case may be by the primary electors
35 of his party at the primary election immediately preceding the
36 meeting of the congressional committee, and each ward

1 committeeman shall have one vote for each ballot voted in each
2 precinct of his ward located in such congressional district by
3 the primary electors of his party at the primary election
4 immediately preceding the meeting of the congressional
5 committee; and in the organization and proceedings of
6 congressional committees composed of the chairmen of the county
7 central committees of the counties within such district, each
8 chairman of such county central committee shall have one vote
9 for each ballot voted in his county by the primary electors of
10 his party at the primary election immediately preceding the
11 meeting of the congressional committee.

12 Judicial District Committee

13 (f) The judicial district committee of each political party
14 in each judicial district shall be composed of the chairman of
15 the county central committees of the counties composing the
16 judicial district.

17 In the organization and proceedings of judicial district
18 committees composed of the chairmen of the county central
19 committees of the counties within such district, each chairman
20 of such county central committee shall have one vote for each
21 ballot voted in his county by the primary electors of his party
22 at the primary election immediately preceding the meeting of
23 the judicial district committee.

24 Circuit Court Committee

25 (g) The circuit court committee of each political party in
26 each judicial circuit outside Cook County shall be composed of
27 the chairmen of the county central committees of the counties
28 composing the judicial circuit.

29 In the organization and proceedings of circuit court
30 committees, each chairman of a county central committee shall
31 have one vote for each ballot voted in his county by the
32 primary electors of his party at the primary election
33 immediately preceding the meeting of the circuit court
34 committee.

35 Judicial Subcircuit Committee

36 (g-1) The judicial subcircuit committee of each political

1 party in each judicial subcircuit in a judicial circuit divided
2 into subcircuits shall be composed of (i) the ward and township
3 committeemen of the townships and wards composing the judicial
4 subcircuit in Cook County and (ii) the precinct committeemen of
5 the precincts composing the judicial subcircuit in any county
6 other than Cook County.

7 In the organization and proceedings of each judicial
8 subcircuit committee, each township committeeman shall have
9 one vote for each ballot voted in his township or part of a
10 township, as the case may be, in the judicial subcircuit by the
11 primary electors of his party at the primary election
12 immediately preceding the meeting of the judicial subcircuit
13 committee; each precinct committeeman shall have one vote for
14 each ballot voted in his precinct or part of a precinct, as the
15 case may be, in the judicial subcircuit by the primary electors
16 of his party at the primary election immediately preceding the
17 meeting of the judicial subcircuit committee; and each ward
18 committeeman shall have one vote for each ballot voted in his
19 ward or part of a ward, as the case may be, in the judicial
20 subcircuit by the primary electors of his party at the primary
21 election immediately preceding the meeting of the judicial
22 subcircuit committee.

23 Municipal Central Committee

24 (h) The municipal central committee of each political party
25 shall be composed of the precinct, township or ward
26 committeemen, as the case may be, of such party representing
27 the precincts or wards, embraced in such city, incorporated
28 town or village. The voting strength of each precinct, township
29 or ward committeeman on the municipal central committee shall
30 be the same as his voting strength on the county central
31 committee.

32 For political parties, other than a statewide political
33 party, established only within a municipality or township, the
34 municipal or township managing committee shall be composed of
35 the party officers of the local established party. The party
36 officers of a local established party shall be as follows: the

1 chairman and secretary of the caucus for those municipalities
2 and townships authorized by statute to nominate candidates by
3 caucus shall serve as party officers for the purpose of filling
4 vacancies in nomination under Section 7-61; for municipalities
5 and townships authorized by statute or ordinance to nominate
6 candidates by petition and primary election, the party officers
7 shall be the party's candidates who are nominated at the
8 primary. If no party primary was held because of the provisions
9 of Section 7-5, vacancies in nomination shall be filled by the
10 party's remaining candidates who shall serve as the party's
11 officers.

12 Powers

13 (i) Each committee and its officers shall have the powers
14 usually exercised by such committees and by the officers
15 thereof, not inconsistent with the provisions of this Article.
16 The several committees herein provided for shall not have power
17 to delegate any of their powers, or functions to any other
18 person, officer or committee, but this shall not be construed
19 to prevent a committee from appointing from its own membership
20 proper and necessary subcommittees.

21 (j) The State central committee of a political party which
22 elects its members by Alternative B under paragraph (a) of this
23 Section shall adopt a plan to give effect to the delegate
24 selection rules of the national political party and file a copy
25 of such plan with the State Board of Elections when approved by
26 a national political party.

27 (k) For the purpose of the designation of a proxy by a
28 Congressional Committee to vote in place of an absent State
29 central committeeman or committeewoman at meetings of the State
30 central committee of a political party which elects its members
31 by Alternative B under paragraph (a) of this Section, the proxy
32 shall be appointed by the vote of the ward and township
33 committeemen, if any, of the wards and townships which lie
34 entirely or partially within the Congressional District from
35 which the absent State central committeeman or committeewoman
36 was elected and the vote of the chairmen of the county central

1 committees of those counties which lie entirely or partially
2 within that Congressional District and in which there are no
3 ward or township committeemen. When voting for such proxy the
4 county chairman, ward committeeman or township committeeman,
5 as the case may be shall have one vote for each ballot voted in
6 his county, ward or township, or portion thereof within the
7 Congressional District, by the primary electors of his party at
8 the primary at which he was elected. However, the absent State
9 central committeeman or committeewoman may designate a proxy
10 when permitted by the rules of a political party which elects
11 its members by Alternative B under paragraph (a) of this
12 Section.

13 Notwithstanding any law to the contrary, a person is
14 ineligible to hold the position of committeeperson in any
15 committee established pursuant to this Section if he or she is
16 statutorily ineligible to vote in a general election because of
17 conviction of a felony. When a committeeperson is convicted of
18 a felony, the position occupied by that committeeperson shall
19 automatically become vacant.

20 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;
21 93-847, eff. 7-30-04.)

22 (10 ILCS 5/7-10) (from Ch. 46, par. 7-10)

23 Sec. 7-10. Form of petition for nomination. The name of no
24 candidate for nomination, or State central committeeman, or
25 township committeeman, or precinct committeeman, or ward
26 committeeman or candidate for delegate or alternate delegate to
27 national nominating conventions, shall be printed upon the
28 primary ballot unless a petition for nomination has been filed
29 in his behalf as provided in this Article in substantially the
30 following form:

31 We, the undersigned, members of and affiliated with the
32 party and qualified primary electors of the party, in
33 the of, in the county of and State of Illinois,
34 do hereby petition that the following named person or persons
35 shall be a candidate or candidates of the party for the

1 nomination for (or in case of committeemen for election to) the
2 office or offices hereinafter specified, to be voted for at the
3 primary election to be held on (insert date).

4	Name	Office	Address
5	John Jones	Governor	Belvidere, Ill.
6	Thomas Smith	Attorney General	Oakland, Ill.

7 Name..... Address.....

8 State of Illinois)

9) ss.

10 County of.....)

11 I,, do hereby certify that I reside at No.
12 street, in the of, county of, and State of
13, that I am 18 years of age or older, that I am a citizen
14 of the United States, and that the signatures on this sheet
15 were signed in my presence, and are genuine, and that to the
16 best of my knowledge and belief the persons so signing were at
17 the time of signing the petitions qualified voters of the
18 party, and that their respective residences are correctly
19 stated, as above set forth.

20

21 Subscribed and sworn to before me on (insert date).

22

23
24 Each sheet of the petition other than the statement of
25 candidacy and candidate's statement shall be of uniform size
26 and shall contain above the space for signatures an appropriate
27 heading giving the information as to name of candidate or
28 candidates, in whose behalf such petition is signed; the
29 office, the political party represented and place of residence;
30 and the heading of each sheet shall be the same.

31 Such petition shall be signed by qualified primary electors
32 residing in the political division for which the nomination is
33 sought in their own proper persons only and opposite the

1 signature of each signer, his residence address shall be
2 written or printed. The residence address required to be
3 written or printed opposite each qualified primary elector's
4 name shall include the street address or rural route number of
5 the signer, as the case may be, as well as the signer's county,
6 and city, village or town, and state. However the county or
7 city, village or town, and state of residence of the electors
8 may be printed on the petition forms where all of the electors
9 signing the petition reside in the same county or city, village
10 or town, and state. Standard abbreviations may be used in
11 writing the residence address, including street number, if any.
12 At the bottom of each sheet of such petition shall be added a
13 circulator statement signed by a person 18 years of age or
14 older who is a citizen of the United States, stating the street
15 address or rural route number, as the case may be, as well as
16 the county, city, village or town, and state; and certifying
17 that the signatures on that sheet of the petition were signed
18 in his or her presence and certifying that the signatures are
19 genuine; and either (1) indicating the dates on which that
20 sheet was circulated, or (2) indicating the first and last
21 dates on which the sheet was circulated, or (3) certifying that
22 none of the signatures on the sheet were signed more than 90
23 days preceding the last day for the filing of the petition and
24 certifying that to the best of his or her knowledge and belief
25 the persons so signing were at the time of signing the
26 petitions qualified voters of the political party for which a
27 nomination is sought. Such statement shall be sworn to before
28 some officer authorized to administer oaths in this State.

29 No petition sheet shall be circulated more than 90 days
30 preceding the last day provided in Section 7-12 for the filing
31 of such petition.

32 The person circulating the petition, or the candidate on
33 whose behalf the petition is circulated, may strike any
34 signature from the petition, provided that:

- 35 (1) the person striking the signature shall initial the
36 petition at the place where the signature is struck; and

1 State of Illinois)

2) ss.

3 County of)

4 I,, being first duly sworn, say that I reside at
5 Street in the city (or village) of, in the county of,
6 State of Illinois; that I am a qualified voter therein and am a
7 qualified primary voter of the party; that I am a
8 candidate for nomination (for election in the case of
9 committeeman and delegates and alternate delegates) to the
10 office of to be voted upon at the primary election to be
11 held on (insert date); that I am legally qualified (including
12 being the holder of any license that may be an eligibility
13 requirement for the office I seek the nomination for) to hold
14 such office and that I have filed (or I will file before the
15 close of the petition filing period) a statement of economic
16 interests as required by the Illinois Governmental Ethics Act
17 and I hereby request that my name be printed upon the official
18 primary ballot for nomination for (or election to in the case
19 of committeemen and delegates and alternate delegates) such
20 office.

21 Signed

22 Subscribed and sworn to (or affirmed) before me by,
23 who is to me personally known, on (insert date).

24 Signed

25 (Official Character)

26 (Seal, if officer has one.)

27 The petitions, when filed, shall not be withdrawn or added
28 to, and no signatures shall be revoked except by revocation
29 filed in writing with the State Board of Elections, election
30 authority or local election official with whom the petition is
31 required to be filed, and before the filing of such petition.
32 Whoever forges the name of a signer upon any petition required
33 by this Article is deemed guilty of a forgery and on conviction
34 thereof shall be punished accordingly.

1 A candidate for the offices listed in this Section must
2 obtain the number of signatures specified in this Section on
3 his or her petition for nomination.

4 (a) Statewide office or delegate to a national nominating
5 convention. If a candidate seeks to run for statewide office or
6 as a delegate or alternate delegate to a national nominating
7 convention elected from the State at-large, then the
8 candidate's petition for nomination must contain at least 5,000
9 but not more than 10,000 signatures.

10 (b) Congressional office or congressional delegate to a
11 national nominating convention. If a candidate seeks to run for
12 United States Congress or as a congressional delegate or
13 alternate congressional delegate to a national nominating
14 convention elected from a congressional district, then the
15 candidate's petition for nomination must contain at least the
16 number of signatures equal to 0.5% of the qualified primary
17 electors of his or her party in his or her congressional
18 district. In the first primary election following a
19 redistricting of congressional districts, a candidate's
20 petition for nomination must contain at least 600 signatures of
21 qualified primary electors of the candidate's political party
22 in his or her congressional district.

23 (c) County office. If a candidate seeks to run for any
24 countywide office, including but not limited to county board
25 chairperson or county board member, elected on an at-large
26 basis, in a county other than Cook County, then the candidate's
27 petition for nomination must contain at least the number of
28 signatures equal to 0.5% of the qualified electors of his or
29 her party who cast votes at the last preceding general election
30 in his or her county. If a candidate seeks to run for county
31 board member elected from a county board district, then the
32 candidate's petition for nomination must contain at least the
33 number of signatures equal to 0.5% of the qualified primary
34 electors of his or her party in the county board district. In
35 the first primary election following a redistricting of county
36 board districts or the initial establishment of county board

1 districts, a candidate's petition for nomination must contain
2 at least the number of signatures equal to 0.5% of the
3 qualified electors of his or her party in the entire county who
4 cast votes at the last preceding general election divided by
5 the total number of county board districts comprising the
6 county board; provided that in no event shall the number of
7 signatures be less than 25.

8 (d) County office; Cook County only.

9 (1) If a candidate seeks to run for countywide office
10 in Cook County, then the candidate's petition for
11 nomination must contain at least the number of signatures
12 equal to 0.5% of the qualified electors of his or her party
13 who cast votes at the last preceding general election in
14 Cook County.

15 (2) If a candidate seeks to run for Cook County Board
16 Commissioner, then the candidate's petition for nomination
17 must contain at least the number of signatures equal to
18 0.5% of the qualified primary electors of his or her party
19 in his or her county board district. In the first primary
20 election following a redistricting of Cook County Board of
21 Commissioners districts, a candidate's petition for
22 nomination must contain at least the number of signatures
23 equal to 0.5% of the qualified electors of his or her party
24 in the entire county who cast votes at the last preceding
25 general election divided by the total number of county
26 board districts comprising the county board; provided that
27 in no event shall the number of signatures be less than 25.

28 (3) If a candidate seeks to run for Cook County Board
29 of Review Commissioner, which is elected from a district
30 pursuant to subsection (c) of Section 5-5 of the Property
31 Tax Code, then the candidate's petition for nomination must
32 contain at least the number of signatures equal to 0.5% of
33 the total number of registered voters in his or her board
34 of review district in the last general election at which a
35 commissioner was regularly scheduled to be elected from
36 that board of review district. In no event shall the number

1 of signatures required be greater than the requisite number
2 for a candidate who seeks countywide office in Cook County
3 under subsection (d)(1) of this Section. In the first
4 primary election following a redistricting of Cook County
5 Board of Review districts, a candidate's petition for
6 nomination must contain at least 4,000 signatures or at
7 least the number of signatures required for a countywide
8 candidate in Cook County, whichever is less, of the
9 qualified electors of his or her party in the district.

10 (e) Municipal or township office. If a candidate seeks to
11 run for municipal or township office, then the candidate's
12 petition for nomination must contain at least the number of
13 signatures equal to 0.5% of the qualified primary electors of
14 his or her party in the municipality or township. If a
15 candidate seeks to run for alderman of a municipality, then the
16 candidate's petition for nomination must contain at least the
17 number of signatures equal to 0.5% of the qualified primary
18 electors of his or her party of the ward. In the first primary
19 election following redistricting of aldermanic wards or
20 trustee districts of a municipality or the initial
21 establishment of wards or districts, a candidate's petition for
22 nomination must contain the number of signatures equal to at
23 least 0.5% of the total number of votes cast for the candidate
24 of that political party who received the highest number of
25 votes in the entire municipality at the last regular election
26 at which an officer was regularly scheduled to be elected from
27 the entire municipality, divided by the number of wards or
28 districts. In no event shall the number of signatures be less
29 than 25.

30 (f) State central committeeperson. If a candidate seeks to
31 run for State central committeeperson, then the candidate's
32 petition for nomination must contain at least 100 signatures of
33 the primary electors of his or her party of his or her
34 congressional district.

35 (g) Sanitary district trustee. If a candidate seeks to run
36 for trustee of a sanitary district in which trustees are not

1 elected from wards, then the candidate's petition for
2 nomination must contain at least the number of signatures equal
3 to 0.5% of the primary electors of his or her party from the
4 sanitary district. If a candidate seeks to run for trustee of a
5 sanitary district in which trustees are elected from wards,
6 then the candidate's petition for nomination must contain at
7 least the number of signatures equal to 0.5% of the primary
8 electors of his or her party in the ward of that sanitary
9 district. In the first primary election following
10 redistricting of sanitary districts elected from wards, a
11 candidate's petition for nomination must contain at least the
12 signatures of 150 qualified primary electors of his or her ward
13 of that sanitary district.

14 (h) Judicial office. If a candidate seeks to run for
15 judicial office in a district, then the candidate's petition
16 for nomination must contain the number of signatures equal to
17 0.4% of the number of votes cast in that district for the
18 candidate for his or her political party for the office of
19 Governor at the last general election at which a Governor was
20 elected, but in no event less than 500 signatures. If a
21 candidate seeks to run for judicial office in a ~~district,~~
22 ~~circuit,~~ or subcircuit, then the candidate's petition for
23 nomination must contain the number of signatures equal to 0.25%
24 of the number of votes cast for the judicial candidate of his
25 or her political party who received the highest number of votes
26 at the last general election at which a judicial officer from
27 the same ~~district,~~ ~~circuit,~~ or subcircuit was regularly
28 scheduled to be elected, but in no event less than 500
29 signatures.

30 (i) Precinct, ward, and township committeeperson. If a
31 candidate seeks to run for precinct committeeperson, then the
32 candidate's petition for nomination must contain at least 10
33 signatures of the primary electors of his or her party for the
34 precinct. If a candidate seeks to run for ward committeeperson,
35 then the candidate's petition for nomination must contain no
36 less than the number of signatures equal to 10% of the primary

1 electors of his or her party of the ward, but no more than 16%
2 of those same electors; provided that the maximum number of
3 signatures may be 50 more than the minimum number, whichever is
4 greater. If a candidate seeks to run for township
5 committeeperson, then the candidate's petition for nomination
6 must contain no less than the number of signatures equal to 5%
7 of the primary electors of his or her party of the township,
8 but no more than 8% of those same electors; provided that the
9 maximum number of signatures may be 50 more than the minimum
10 number, whichever is greater.

11 (j) State's attorney or regional superintendent of schools
12 for multiple counties. If a candidate seeks to run for State's
13 attorney or regional Superintendent of Schools who serves more
14 than one county, then the candidate's petition for nomination
15 must contain at least the number of signatures equal to 0.5% of
16 the primary electors of his or her party in the territory
17 comprising the counties.

18 (k) Any other office. If a candidate seeks any other
19 office, then the candidate's petition for nomination must
20 contain at least the number of signatures equal to 0.5% of the
21 registered voters of the political subdivision, district, or
22 division for which the nomination is made or 25 signatures,
23 whichever is greater.

24 For purposes of this Section the number of primary electors
25 shall be determined by taking the total vote cast, in the
26 applicable district, for the candidate for that political party
27 who received the highest number of votes, statewide, at the
28 last general election in the State at which electors for
29 President of the United States were elected. For political
30 subdivisions, the number of primary electors shall be
31 determined by taking the total vote cast for the candidate for
32 that political party who received the highest number of votes
33 in the political subdivision at the last regular election at
34 which an officer was regularly scheduled to be elected from
35 that subdivision. For wards or districts of political
36 subdivisions, the number of primary electors shall be

1 determined by taking the total vote cast for the candidate for
2 that political party who received the highest number of votes
3 in the ward or district at the last regular election at which
4 an officer was regularly scheduled to be elected from that ward
5 or district.

6 A "qualified primary elector" of a party may not sign
7 petitions for or be a candidate in the primary of more than one
8 party.

9 The changes made to this Section of this amendatory Act of
10 the 93rd General Assembly are declarative of existing law,
11 except for item (3) of subsection (d).

12 Petitions of candidates for nomination for offices herein
13 specified, to be filed with the same officer, may contain the
14 names of 2 or more candidates of the same political party for
15 the same or different offices.

16 (Source: P.A. 92-16, eff. 6-28-01; 92-129, eff. 7-20-01;
17 93-574, eff. 8-21-03.)

18 (10 ILCS 5/7-15) (from Ch. 46, par. 7-15)

19 Sec. 7-15. At least 60 days prior to each general and
20 consolidated primary, the election authority shall provide
21 public notice, calculated to reach elderly and handicapped
22 voters, of the availability of registration and voting aids
23 under the Federal Voting Accessibility for the Elderly and
24 Handicapped Act, of the availability of assistance in marking
25 the ballot, ~~and~~ procedures for voting by absentee ballot, and
26 procedures for early voting by personal appearance. At least 20
27 days before the general primary the county clerk of each
28 county, and not more than 30 nor less than 10 days before the
29 consolidated primary the election authority, shall prepare in
30 the manner provided in this Act, a notice of such primary which
31 notice shall state the time and place of holding the primary,
32 the hours during which the polls will be open, the offices for
33 which candidates will be nominated at such primary and the
34 political parties entitled to participate therein,
35 notwithstanding that no candidate of any such political party

1 may be entitled to have his name printed on the primary ballot.
2 Such notice shall also include the list of addresses of
3 precinct polling places for the consolidated primary unless
4 such list is separately published by the election authority not
5 less than 10 days before the consolidated primary.

6 In counties, municipalities, or towns having fewer than
7 500,000 inhabitants notice of the general primary shall be
8 published once in two or more newspapers published in the
9 county, municipality or town, as the case may be, or if there
10 is no such newspaper, then in any two or more newspapers
11 published in the county and having a general circulation
12 throughout the community.

13 In counties, municipalities, or towns having 500,000 or
14 more inhabitants notice of the general primary shall be
15 published at least 15 days prior to the primary by the same
16 authorities and in the same manner as notice of election for
17 general elections are required to be published in counties,
18 municipalities or towns of 500,000 or more inhabitants under
19 this Act.

20 Notice of the consolidated primary shall be published once
21 in one or more newspapers published in each political
22 subdivision having such primary, and if there is no such
23 newspaper, then published once in a local, community newspaper
24 having general circulation in the subdivision, and also once in
25 a newspaper published in the county wherein the political
26 subdivisions, or portions thereof, having such primary are
27 situated.

28 (Source: P.A. 84-808.)

29 (10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

30 Sec. 7-34. Pollwatchers in a primary election shall be
31 authorized in the following manner:

32 (1) Each established political party shall be entitled to
33 appoint one pollwatcher per precinct. Such pollwatchers must be
34 affiliated with the political party for which they are
35 pollwatching and must be a registered voter in Illinois.

1 (2) Each candidate shall be entitled to appoint two
2 pollwatchers per precinct. For Federal, State, ~~and~~ county,
3 township, and municipal primary elections, the pollwatchers
4 must be registered to vote in Illinois.

5 (3) Each organization of citizens within the county or
6 political subdivision, which has among its purposes or
7 interests the investigation or prosecution of election frauds,
8 and which shall have registered its name and address and the
9 names and addresses of its principal officers with the proper
10 election authority at least 40 days before the primary
11 election, shall be entitled to appoint one pollwatcher per
12 precinct. For all primary elections, the pollwatcher must be
13 registered to vote in Illinois.

14 (4) Each organized group of proponents or opponents of a
15 ballot proposition, which shall have registered the name and
16 address of its organization or committee and the name and
17 address of its chairman with the proper election authority at
18 least 40 days before the primary election, shall be entitled to
19 appoint one pollwatcher per precinct. The pollwatcher must be
20 registered to vote in Illinois.

21 (5) In any primary election held to nominate candidates for
22 the offices of a municipality of less than 3,000,000 population
23 that is situated in 2 or more counties, a pollwatcher who is a
24 resident of a county in which any part of the municipality is
25 situated shall be eligible to serve as a pollwatcher in any
26 polling place located within such municipality, provided that
27 such pollwatcher otherwise complies with the respective
28 requirements of subsections (1) through (4) of this Section and
29 is a registered voter whose residence is within Illinois.

30 All pollwatchers shall be required to have proper
31 credentials. Such credentials shall be printed in sufficient
32 quantities, shall be issued by and under the facsimile
33 signature(s) of the election authority and shall be available
34 for distribution at least 2 weeks prior to the election. Such
35 credentials shall be authorized by the real or facsimile
36 signature of the State or local party official or the candidate

1 or the presiding officer of the civic organization or the
2 chairman of the proponent or opponent group, as the case may
3 be.

4 Pollwatcher credentials shall be in substantially the
5 following form:

6 POLLWATCHER CREDENTIALS

7 TO THE JUDGES OF ELECTION:

8 In accordance with the provisions of the Election Code, the
9 undersigned hereby appoints (name of pollwatcher)
10 at (address) in the county of,
11 (township or municipality) of (name),
12 State of Illinois and who is duly registered to vote from this
13 address, to act as a pollwatcher in the precinct of
14 the ward (if applicable) of the
15 (township or municipality) of at the
16 election to be held on (insert date).

17 (Signature of Appointing Authority)

18 TITLE (party official, candidate,
19 civic organization president,
20 proponent or opponent group chairman)

21 Under penalties provided by law pursuant to Section 29-10
22 of the Election Code, the undersigned pollwatcher certifies
23 that he or she resides at (address) in the
24 county of, (township or municipality) of
25 (name), State of Illinois, and is duly registered to
26 vote in Illinois.

27

28 (Precinct and/or Ward in (Signature of Pollwatcher)

29 Which Pollwatcher Resides)

30 Pollwatchers must present their credentials to the Judges
31 of Election upon entering the polling place. Pollwatcher
32 credentials properly executed and signed shall be proof of the
33 qualifications of the pollwatcher authorized thereby. Such
34 credentials are retained by the Judges and returned to the

1 Election Authority at the end of the day of election with the
2 other election materials. Once a pollwatcher has surrendered a
3 valid credential, he may leave and reenter the polling place
4 provided that such continuing action does not disrupt the
5 conduct of the election. Pollwatchers may be substituted during
6 the course of the day, but established political parties,
7 candidates, qualified civic organizations and proponents and
8 opponents of a ballot proposition can have only as many
9 pollwatchers at any given time as are authorized in this
10 Article. A substitute must present his signed credential to the
11 judges of election upon entering the polling place. Election
12 authorities must provide a sufficient number of credentials to
13 allow for substitution of pollwatchers. After the polls have
14 closed, pollwatchers shall be allowed to remain until the
15 canvass of votes is completed; but may leave and reenter only
16 in cases of necessity, provided that such action is not so
17 continuous as to disrupt the canvass of votes.

18 Candidates seeking office in a district or municipality
19 encompassing 2 or more counties shall be admitted to any and
20 all polling places throughout such district or municipality
21 without regard to the counties in which such candidates are
22 registered to vote. Actions of such candidates shall be
23 governed in each polling place by the same privileges and
24 limitations that apply to pollwatchers as provided in this
25 Section. Any such candidate who engages in an activity in a
26 polling place which could reasonably be construed by a majority
27 of the judges of election as campaign activity shall be removed
28 forthwith from such polling place.

29 Candidates seeking office in a district or municipality
30 encompassing 2 or more counties who desire to be admitted to
31 polling places on election day in such district or municipality
32 shall be required to have proper credentials. Such credentials
33 shall be printed in sufficient quantities, shall be issued by
34 and under the facsimile signature of the election authority of
35 the election jurisdiction where the polling place in which the
36 candidate seeks admittance is located, and shall be available

1 for distribution at least 2 weeks prior to the election. Such
2 credentials shall be signed by the candidate.

3 Candidate credentials shall be in substantially the
4 following form:

5 CANDIDATE CREDENTIALS

6 TO THE JUDGES OF ELECTION:

7 In accordance with the provisions of the Election Code, I
8 (name of candidate) hereby certify that I am a candidate
9 for (name of office) and seek admittance to
10 precinct of the ward (if applicable) of the
11 (township or municipality) of at the election
12 to be held on (insert date).

13

14 (Signature of Candidate)

.....
OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

18 Pollwatchers shall be permitted to observe all proceedings
19 and view all reasonably requested records relating to the
20 conduct of the election, provided the secrecy of the ballot is
21 not impinged, and to station themselves in a position in the
22 voting room as will enable them to observe the judges making
23 the signature comparison between the voter application and the
24 voter registration record card; provided, however, that such
25 pollwatchers shall not be permitted to station themselves in
26 such close proximity to the judges of election so as to
27 interfere with the orderly conduct of the election and shall
28 not, in any event, be permitted to handle election materials.
29 Pollwatchers may challenge for cause the voting qualifications
30 of a person offering to vote and may call to the attention of
31 the judges of election any incorrect procedure or apparent
32 violations of this Code.

33 If a majority of the judges of election determine that the
34 polling place has become too overcrowded with pollwatchers so

1 as to interfere with the orderly conduct of the election, the
2 judges shall, by lot, limit such pollwatchers to a reasonable
3 number, except that each candidate and each established or new
4 political party shall be permitted to have at least one
5 pollwatcher present.

6 Representatives of an election authority, with regard to an
7 election under its jurisdiction, the State Board of Elections,
8 and law enforcement agencies, including but not limited to a
9 United States Attorney, a State's attorney, the Attorney
10 General, and a State, county, or local police department, in
11 the performance of their official election duties, shall be
12 permitted at all times to enter and remain in the polling
13 place. Upon entering the polling place, such representatives
14 shall display their official credentials or other
15 identification to the judges of election.

16 Uniformed police officers assigned to polling place duty
17 shall follow all lawful instructions of the judges of election.

18 The provisions of this Section shall also apply to
19 supervised casting of absentee ballots as provided in Section
20 19-12.2 of this Act.

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

22 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

23 Sec. 7-56. As soon as complete returns are delivered to the
24 proper election authority, the returns shall be canvassed for
25 all primary elections as follows:

26 1. In the case of the nomination of candidates for city
27 offices, by the mayor, the city attorney and the city clerk.

28 2. In the case of nomination of candidates for village
29 offices, by the president of the board of trustees, one member
30 of the board of trustees, and the village clerk.

31 3. In the case of nomination of candidates for township
32 offices, by the town supervisor, the town assessor and the town
33 clerk; in the case of nomination of candidates for incorporated
34 town offices, by the corporate authorities of the incorporated
35 town.

1 3.5. For multi-township assessment districts, by the
2 chairman, clerk, and assessor of the multi-township assessment
3 district.

4 4. For road district offices, by the highway commissioner
5 and the road district clerk.

6 5. The officers who are charged by law with the duty of
7 canvassing returns of general elections made to the county
8 clerk, shall also open and canvass the returns of a primary
9 made to such county clerk. Upon the completion of the canvass
10 of the returns by the county canvassing board, said canvassing
11 board shall make a tabulated statement of the returns for each
12 political party separately, stating in appropriate columns and
13 under proper headings, the total number of votes cast in said
14 county for each candidate for nomination by said party,
15 including candidates for President of the United States and for
16 State central committeemen, and for delegates and alternate
17 delegates to National nominating conventions, and for precinct
18 committeemen, township committeemen, and for ward
19 committeemen. Within two (2) days after the completion of said
20 canvass by said canvassing board the county clerk shall mail to
21 the State Board of Elections a certified copy of such tabulated
22 statement of returns. Provided, however, that the number of
23 votes cast for the nomination for offices, the certificates of
24 election for which offices, under this Act or any other laws
25 are issued by the county clerk shall not be included in such
26 certified copy of said tabulated statement of returns, nor
27 shall the returns on the election of precinct, township or ward
28 committeemen be so certified to the State Board of Elections.
29 The said officers shall also determine and set down as to each
30 precinct the number of ballots voted by the primary electors of
31 each party at the primary.

32 6. In the case of the nomination of candidates for offices,
33 including President of the United States and the State central
34 committeemen, and delegates and alternate delegates to
35 National nominating conventions, certified tabulated statement
36 of returns for which are filed with the State Board of

1 Elections, said returns shall be canvassed by the board. And,
2 provided, further, that within 5 days after said returns shall
3 be canvassed by the said Board, the Board shall cause to be
4 published in one daily newspaper of general circulation at the
5 seat of the State government in Springfield a certified
6 statement of the returns filed in its office, showing the total
7 vote cast in the State for each candidate of each political
8 party for President of the United States, and showing the total
9 vote for each candidate of each political party for President
10 of the United States, cast in each of the several congressional
11 districts in the State.

12 7. Where in cities or villages which have a board of
13 election commissioners, the returns of a primary are made to
14 such board of election commissioners, said return shall be
15 canvassed by such board, and, excepting in the case of the
16 nomination for any municipal office, tabulated statements of
17 the returns of such primary shall be made to the county clerk.

18 8. Within 48 hours of the delivery of complete returns of
19 the consolidated primary to the election authority, the
20 election authority shall deliver an original certificate of
21 results to each local election official, with respect to whose
22 political subdivisions nominations were made at such primary,
23 for each precinct in his jurisdiction in which such nominations
24 were on the ballot. Such original certificate of results need
25 not include any offices or nominations for any other political
26 subdivisions. The local election official shall immediately
27 transmit the certificates to the canvassing board for his
28 political subdivisions, which shall open and canvass the
29 returns, make a tabulated statement of the returns for each
30 political party separately, and as nearly as possible, follow
31 the procedures required for the county canvassing board. Such
32 canvass of votes shall be conducted within 21 7 days after the
33 close of the consolidated primary.

34 (Source: P.A. 87-1052.)

1 Sec. 7-60. Not less than 67 days before the date of the
2 general election, the State Board of Elections shall certify to
3 the county clerks the names of each of the candidates who have
4 been nominated as shown by the proclamation of the State Board
5 of Elections as a canvassing board or who have been nominated
6 to fill a vacancy in nomination and direct the election
7 authority to place upon the official ballot for the general
8 election the names of such candidates in the same manner and in
9 the same order as shown upon the certification, except as
10 otherwise provided in this Section.

11 Not less than 61 days before the date of the general
12 election, each county clerk shall certify the names of each of
13 the candidates for county offices who have been nominated as
14 shown by the proclamation of the county canvassing board or who
15 have been nominated to fill a vacancy in nomination and declare
16 that the names of such candidates for the respective offices
17 shall be placed upon the official ballot for the general
18 election in the same manner and in the same order as shown upon
19 the certification, except as otherwise provided by this
20 Section. Each county clerk shall place a copy of the
21 certification on file in his or her office and at the same time
22 issue to the State Board of Elections a copy of such
23 certification. In addition, each county clerk in whose county
24 there is a board of election commissioners shall, not less than
25 61 days before the date of the general election, issue to such
26 board a copy of the certification that has been filed in the
27 county clerk's office, together with a copy of the
28 certification that has been issued to the clerk by the State
29 Board of Elections, with directions to the board of election
30 commissioners to place upon the official ballot for the general
31 election in that election jurisdiction the names of all
32 candidates that are listed on such certifications, in the same
33 manner and in the same order as shown upon such certifications,
34 except as otherwise provided in this Section.

35 Whenever there are two or more persons nominated by the
36 same political party for multiple offices for any board, the

1 name of the candidate of such party receiving the highest
2 number of votes in the primary election as a candidate for such
3 office, as shown by the official election returns of the
4 primary, shall be certified first under the name of such
5 offices, and the names of the remaining candidates of such
6 party for such offices shall follow in the order of the number
7 of votes received by them respectively at the primary election
8 as shown by the official election results.

9 No person who is shown by the canvassing board's
10 proclamation to have been nominated or elected at the primary
11 as a write-in candidate shall have his or her name certified
12 unless such person shall have filed with the certifying office
13 or board within 10 days after the canvassing board's
14 proclamation a statement of candidacy pursuant to Section 7-10,
15 ~~and~~ a statement pursuant to Section 7-10.1, and a receipt for
16 the filing of a statement of economic interests in relation to
17 the unit of government to which he or she has been elected or
18 nominated.

19 Each county clerk and board of election commissioners shall
20 determine by a fair and impartial method of random selection
21 the order of placement of established political party
22 candidates for the general election ballot. Such determination
23 shall be made within 30 days following the canvass and
24 proclamation of the results of the general primary in the
25 office of the county clerk or board of election commissioners
26 and shall be open to the public. Seven days written notice of
27 the time and place of conducting such random selection shall be
28 given, by each such election authority, to the County Chairman
29 of each established political party, and to each organization
30 of citizens within the election jurisdiction which was
31 entitled, under this Article, at the next preceding election,
32 to have pollwatchers present on the day of election. Each
33 election authority shall post in a conspicuous, open and public
34 place, at the entrance of the election authority office, notice
35 of the time and place of such lottery. However, a board of
36 election commissioners may elect to place established

1 political party candidates on the general election ballot in
2 the same order determined by the county clerk of the county in
3 which the city under the jurisdiction of such board is located.

4 Each certification shall indicate, where applicable, the
5 following:

6 (1) The political party affiliation of the candidates for
7 the respective offices;

8 (2) If there is to be more than one candidate elected to an
9 office from the State, political subdivision or district;

10 (3) If the voter has the right to vote for more than one
11 candidate for an office;

12 (4) The term of office, if a vacancy is to be filled for
13 less than a full term or if the offices to be filled in a
14 political subdivision are for different terms.

15 The State Board of Elections or the county clerk, as the
16 case may be, shall issue an amended certification whenever it
17 is discovered that the original certification is in error.

18 (Source: P.A. 86-867; 86-875; 86-1028.)

19 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

20 Sec. 7-61. Whenever a special election is necessary the
21 provisions of this Article are applicable to the nomination of
22 candidates to be voted for at such special election.

23 In cases where a primary election is required the officer
24 or board or commission whose duty it is under the provisions of
25 this Act relating to general elections to call an election,
26 shall fix a date for the primary for the nomination of
27 candidates to be voted for at such special election. Notice of
28 such primary shall be given at least 15 days prior to the
29 maximum time provided for the filing of petitions for such a
30 primary as provided in Section 7-12.

31 Any vacancy in nomination under the provisions of this
32 Article 7 occurring on or after the primary and prior to
33 certification of candidates by the certifying board or officer,
34 must be filled prior to the date of certification. Any vacancy
35 in nomination occurring after certification but prior to 15

1 days before the general election shall be filled within 8 days
2 after the event creating the vacancy. The resolution filling
3 the vacancy shall be sent by U. S. mail or personal delivery to
4 the certifying officer or board within 3 days of the action by
5 which the vacancy was filled; provided, if such resolution is
6 sent by mail and the U. S. postmark on the envelope containing
7 such resolution is dated prior to the expiration of such 3 day
8 limit, the resolution shall be deemed filed within such 3 day
9 limit. Failure to so transmit the resolution within the time
10 specified in this Section shall authorize the certifying
11 officer or board to certify the original candidate. Vacancies
12 shall be filled by the officers of a local municipal or
13 township political party as specified in subsection (h) of
14 Section 7-8, other than a statewide political party, that is
15 established only within a municipality or township and the
16 managing committee (or legislative committee in case of a
17 candidate for State Senator or representative committee in the
18 case of a candidate for State Representative in the General
19 Assembly or State central committee in the case of a candidate
20 for statewide office, including but not limited to the office
21 of United States Senator) of the respective political party for
22 the territorial area in which such vacancy occurs.

23 The resolution to fill a vacancy in nomination shall be
24 duly acknowledged before an officer qualified to take
25 acknowledgements of deeds and shall include, upon its face, the
26 following information:

27 (a) the name of the original nominee and the office
28 vacated;

29 (b) the date on which the vacancy occurred;

30 (c) the name and address of the nominee selected to fill
31 the vacancy and the date of selection.

32 The resolution to fill a vacancy in nomination shall be
33 accompanied by a Statement of Candidacy, as prescribed in
34 Section 7-10, completed by the selected nominee and a receipt
35 indicating that such nominee has filed a statement of economic
36 interests as required by the Illinois Governmental Ethics Act.

1 The provisions of Section 10-8 through 10-10.1 relating to
2 objections to certificates of nomination and nomination
3 papers, hearings on objections, and judicial review, shall
4 apply to and govern objections to resolutions for filling a
5 vacancy in nomination.

6 Any vacancy in nomination occurring 15 days or less before
7 the consolidated election or the general election shall not be
8 filled. In this event, the certification of the original
9 candidate shall stand and his name shall appear on the official
10 ballot to be voted at the general election.

11 A vacancy in nomination occurs when a candidate who has
12 been nominated under the provisions of this Article 7 dies
13 before the election (whether death occurs prior to, on or after
14 the day of the primary), or declines the nomination; provided
15 that nominations may become vacant for other reasons.

16 If the name of no established political party candidate was
17 printed on the consolidated primary ballot for a particular
18 office and if no person was nominated as a write-in candidate
19 for such office, a vacancy in nomination shall be created which
20 may be filled in accordance with the requirements of this
21 Section. If the name of no established political party
22 candidate was printed on the general primary ballot for a
23 particular office and if no person was nominated as a write-in
24 candidate for such office, a vacancy in nomination shall be
25 created, but no candidate of the party for the office shall be
26 listed on the ballot at the general election unless such
27 vacancy is filled in accordance with the requirements of this
28 Section within 60 days after the date of the general primary.

29 A candidate for whom a nomination paper has been filed as a
30 partisan candidate at a primary election, and who is defeated
31 for his or her nomination at such primary election, is
32 ineligible to be listed on the ballot at that general or
33 consolidated election as a candidate of another political
34 party.

35 A candidate seeking election to an office for which
36 candidates of political parties are nominated by caucus who is

1 a participant in the caucus and who is defeated for his or her
2 nomination at such caucus, is ineligible to be listed on the
3 ballot at that general or consolidated election as a candidate
4 of another political party.

5 In the proceedings to nominate a candidate to fill a
6 vacancy or to fill a vacancy in the nomination, each precinct,
7 township, ward, county or congressional district, as the case
8 may be, shall through its representative on such central or
9 managing committee, be entitled to one vote for each ballot
10 voted in such precinct, township, ward, county or congressional
11 district, as the case may be, by the primary electors of its
12 party at the primary election immediately preceding the meeting
13 at which such vacancy is to be filled.

14 For purposes of this Section, the words "certify" and
15 "certification" shall refer to the act of officially declaring
16 the names of candidates entitled to be printed upon the
17 official ballot at an election and directing election
18 authorities to place the names of such candidates upon the
19 official ballot. "Certifying officers or board" shall refer to
20 the local election official, election authority or the State
21 Board of Elections, as the case may be, with whom nomination
22 papers, including certificates of nomination and resolutions
23 to fill vacancies in nomination, are filed and whose duty it is
24 to "certify" candidates.

25 (Source: P.A. 86-867; 86-1348; 87-1052.)

26 (10 ILCS 5/7-100 new)

27 Sec. 7-100. Definition of a vote.

28 (a) Notwithstanding any law to the contrary, for the
29 purpose of this Article, a person casts a valid vote on a punch
30 card ballot when:

31 (1) A chad on the card has at least one corner detached
32 from the card;

33 (2) The fibers of paper on at least one edge of the
34 chad are broken in a way that permits unimpeded light to be
35 seen through the card; or

1 (3) An indentation on the chad from the stylus or other
2 object is present and indicates a clearly ascertainable
3 intent of the voter to vote based on the totality of the
4 circumstances, including but not limited to any pattern or
5 frequency of indentations on other ballot positions from
6 the same ballot card.

7 (b) Write-in votes shall be counted in a manner consistent
8 with the existing provisions of this Code.

9 (c) For purposes of this Section, a "chad" is that portion
10 of a ballot card that a voter punches or perforates with a
11 stylus or other designated marking device to manifest his or
12 her vote for a particular ballot position on a ballot card as
13 defined in subsection (a).

14 (d) Prior to the original counting of any punch card
15 ballots, an election judge may not alter a punch card ballot in
16 any manner, including, but not limited to, the removal or
17 manipulation of chads.

18 (10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

19 Sec. 8-8. Form of petition for nomination. The name of no
20 candidate for nomination shall be printed upon the primary
21 ballot unless a petition for nomination shall have been filed
22 in his behalf as provided for in this Section. Each such
23 petition shall include as a part thereof the oath required by
24 Section 7-10.1 of this Act and a statement of candidacy by the
25 candidate filing or in whose behalf the petition is filed. This
26 statement shall set out the address of such candidate, the
27 office for which he is a candidate, shall state that the
28 candidate is a qualified primary voter of the party to which
29 the petition relates, is qualified for the office specified and
30 has filed a statement of economic interests as required by the
31 Illinois Governmental Ethics Act, shall request that the
32 candidate's name be placed upon the official ballot and shall
33 be subscribed and sworn by such candidate before some officer
34 authorized to take acknowledgment of deeds in this State and
35 may be in substantially the following form:

1 State of Illinois)

2) ss.

3 County

4 I,, being first duly sworn, say that I reside at
5 street in the city (or village of) in the county of
6 State of Illinois; that I am a qualified voter therein and am a
7 qualified primary voter of party; that I am a candidate
8 for nomination to the office of to be voted upon at the
9 primary election to be held on (insert date); that I am legally
10 qualified to hold such office and that I have filed a statement
11 of economic interests as required by the Illinois Governmental
12 Ethics Act and I hereby request that my name be printed upon
13 the official primary ballot for nomination for such office.

14 Signed

15 Subscribed and sworn to (or affirmed) before me by,
16 who is to me personally known, on (insert date).

17 Signed (Official Character)

18 (Seal if officer has one.)

19 The receipt issued by the Secretary of State indicating
20 that the candidate has filed the statement of economic
21 interests required by the Illinois Governmental Ethics Act must
22 be filed with the petitions for nomination as provided in
23 subsection (8) of Section 7-12 of this Code.

24 All petitions for nomination for the office of State
25 Senator shall be signed by 1% or 1,000 ~~600~~, whichever is
26 greater, of the qualified primary electors of the candidate's
27 party in his legislative district, except that for the first
28 primary following a redistricting of legislative districts,
29 such petitions shall be signed by at least 1,000 ~~600~~ qualified
30 primary electors of the candidate's party in his legislative
31 district.

32 All petitions for nomination for the office of
33 Representative in the General Assembly shall be signed by at
34 least 1% or 500 ~~300~~, whichever is greater, of the qualified
35 primary electors of the candidate's party in his or her
36 representative district, except that for the first primary

1 following a redistricting of representative districts such
2 petitions shall be signed by at least 500 ~~300~~ qualified primary
3 electors of the candidate's party in his or her representative
4 district.

5 Opposite the signature of each qualified primary elector
6 who signs a petition for nomination for the office of State
7 Representative or State Senator such elector's residence
8 address shall be written or printed. The residence address
9 required to be written or printed opposite each qualified
10 primary elector's name shall include the street address or
11 rural route number of the signer, as the case may be, as well
12 as the signer's county and city, village or town.

13 For the purposes of this Section, the number of primary
14 electors shall be determined by taking the total vote cast, in
15 the applicable district, for the candidate for such political
16 party who received the highest number of votes, state-wide, at
17 the last general election in the State at which electors for
18 President of the United States were elected.

19 A "qualified primary elector" of a party may not sign
20 petitions for or be a candidate in the primary of more than one
21 party.

22 In the affidavit at the bottom of each sheet, the petition
23 circulator, who shall be a person 18 years of age or older who
24 is a citizen of the United States, shall state his or her
25 street address or rural route number, as the case may be, as
26 well as his or her county, city, village or town, and state;
27 and shall certify that the signatures on that sheet of the
28 petition were signed in his or her presence; and shall certify
29 that the signatures are genuine; and shall certify that to the
30 best of his or her knowledge and belief the persons so signing
31 were at the time of signing the petition qualified primary
32 voters for which the nomination is sought.

33 In the affidavit at the bottom of each petition sheet, the
34 petition circulator shall either (1) indicate the dates on
35 which he or she circulated that sheet, or (2) indicate the
36 first and last dates on which the sheet was circulated, or (3)

1 certify that none of the signatures on the sheet were signed
2 more than 90 days preceding the last day for the filing of the
3 petition. No petition sheet shall be circulated more than 90
4 days preceding the last day provided in Section 8-9 for the
5 filing of such petition.

6 All petition sheets which are filed with the State Board of
7 Elections shall be the original sheets which have been signed
8 by the voters and by the circulator, and not photocopies or
9 duplicates of such sheets.

10 The person circulating the petition, or the candidate on
11 whose behalf the petition is circulated, may strike any
12 signature from the petition, provided that:

13 (1) the person striking the signature shall initial the
14 petition at the place where the signature is struck; and

15 (2) the person striking the signature shall sign a
16 certification listing the page number and line number of
17 each signature struck from the petition. Such
18 certification shall be filed as a part of the petition.

19 (Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99;
20 92-129, eff. 7-20-01.)

21 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

22 Sec. 9-1.4. "Contribution" means-

23 (1) a gift, subscription, donation, dues, loan, advance, or
24 deposit of money or anything of value, knowingly received in
25 connection with the nomination for election, or election, of
26 any person to public office, in connection with the election of
27 any person as ward or township committeeman in counties of
28 3,000,000 or more population, or in connection with any
29 question of public policy;

30 (1.5) a gift, subscription, donation, dues, loan, advance,
31 deposit of money, or anything of value that constitutes an
32 electioneering communication regardless of whether the
33 communication is made in concert or cooperation with or at the
34 request, suggestion, or knowledge of a candidate, a candidate's
35 authorized local political committee, a State political

1 committee, a political committee in support of or opposition to
2 a question of public policy, or any of their agents;

3 (2) the purchase of tickets for fund-raising events,
4 including but not limited to dinners, luncheons, cocktail
5 parties, and rallies made in connection with the nomination for
6 election, or election, of any person to public office, in
7 connection with the election of any person as ward or township
8 committeeman in counties of 3,000,000 or more population, or in
9 connection with any question of public policy;

10 (3) a transfer of funds between political committees; and

11 (4) the services of an employee donated by an employer, in
12 which case the contribution shall be listed in the name of the
13 employer, except that any individual services provided
14 voluntarily and without promise or expectation of compensation
15 from any source shall not be deemed a contribution; but

16 (5) does not include--

17 (a) the use of real or personal property and the cost
18 of invitations, food, and beverages, voluntarily provided
19 by an individual in rendering voluntary personal services
20 on the individual's residential premises for
21 candidate-related activities; provided the value of the
22 service provided does not exceed an aggregate of \$150 in a
23 reporting period;

24 (b) the sale of any food or beverage by a vendor for
25 use in a candidate's campaign at a charge less than the
26 normal comparable charge, if such charge for use in a
27 candidate's campaign is at least equal to the cost of such
28 food or beverage to the vendor.

29 (Source: P.A. 89-405, eff. 11-8-95.)

30 (10 ILCS 5/9-1.14)

31 Sec. 9-1.14. Electioneering communication defined.

32 (a) "Electioneering communication" means, for the purposes
33 of this Article, any form of communication, in whatever medium,
34 including but not limited to a newspaper, radio, television, or
35 Internet communication, that (1) refers to a clearly identified

1 candidate or candidates who will appear on the ballot, refers
2 to a clearly identified political party, or refers to a clearly
3 identified question of public policy that will appear on the
4 ballot and (2) is made within (i) 60 days before a general
5 election or consolidated election or (ii) 30 days before a
6 primary election.

7 (b) "Electioneering communication" does not include:

8 (1) A communication, other than an advertisement,
9 appearing in a news story, commentary, or editorial
10 distributed through the facilities of any legitimate news
11 organization, unless the facilities are owned or
12 controlled by any political party, political committee, or
13 candidate.

14 (2) A communication made solely to promote a candidate
15 debate or forum that is made by or on behalf of the person
16 sponsoring the debate or forum.

17 (3) A communication made as part of a non-partisan
18 activity designed to encourage individuals to vote or to
19 register to vote.

20 (4) A communication by an organization operating and
21 remaining in good standing under Section 501(c)(3) of the
22 Internal Revenue Code of 1986.

23 (5) A communication exclusively between a labor
24 organization, as defined under federal or State law, and
25 its members.

26 (6) A communication exclusively between an
27 organization formed under Section 501(c)(6) of the
28 Internal Revenue Code and its members.

29 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
30 93-847, eff. 7-30-04.)

31 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

32 Sec. 9-3. Every state political committee and every local
33 political committee shall file with the State Board of
34 Elections, and every local political committee shall file with
35 the county clerk, a statement of organization within 10

1 business days of the creation of such committee, except any
2 political committee created within the 30 days before an
3 election shall file a statement of organization within 5
4 business days. A political committee that acts as both a state
5 political committee and a local political committee shall file
6 a copy of each statement of organization with the State Board
7 of Elections and the county clerk. The Board shall impose a
8 civil penalty of \$25 per business day upon political committees
9 for failing to file or late filing of a statement of
10 organization, except that for committees formed to support
11 candidates for statewide office, the civil penalty shall be \$50
12 per business day. Such penalties shall not exceed \$5,000, and
13 shall not exceed \$10,000 for statewide office political
14 committees. There shall be no fine if the statement is mailed
15 and postmarked at least 72 hours prior to the filing deadline.

16 In addition to the civil penalties authorized by this
17 Section, the State Board of Elections or any other affected
18 political committee may apply to the circuit court for a
19 temporary restraining order or a preliminary or permanent
20 injunction against the political committee to cease the
21 expenditure of funds and to cease operations until the
22 statement of organization is filed.

23 For the purpose of this Section, "statewide office" means
24 the Governor, Lieutenant Governor, Secretary of State,
25 Attorney General, State Treasurer, and State Comptroller.

26 The statement of organization shall include -

27 (a) the name and address of the political committee (the
28 name of the political committee must include the name of any
29 sponsoring entity);

30 (b) the scope, area of activity, party affiliation,
31 candidate affiliation and his county of residence, and purposes
32 of the political committee;

33 (c) the name, address, and position of each custodian of
34 the committee's books and accounts;

35 (d) the name, address, and position of the committee's
36 principal officers, including the chairman, treasurer, and

1 officers and members of its finance committee, if any;

2 (e) (Blank);

3 (f) a statement of what specific disposition of residual
4 fund will be made in the event of the dissolution or
5 termination of the committee;

6 (g) a listing of all banks or other financial institutions,
7 safety deposit boxes, and any other repositories or custodians
8 of funds used by the committee;

9 (h) the amount of funds available for campaign expenditures
10 as of the filing date of the committee's statement of
11 organization.

12 For purposes of this Section, a "sponsoring entity" is (i)
13 any person, political committee, organization, corporation, or
14 association that contributes at least 33% of the total funding
15 of the political committee or (ii) any person or other entity
16 that is registered or is required to register under the
17 Lobbyist Registration Act and contributes at least 33% of the
18 total funding of the political committee; except that a
19 political committee is not a "sponsoring entity" for purposes
20 of this Section if it is a political committee organized by (i)
21 an established political party as defined in Section 10-2, (ii)
22 a partisan caucus of either house of the General Assembly, or
23 (iii) the Speaker or Minority Leader of the House of
24 Representatives or the President or Minority Leader of the
25 Senate, in his or her capacity as a legislative leader of the
26 House of Representatives or Senate and not as a candidate for
27 Representative or Senator.

28 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03.)

29 (10 ILCS 5/9-7.5)

30 Sec. 9-7.5. Nonprofit organization registration and
31 disclosure.

32 (a) Each nonprofit organization, except for a labor union,
33 ~~(i) registered under the Lobbyist Registration Act or for which~~
34 ~~lobbying is undertaken by persons registered under that Act,~~
35 ~~(ii) that has not established a political committee, and (iii)~~

1 that accepts contributions, makes contributions, or makes
2 expenditures during any 12-month period in an aggregate amount
3 exceeding \$5,000 (I) on behalf of or in opposition to public
4 officials, candidates for public office, or a question of
5 public policy or (II) for electioneering communications ~~and~~
6 ~~(II) for the purpose of influencing legislative, executive, or~~
7 ~~administrative action as defined in the Lobbyist Registration~~
8 ~~Act~~ shall register with the State Board of Elections. The Board
9 by rule shall prescribe the registration procedure and form.
10 The registration form shall require the following information:

11 (1) The registrant's name, address, and purpose.

12 (2) The name, address, and position of each custodian
13 of the registrant's financial books, accounts, and
14 records.

15 (3) The name, address, and position of each of the
16 registrant's principal officers.

17 (b) Each nonprofit organization required to register under
18 subsection (a) shall file contribution and expenditure reports
19 with the Board. The Board by rule shall prescribe the form,
20 which shall require the following information:

21 (1) The organization's name, address, and purpose.

22 (2) The amount of funds on hand at the beginning of the
23 reporting period.

24 (3) The full name and address of each person who has
25 made one or more contributions to or for the organization
26 within the reporting period in an aggregate amount or value
27 in excess of \$150, together with the amount and date of the
28 contributions, and if a contributor is an individual who
29 contributed more than \$500, the occupation and employer of
30 the contributor or, if the occupation and employer of the
31 contributor are unknown, a statement that the organization
32 has made a good faith effort to ascertain this information.

33 (4) The total sum of individual contributions made to
34 or for the organization during the reporting period and not
35 reported in item (3).

36 (5) The name and address of each organization and

1 political committee from which the reporting organization
2 received, or to which that organization made, any transfer
3 of funds in an aggregate amount or value in excess of \$150,
4 together with the amounts and dates of the transfers.

5 (6) The total sum of transfers made to or from the
6 organization during the reporting period and not reported
7 in item (5).

8 (7) Each loan to or from any person within the
9 reporting period by or to the organization in an aggregate
10 amount or value in excess of \$150, together with the full
11 names and mailing addresses of the lender and endorsers, if
12 any, and the date and amount of the loans, and if a lender
13 or endorser is an individual who loaned or endorsed a loan
14 of more than \$500, the occupation and employer of the
15 individual or, if the occupation and employer of the
16 individual are unknown, a statement that the organization
17 has made a good faith effort to ascertain this information.

18 (8) The total amount of proceeds received by the
19 organization from (i) the sale of tickets for each dinner,
20 luncheon, cocktail party, rally, and other fundraising
21 event, (ii) mass collections made at those events, and
22 (iii) sales of items such as buttons, badges, flags,
23 emblems, hats, banners, literature, and similar materials.

24 (9) Each contribution, rebate, refund, or other
25 receipt in excess of \$150 received by the organization not
26 otherwise listed under items (3) through (8), and if a
27 contributor is an individual who contributed more than
28 \$500, the occupation and employer of the contributor or, if
29 the occupation and employer of the contributor are unknown,
30 a statement that the organization has made a good faith
31 effort to ascertain this information.

32 (10) The total sum of all receipts by or for the
33 organization during the reporting period.

34 (11) The full name and mailing address of each person
35 to whom expenditures have been made by the organization
36 within the reporting period in an aggregate amount or value

1 in excess of \$150, the amount, date, and purpose of each
2 expenditure, and the question of public policy on behalf of
3 which the expenditure was made.

4 (12) The full name and mailing address of each person
5 to whom an expenditure for personal services, salaries, and
6 reimbursed expenses in excess of \$150 has been made and
7 which is not otherwise reported, including the amount,
8 date, and purpose of the expenditure.

9 (13) The total sum of expenditures made by the
10 organization during the reporting period.

11 (14) The full name and mailing address of each person
12 to whom the organization owes debts or obligations in
13 excess of \$150 and the amount of the debts or obligations.

14 The State Board by rule shall define a "good faith effort".

15 (c) The reports required under subsection (b) shall be
16 filed at the same times and for the same reporting periods as
17 reports of campaign contributions and semi-annual reports of
18 campaign contributions and expenditures required by this
19 Article of political committees. The reports required under
20 subsection (b) shall be available for public inspection and
21 copying in the same manner as reports filed by political
22 committees. The Board may charge a fee that covers the costs of
23 copying and distribution, if any.

24 (d) An organization required to file reports under
25 subsection (b) shall include a statement on all literature and
26 advertisements soliciting funds stating the following:

27 "A copy of our report filed with the State Board of
28 Elections is (or will be) available for purchase from the State
29 Board of Elections, Springfield, Illinois".

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (10 ILCS 5/9-9.5)

32 Sec. 9-9.5. Disclosures in political communications. Any
33 political committee, organized under the Election Code, that
34 makes an expenditure for a pamphlet, circular, handbill,
35 Internet or telephone communication, radio, television, or

1 print advertisement, or other communication directed at voters
2 and mentioning the name of a candidate in the next upcoming
3 election shall ensure that the name of the political committee
4 paying for any part of the communication, including, but not
5 limited to, its preparation and distribution, is identified
6 clearly within the communication as the payor. This Section
7 does not apply to items that are too small to contain the
8 required disclosure. Nothing in this Section shall require
9 disclosure on any telephone communication using random
10 sampling or other scientific survey methods to gauge public
11 opinion for or against any candidate or question of public
12 policy.

13 Whenever any vendor or other person provides any of the
14 services listed in this Section, other than any telephone
15 communication using random sampling or other scientific survey
16 methods to gauge public opinion for or against any candidate or
17 question of public policy, the vendor or person shall keep and
18 maintain records showing the name and address of the person who
19 purchased or requested the services and the amount paid for the
20 services. The records required by this Section shall be kept
21 for a period of one year after the date upon which payment was
22 received for the services.

23 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04.)

24 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

25 Sec. 9-10. Financial reports.

26 (a) The treasurer of every state political committee and
27 the treasurer of every local political committee shall file
28 with the Board, and the treasurer of every local political
29 committee shall file with the county clerk, reports of campaign
30 contributions, and semi-annual reports of campaign
31 contributions and expenditures on forms to be prescribed or
32 approved by the Board. The treasurer of every political
33 committee that acts as both a state political committee and a
34 local political committee shall file a copy of each report with
35 the State Board of Elections and the county clerk. Entities

1 subject to Section 9-7.5 shall file reports required by that
2 Section at times provided in this Section and are subject to
3 the penalties provided in this Section.

4 (b) Reports of campaign contributions shall be filed no
5 later than the 15th day next preceding each election including
6 a primary election in connection with which the political
7 committee has accepted or is accepting contributions or has
8 made or is making expenditures. Such reports shall be complete
9 as of the 30th day next preceding each election including a
10 primary election. The Board shall assess a civil penalty not to
11 exceed \$5,000 for a violation of this subsection, except that
12 for State officers and candidates and political committees
13 formed for statewide office, the civil penalty may not exceed
14 \$10,000. The fine, however, shall not exceed \$500 for a first
15 filing violation for filing less than 10 days after the
16 deadline. There shall be no fine if the report is mailed and
17 postmarked at least 72 hours prior to the filing deadline. For
18 the purpose of this subsection, "statewide office" and "State
19 officer" means the Governor, Lieutenant Governor, Attorney
20 General, Secretary of State, Comptroller, and Treasurer.
21 However, a continuing political committee that does not make
22 ~~neither accepts contributions nor makes~~ expenditures in excess
23 of \$500 on behalf of or in opposition to any candidate or
24 public question on the ballot at an election shall not be
25 required to file the reports heretofore prescribed but may file
26 in lieu thereof a Statement of Nonparticipation in the Election
27 with the Board or the Board and the county clerk; except that
28 if the political committee, by the terms of its statement of
29 organization filed in accordance with this Article, is
30 organized to support or oppose a candidate or public question
31 on the ballot at the next election or primary, that committee
32 must file reports required by this subsection (b) and by
33 subsection (b-5).

34 (b-5) Notwithstanding the provisions of subsection (b) and
35 Section 1.25 of the Statute on Statutes, any contribution of
36 more than \$500 received in the interim between the last date of

1 the period covered by the last report filed under subsection
2 (b) prior to the election and the date of the election shall be
3 filed with and must actually be received by the State Board of
4 Elections within 2 business days after receipt of such
5 contribution. The State Board shall allow filings of reports of
6 contributions of more than \$500 under this subsection (b-5) by
7 political committees that are not required to file
8 electronically to be made by facsimile transmission. For the
9 purpose of this subsection, a contribution is considered
10 received on the date the public official, candidate, or
11 political committee (or equivalent person in the case of a
12 reporting entity other than a political committee) actually
13 receives it or, in the case of goods or services, 2 business
14 days after the date the public official, candidate, committee,
15 or other reporting entity receives the certification required
16 under subsection (b) of Section 9-6. Failure to report each
17 contribution is a separate violation of this subsection. In the
18 final disposition of any matter by the Board on or after the
19 effective date of this amendatory Act of the 93rd General
20 Assembly, the Board may impose fines for violations of this
21 subsection not to exceed 100% of the total amount of the
22 contributions that were untimely reported, but in no case when
23 a fine is imposed shall it be less than 10% of the total amount
24 of the contributions that were untimely reported. When
25 considering the amount of the fine to be imposed, the Board
26 shall consider, but is not limited to, the following factors:

27 (1) whether in the Board's opinion the violation was
28 committed inadvertently, negligently, knowingly, or
29 intentionally;

30 (2) the number of days the contribution was reported
31 late; and

32 (3) past violations of Sections 9-3 and 9-10 of this
33 Article by the committee.

34 (c) In addition to such reports the treasurer of every
35 political committee shall file semi-annual reports of campaign
36 contributions and expenditures no later than July 31st,

1 covering the period from January 1st through June 30th
2 immediately preceding, and no later than January 31st, covering
3 the period from July 1st through December 31st of the preceding
4 calendar year. Reports of contributions and expenditures must
5 be filed to cover the prescribed time periods even though no
6 contributions or expenditures may have been received or made
7 during the period. The Board shall assess a civil penalty not
8 to exceed \$5,000 for a violation of this subsection, except
9 that for State officers and candidates and political committees
10 formed for statewide office, the civil penalty may not exceed
11 \$10,000. The fine, however, shall not exceed \$500 for a first
12 filing violation for filing less than 10 days after the
13 deadline. There shall be no fine if the report is mailed and
14 postmarked at least 72 hours prior to the filing deadline. For
15 the purpose of this subsection, "statewide office" and "State
16 officer" means the Governor, Lieutenant Governor, Attorney
17 General, Secretary of State, Comptroller, and Treasurer.

18 (c-5) A political committee that acts as either (i) a State
19 and local political committee or (ii) a local political
20 committee and that files reports electronically under Section
21 9-28 is not required to file copies of the reports with the
22 appropriate county clerk if the county clerk has a system that
23 permits access to, and duplication of, reports that are filed
24 with the State Board of Elections. A State and local political
25 committee or a local political committee shall file with the
26 county clerk a copy of its statement of organization pursuant
27 to Section 9-3.

28 (d) A copy of each report or statement filed under this
29 Article shall be preserved by the person filing it for a period
30 of two years from the date of filing.

31 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
32 revised 12-17-03.)

33 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

34 Sec. 10-9. The following electoral boards are designated
35 for the purpose of hearing and passing upon the objector's

1 petition described in Section 10-8.

2 1. The State Board of Elections will hear and pass upon
3 objections to the nominations of candidates for State offices,
4 nominations of candidates for congressional, legislative and
5 judicial offices of districts, subcircuits, or circuits
6 situated in more than one county, nominations of candidates for
7 the offices of State's attorney or regional superintendent of
8 schools to be elected from more than one county, and petitions
9 for proposed amendments to the Constitution of the State of
10 Illinois as provided for in Section 3 of Article XIV of the
11 Constitution.

12 2. The county officers electoral board to hear and pass
13 upon objections to the nominations of candidates for county
14 offices, for congressional, legislative and judicial offices
15 of a district, subcircuit, or circuit coterminous with or less
16 than a county, for school trustees to be voted for by the
17 electors of the county or by the electors of a township of the
18 county, for the office of multi-township assessor where
19 candidates for such office are nominated in accordance with
20 this Code, and for all special district offices, shall be
21 composed of the county clerk, or an assistant designated by the
22 county clerk, the State's attorney of the county or an
23 Assistant State's Attorney designated by the State's Attorney,
24 and the clerk of the circuit court, or an assistant designated
25 by the clerk of the circuit court, of the county, of whom the
26 county clerk or his designee shall be the chairman, except that
27 in any county which has established a county board of election
28 commissioners that board shall constitute the county officers
29 electoral board ex-officio.

30 3. The municipal officers electoral board to hear and pass
31 upon objections to the nominations of candidates for officers
32 of municipalities shall be composed of the mayor or president
33 of the board of trustees of the city, village or incorporated
34 town, and the city, village or incorporated town clerk, and one
35 member of the city council or board of trustees, that member
36 being designated who is eligible to serve on the electoral

1 board and has served the greatest number of years as a member
2 of the city council or board of trustees, of whom the mayor or
3 president of the board of trustees shall be the chairman.

4 4. The township officers electoral board to pass upon
5 objections to the nominations of township officers shall be
6 composed of the township supervisor, the town clerk, and that
7 eligible town trustee elected in the township who has had the
8 longest term of continuous service as town trustee, of whom the
9 township supervisor shall be the chairman.

10 5. The education officers electoral board to hear and pass
11 upon objections to the nominations of candidates for offices in
12 school or community college districts shall be composed of the
13 presiding officer of the school or community college district
14 board, who shall be the chairman, the secretary of the school
15 or community college district board and the eligible elected
16 school or community college board member who has the longest
17 term of continuous service as a board member.

18 6. In all cases, however, where the Congressional or
19 Legislative district is wholly within the jurisdiction of a
20 board of election commissioners and in all cases where the
21 school district or special district is wholly within the
22 jurisdiction of a municipal board of election commissioners and
23 in all cases where the municipality or township is wholly or
24 partially within the jurisdiction of a municipal board of
25 election commissioners, the board of election commissioners
26 shall ex-officio constitute the electoral board.

27 For special districts situated in more than one county, the
28 county officers electoral board of the county in which the
29 principal office of the district is located has jurisdiction to
30 hear and pass upon objections. For purposes of this Section,
31 "special districts" means all political subdivisions other
32 than counties, municipalities, townships and school and
33 community college districts.

34 In the event that any member of the appropriate board is a
35 candidate for the office with relation to which the objector's
36 petition is filed, he shall not be eligible to serve on that

1 board and shall not act as a member of the board and his place
2 shall be filled as follows:

3 a. In the county officers electoral board by the county
4 treasurer, and if he or she is ineligible to serve, by the
5 sheriff of the county.

6 b. In the municipal officers electoral board by the
7 eligible elected city council or board of trustees member
8 who has served the second greatest number of years as a
9 city council or board of trustees member.

10 c. In the township officers electoral board by the
11 eligible elected town trustee who has had the second
12 longest term of continuous service as a town trustee.

13 d. In the education officers electoral board by the
14 eligible elected school or community college district
15 board member who has had the second longest term of
16 continuous service as a board member.

17 In the event that the chairman of the electoral board is
18 ineligible to act because of the fact that he is a candidate
19 for the office with relation to which the objector's petition
20 is filed, then the substitute chosen under the provisions of
21 this Section shall be the chairman; In this case, the officer
22 or board with whom the objector's petition is filed, shall
23 transmit the certificate of nomination or nomination papers as
24 the case may be, and the objector's petition to the substitute
25 chairman of the electoral board.

26 When 2 or more eligible individuals, by reason of their
27 terms of service on a city council or board of trustees,
28 township board of trustees, or school or community college
29 district board, qualify to serve on an electoral board, the one
30 to serve shall be chosen by lot.

31 Any vacancies on an electoral board not otherwise filled
32 pursuant to this Section shall be filled by public members
33 appointed by the Chief Judge of the Circuit Court for the
34 county wherein the electoral board hearing is being held upon
35 notification to the Chief Judge of such vacancies. The Chief
36 Judge shall be so notified by a member of the electoral board

1 or the officer or board with whom the objector's petition was
2 filed. In the event that none of the individuals designated by
3 this Section to serve on the electoral board are eligible, the
4 chairman of an electoral board shall be designated by the Chief
5 Judge.

6 (Source: P.A. 87-570.)

7 (10 ILCS 5/12-1) (from Ch. 46, par. 12-1)

8 Sec. 12-1. At least 60 days prior to each general and
9 consolidated election, the election authority shall provide
10 public notice, calculated to reach elderly and handicapped
11 voters, of the availability of registration and voting aids
12 under the Federal Voting Accessibility for the Elderly and
13 Handicapped Act, of the availability of assistance in marking
14 the ballot, ~~and~~ procedures for voting by absentee ballot, and
15 procedures for voting early by personal appearance.

16 At least 30 days before any general election, and at least
17 20 days before any special congressional election, the county
18 clerk shall publish a notice of the election in 2 or more
19 newspapers published in the county, city, village,
20 incorporated town or town, as the case may be, or if there is
21 no such newspaper, then in any 2 or more newspapers published
22 in the county and having a general circulation throughout the
23 community. The notice may be substantially as follows:

24 Notice is hereby given that on (give date), at (give the
25 place of holding the election and the name of the precinct or
26 district) in the county of (name county), an election will be
27 held for (give the title of the several offices to be filled),
28 which election will be open at 6:00 a.m. and continued open
29 until 7:00 p.m. of that day.

30 Dated at on (insert date).

31 (Source: P.A. 90-358, eff. 1-1-98; 91-357, eff. 7-29-99.)

32 (10 ILCS 5/Art. 12A heading new)

33 ARTICLE 12A.

34 VOTERS' GUIDES

1 (10 ILCS 5/12A-2 new)

2 Sec. 12A-2. Definitions. As used in this Article, unless
3 the context otherwise requires:

4 "Board" means the State Board of Elections.

5 "Internet Guide" refers to information disseminated by the
6 State Board of Elections on a website, pursuant to Section
7 12A-5.

8 "Local election authority" means a county clerk or board of
9 election commissioners.

10 "Public question" or "question" means any question,
11 proposition, or referendum submitted to the voters under
12 Article 28 of this Code.

13 "Statewide candidate" means any candidate who runs for a
14 statewide office, including Governor, Lieutenant Governor,
15 Attorney General, Secretary of State, Treasurer, Comptroller,
16 United States President, or United States Senator.

17 "Voters' guide" means any information disseminated by the
18 State Board of Elections pursuant to Section 12A-5.

19 (10 ILCS 5/12A-5 new)

20 Sec. 12A-5. Internet Guide. The Board shall publish, no
21 later than the 45th day before a general election in which a
22 statewide candidate appears on the ballot, an Internet website
23 with the following information:

24 (1) The date and time of the general election.

25 (2) Requirements for a citizen to qualify as an
26 elector.

27 (3) The deadline for registering as an elector in the
28 State of Illinois for the next election.

29 (4) Contact information for local election
30 authorities.

31 (5) A description of the following offices, when they
32 appear on the ballot, including their term of office, basic
33 duties, and base salary: United States President, United
34 States Senator, United States Representative, Governor,

1 Lieutenant Governor, Attorney General, Secretary of State,
2 Treasurer, Comptroller, Illinois Supreme Court Judge, and
3 Illinois Appellate Court Judge. The Board shall not include
4 information on any office other than the offices listed in
5 this item (5).

6 (6) The names and party affiliations of qualified
7 candidates for the following offices, when these offices
8 appear on the ballot: United States President, United
9 States Senator, United States Representative, Governor,
10 Lieutenant Governor, Attorney General, Secretary of State,
11 Treasurer, Comptroller, Illinois Supreme Court Judge, and
12 Illinois Appellate Court Judge. The Board shall not include
13 information on candidates for any office other than the
14 offices listed in this item (6).

15 (7) Challenged candidates. Where a candidate's right
16 to appear on the general election ballot has been
17 challenged, and any appeal remains pending regarding those
18 challenges, the challenged candidate may appear on the
19 Internet Guide, subject to the other provisions of Section
20 12A-10. In this instance, the Board may note that the
21 candidate's candidacy has been challenged and that he or
22 she may be removed from the ballot prior to election day.
23 If the candidate is removed from the ballot prior to
24 election day, the Board shall remove the candidate's name
25 and other information from the Internet Guide.

26 (8) Any personal statement and photograph submitted by
27 a candidate named in the Internet Guide, subject to
28 Sections 12A-10 and 12A-35.

29 (9) A means by which an elector may determine what type
30 of balloting equipment is used by his or her local election
31 authority, and the instructions for properly using that
32 equipment.

33 (10) The text of any public question that may appear on
34 the ballot.

35 (11) A mechanism by which electors may determine in
36 which congressional and judicial districts they reside.

1 The Internet Guide shall allow visitors to search for
2 candidates by office (e.g., Governor or United States
3 Senator) and candidate's name.

4 (12) Information concerning how to become an election
5 judge.

6 The Board shall archive the contents of the Internet Guide
7 for a period of at least 5 years.

8 In addition, the Board has the discretion to publish a
9 voters' guide before a general primary election in the manner
10 provided in this Article.

11 (10 ILCS 5/12A-10 new)

12 Sec. 12A-10. Candidate statements and photographs in the
13 Internet Guide.

14 (a) Any candidate whose name appears in the Internet Guide
15 may submit a written statement and a photograph to appear in
16 the Internet Guide, provided that:

17 (1) No personal statement may exceed a brief biography
18 (name, age, education, and current employment) and an
19 additional 400 words.

20 (2) Personal statements may include contact
21 information for the candidate, including the address and
22 phone number of the campaign headquarters, and the
23 candidate's website.

24 (3) Personal statements may not mention a candidate's
25 opponents by name.

26 (4) No personal statement may include language that may
27 not be legally sent through the mail.

28 (5) The photograph shall be a conventional photograph
29 with a plain background and show only the face, or the
30 head, neck, and shoulders, of the candidate.

31 (6) The photograph shall not (i) show the candidate's
32 hands, anything in the candidate's hands, or the candidate
33 wearing a judicial robe, a hat, or a military, police, or
34 fraternal uniform or (ii) include the uniform or insignia
35 of any organization.

1 (b) The Board must note in the text of the Internet Guide
2 that personal statements were submitted by the candidate or his
3 or her designee and were not edited by the Board.

4 (c) Where a candidate declines to submit a statement, the
5 Board may note that the candidate declined to submit a
6 statement.

7 (d) The candidate must pay \$600 for inclusion of his or her
8 personal statement and photograph, and the Board shall not
9 include photographs or statements from candidates who do not
10 pay the fee. The Board may adopt rules for refunding that fee
11 at the candidate's request, provided that the Board may not
12 include a statement or photograph from a candidate who has
13 requested a refund of a fee. Fees collected pursuant to this
14 subsection shall be deposited into the Voters' Guide Fund, a
15 special fund created in the State treasury. Moneys in the
16 Voters' Guide Fund shall be appropriated solely to the State
17 Board of Elections for use in the implementation and
18 administration of this Article 12A.

19 (e) Anyone other than the candidate submitting a statement
20 or photograph from a candidate must attest that he or she is
21 doing so on behalf and at the direction of the candidate. The
22 Board may assess a civil fine of no more than \$1,000 against a
23 person or entity who falsely submits a statement or photograph
24 not authorized by the candidate.

25 (f) Nothing in this Article makes the author of any
26 statement exempt from any civil or criminal action because of
27 any defamatory statements offered for posting or contained in
28 the Internet Guide. The persons writing, signing, or offering a
29 statement for inclusion in the Internet Guide are deemed to be
30 its authors and publishers, and the Board shall not be liable
31 in any case or action relating to the content of any material
32 submitted by any candidate.

33 (g) The Board may set reasonable deadlines for the
34 submission of personal statements and photographs, provided
35 that a deadline may not be less than 5 business days after the
36 last day for filing new party petitions.

1 (h) The Board may set formats for the submission of
2 statements and photographs. The Board may require that
3 statements and photographs are submitted in an electronic
4 format.

5 (i) Fees and fines collected pursuant to subsections (d)
6 and (e), respectively, of this Section shall be deposited into
7 the Voters' Guide Fund, a special fund created in the State
8 treasury. Moneys in the Voters' Guide Fund shall be
9 appropriated solely to the State Board of Elections for use in
10 the implementation and administration of this Article 12A.

11 (10 ILCS 5/12A-15 new)

12 Sec. 12A-15. Language. The Board may translate all of the
13 material it is required to provide for the Internet Guide into
14 other languages as it deems necessary to comply with the
15 federal Voting Rights Act or at its discretion. Visitors to the
16 site shall have the option of viewing the Guide in all
17 languages into which the Guide has been translated. Candidates
18 may, at their option and expense, submit statements in
19 languages other than English. The Board shall not be
20 responsible for translating candidate statements.

21 (10 ILCS 5/12A-35 new)

22 Sec. 12A-35. Board's review of candidate photograph and
23 statement; procedure for revision.

24 (a) If a candidate files a photograph and statement under
25 item (8) of Section 12A-5 in a voters' guide, the Board shall
26 review the photograph and statement to ensure that they comply
27 with the requirements of Section 12A-10. Review by the Board
28 under this Section shall be limited to determining whether the
29 photograph and statement comply with the requirements of
30 Section 12A-10 and may not include any determination relating
31 to the accuracy or truthfulness of the substance or contents of
32 the materials filed.

33 (b) The Board shall review each photograph and statement
34 not later than 3 business days following the deadline for

1 filing a photograph and statement. If the Board determines that
2 the photograph or statement of a candidate must be revised in
3 order to comply with the requirements of Section 12A-10, the
4 Board shall attempt to contact the candidate not later than the
5 5th day after the deadline for filing a photograph and
6 statement. A candidate contacted by the Board under this
7 Section may file a revised photograph or statement no later
8 than the 7th business day following the deadline for filing a
9 photograph and statement.

10 (c) If the Board is required to attempt to contact a
11 candidate under subsection (b) of this Section, the Board shall
12 attempt to contact the candidate by telephone or by using an
13 electronic transmission facsimile machine, if such contact
14 information is provided by the candidate.

15 (d) If the Board is unable to contact a candidate, if the
16 candidate does not file a revised photograph or statement, or
17 if the revised filing under subsection (b) again fails to meet
18 the standards of review set by the Board:

19 (1) If a photograph does not comply with Section
20 12A-10, the Board may modify the photograph. The candidate
21 shall pay the expense of any modification before
22 publication of the photograph in the voters' guide. If the
23 photograph cannot be modified to comply with Section
24 12A-10, the photograph shall not be printed in the guide.

25 (2) If a statement does not comply with Section 12A-10,
26 the statement shall not be published in the voters' guide.

27 (e) If the photograph or statement of a candidate filed
28 under item (8) of Section 12A-5 does not comply with a
29 requirement of Section 12A-10 and the Board does not attempt to
30 contact the candidate by the deadline specified in subsection
31 (b) of this Section, then, for purposes of this Section only,
32 the photograph or statement shall be published as filed.

33 (f) A candidate revising a photograph or statement under
34 this Section shall make only those revisions necessary to
35 comply with Section 12A-10.

36 (g) The Board may by rule define the term "contact" as used

1 in this Section.

2 (10 ILCS 5/12A-40 new)

3 Sec. 12A-40. Exemption from public records laws.
4 Notwithstanding any other provision of law, materials filed by
5 a candidate, political party, political committee, or other
6 person for inclusion in a voters' guide are exempt from public
7 inspection until the 4th business day after the final date for
8 filing the materials.

9 (10 ILCS 5/12A-45 new)

10 Sec. 12A-45. Material submitted for inclusion in any
11 voters' guide may not be admitted as evidence in any suit or
12 action against the Board to restrain or enjoin the publication
13 of a voters' guide.

14 (10 ILCS 5/12A-50 new)

15 Sec. 12A-50. Order of appearance within the guides. For all
16 guides disseminated by the Board, all information about offices
17 and candidates on the ballot shall be listed together in the
18 same part of the guide or insert. All candidates for one
19 office, together with their statements and photographs if any,
20 shall be listed before information on other offices and
21 candidates is listed. To the extent possible, offices and
22 candidates shall be listed in the same order in which they
23 appear on the ballot.

24 (10 ILCS 5/12A-55 new)

25 Sec. 12A-55. Constitutional issues. If a constitutional
26 amendment appears on the ballot, the contents of the pamphlet
27 issued by the Secretary of State under Section 2 of the
28 Illinois Constitutional Amendment Act may be included in any
29 guide issued by the Board.

30 (10 ILCS 5/13-2.5 new)

31 Sec. 13-2.5. Time off from work to serve as election judge.

1 Any person who is appointed as an election judge under Section
2 13-1 or 13-2 may, after giving his or her employer at least 20
3 days' written notice, be absent from his or her place of work
4 for the purpose of serving as an election judge. An employer
5 may not penalize an employee for that absence other than a
6 deduction in salary for the time the employee was absent from
7 his or her place of employment.

8 This Section does not apply to an employer with fewer than
9 25 employees. An employer with more than 25 employees shall not
10 be required to permit more than 10% of the employees to be
11 absent under this Section on the same election day.

12 (10 ILCS 5/14-4.5 new)

13 Sec. 14-4.5. Time off from work to serve as election judge.
14 Any person who is appointed as an election judge under Section
15 13-1 or 13-2 may, after giving his or her employer at least 20
16 days' written notice, be absent from his or her place of work
17 for the purpose of serving as an election judge. An employer
18 may not penalize an employee for that absence other than a
19 deduction in salary for the time the employee was absent from
20 his or her place of employment.

21 This Section does not apply to an employer with fewer than
22 25 employees. An employer with more than 25 employees shall not
23 be required to permit more than 10% of the employees to be
24 absent under this Section on the same election day.

25 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

26 Sec. 17-9. Any person desiring to vote shall give his name
27 and, if required to do so, his residence to the judges of
28 election, one of whom shall thereupon announce the same in a
29 loud and distinct tone of voice, clear, and audible; the judges
30 of elections shall check each application for ballot against
31 the list of voters registered in that precinct to whom absentee
32 or early ballots have been issued for that election, which
33 shall be provided by the election authority and which list
34 shall be available for inspection by pollwatchers. A voter

1 applying to vote in the precinct on election day whose name
2 appears on the list as having been issued an absentee or early
3 ballot shall not be permitted to vote in the precinct ~~unless~~
4 ~~that voter submits to the judges of election, for cancellation~~
5 ~~or revocation, his absentee ballot. In the case that the~~
6 ~~voter's absentee ballot is not present in the polling place, it~~
7 ~~shall be sufficient for any such voter to submit to the judges~~
8 ~~of election in lieu of his absentee ballot, either a portion of~~
9 ~~such ballot if torn or mutilated, an affidavit executed before~~
10 ~~the judges of election specifying that the voter never received~~
11 ~~an absentee ballot, or an affidavit executed before the judges~~
12 ~~of election specifying that the voter desires to cancel or~~
13 ~~revoke any absentee ballot that may have been cast in the~~
14 ~~voter's name.~~ All applicable provisions of Articles 4, 5 or 6
15 shall be complied with and if such name is found on the
16 register of voters by the officer having charge thereof, he
17 shall likewise repeat said name, and the voter shall be allowed
18 to enter within the proximity of the voting booths, as above
19 provided. One of the judges shall give the voter one, and only
20 one of each ballot to be voted at the election, on the back of
21 which ballots such judge shall indorse his initials in such
22 manner that they may be seen when each such ballot is properly
23 folded, and the voter's name shall be immediately checked on
24 the register list. In those election jurisdictions where
25 perforated ballot cards are utilized of the type on which
26 write-in votes can be cast above the perforation, the election
27 authority shall provide a space both above and below the
28 perforation for the judge's initials, and the judge shall
29 endorse his or her initials in both spaces. Whenever a proposal
30 for a constitutional amendment or for the calling of a
31 constitutional convention is to be voted upon at the election,
32 the separate blue ballot or ballots pertaining thereto shall,
33 when being handed to the voter, be placed on top of the other
34 ballots to be voted at the election in such manner that the
35 legend appearing on the back thereof, as prescribed in Section
36 16-6 of this Act, shall be plainly visible to the voter. At all

1 elections, when a registry may be required, if the name of any
 2 person so desiring to vote at such election is not found on the
 3 register of voters, he or she shall not receive a ballot until
 4 he or she shall have complied with the law prescribing the
 5 manner and conditions of voting by unregistered voters. If any
 6 person desiring to vote at any election shall be challenged, he
 7 or she shall not receive a ballot until he or she shall have
 8 established his right to vote in the manner provided
 9 hereinafter; and if he or she shall be challenged after he has
 10 received his ballot, he shall not be permitted to vote until he
 11 or she has fully complied with such requirements of the law
 12 upon being challenged. Besides the election officer, not more
 13 than 2 voters in excess of the whole number of voting booths
 14 provided shall be allowed within the proximity of the voting
 15 booths at one time. The provisions of this Act, so far as they
 16 require the registration of voters as a condition to their
 17 being allowed to vote shall not apply to persons otherwise
 18 entitled to vote, who are, at the time of the election, or at
 19 any time within 60 days prior to such election have been
 20 engaged in the military or naval service of the United States,
 21 and who appear personally at the polling place on election day
 22 and produce to the judges of election satisfactory evidence
 23 thereof, but such persons, if otherwise qualified to vote,
 24 shall be permitted to vote at such election without previous
 25 registration.

26 All such persons shall also make an affidavit which shall
 27 be in substantially the following form:

28 State of Illinois,)

29) ss.

30 County of)

31 Precinct Ward

32 I,, do solemnly swear (or affirm) that I am a citizen
 33 of the United States, of the age of 18 years or over, and that
 34 within the past 60 days prior to the date of this election at
 35 which I am applying to vote, I have been engaged in the
 36 (military or naval) service of the United States; and I am

1 qualified to vote under and by virtue of the Constitution and
 2 laws of the State of Illinois, and that I am a legally
 3 qualified voter of this precinct and ward except that I have,
 4 because of such service, been unable to register as a voter;
 5 that I now reside at (insert street and number, if any) in
 6 this precinct and ward; that I have maintained a legal
 7 residence in this precinct and ward for 30 days and in this
 8 State 30 days next preceding this election.

9

10 Subscribed and sworn to before me on (insert date).

11

12 Judge of Election.

13 The affidavit of any such person shall be supported by the
 14 affidavit of a resident and qualified voter of any such
 15 precinct and ward, which affidavit shall be in substantially
 16 the following form:

17 State of Illinois,)

18) ss.

19 County of)

20 Precinct Ward

21 I,, do solemnly swear (or affirm), that I am a
 22 resident of this precinct and ward and entitled to vote at this
 23 election; that I am acquainted with (name of the
 24 applicant); that I verily believe him to be an actual bona fide
 25 resident of this precinct and ward and that I verily believe
 26 that he or she has maintained a legal residence therein 30 days
 27 and in this State 30 days next preceding this election.

28

29 Subscribed and sworn to before me on (insert date).

30

31 Judge of Election.

32 All affidavits made under the provisions of this Section
 33 shall be enclosed in a separate envelope securely sealed, and
 34 shall be transmitted with the returns of the elections to the

1 county clerk or to the board of election commissioners, who
2 shall preserve the said affidavits for the period of 6 months,
3 during which period such affidavits shall be deemed public
4 records and shall be freely open to examination as such.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 (10 ILCS 5/17-15) (from Ch. 46, par. 17-15)

7 Sec. 17-15. Any person entitled to vote at a general or
8 special election or at any election at which propositions are
9 submitted to a popular vote in this State, shall, on the day of
10 such election, be entitled to absent himself from any services
11 or employment in which he is then engaged or employed, for a
12 period of 2 hours between the time of opening and closing the
13 polls; and such voter shall not because of so absenting himself
14 be liable to any penalty; Provided, however, that application
15 for such leave of absence shall be made prior to the day of
16 election. The employer may specify the hours during which said
17 employee may absent himself as aforesaid, except that the
18 employer must permit a 2-hour absence during working hours if
19 the employee's working hours begin less than 2 hours after the
20 opening of the polls and end less than 2 hours before the
21 closing of the polls. No person or corporation shall refuse to
22 an employee the privilege hereby conferred, nor shall subject
23 an employee to a penalty, including a reduction in compensation
24 due to an absence under this Section, because of the exercise
25 of such privilege, nor shall directly or indirectly violate the
26 provisions of this section.

27 (Source: Laws 1963, p. 2532.)

28 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

29 Sec. 17-23. Pollwatchers in a general election shall be
30 authorized in the following manner:

31 (1) Each established political party shall be entitled to
32 appoint two pollwatchers per precinct. Such pollwatchers must
33 be affiliated with the political party for which they are
34 pollwatching. For all elections, the pollwatchers must be

1 registered to vote in Illinois.

2 (2) Each candidate shall be entitled to appoint two
3 pollwatchers per precinct. For all elections, the pollwatchers
4 must be registered to vote in Illinois.

5 (3) Each organization of citizens within the county or
6 political subdivision, which has among its purposes or
7 interests the investigation or prosecution of election frauds,
8 and which shall have registered its name and address and the
9 name and addresses of its principal officers with the proper
10 election authority at least 40 days before the election, shall
11 be entitled to appoint one pollwatcher per precinct. For all
12 elections, the pollwatcher must be registered to vote in
13 Illinois.

14 (4) In any general election held to elect candidates for
15 the offices of a municipality of less than 3,000,000 population
16 that is situated in 2 or more counties, a pollwatcher who is a
17 resident of Illinois shall be eligible to serve as a
18 pollwatcher in any poll located within such municipality,
19 provided that such pollwatcher otherwise complies with the
20 respective requirements of subsections (1) through (3) of this
21 Section and is a registered voter in Illinois.

22 (5) Each organized group of proponents or opponents of a
23 ballot proposition, which shall have registered the name and
24 address of its organization or committee and the name and
25 address of its chairman with the proper election authority at
26 least 40 days before the election, shall be entitled to appoint
27 one pollwatcher per precinct. The pollwatcher must be
28 registered to vote in Illinois.

29 All pollwatchers shall be required to have proper
30 credentials. Such credentials shall be printed in sufficient
31 quantities, shall be issued by and under the facsimile
32 signature(s) of the election authority and shall be available
33 for distribution at least 2 weeks prior to the election. Such
34 credentials shall be authorized by the real or facsimile
35 signature of the State or local party official or the candidate
36 or the presiding officer of the civic organization or the

1 chairman of the proponent or opponent group, as the case may
2 be.

3 Pollwatcher credentials shall be in substantially the
4 following form:

5 POLLWATCHER CREDENTIALS

6 TO THE JUDGES OF ELECTION:

7 In accordance with the provisions of the Election Code, the
8 undersigned hereby appoints (name of pollwatcher)
9 who resides at (address) in the county of
10, (township or municipality) of
11 (name), State of Illinois and who is duly
12 registered to vote from this address, to act as a pollwatcher
13 in the precinct of the ward (if
14 applicable) of the (township or municipality) of
15 at the election to be held on (insert
16 date).

17 (Signature of Appointing Authority)
18 TITLE (party official, candidate,
19 civic organization president,
20 proponent or opponent group chairman)

21 Under penalties provided by law pursuant to Section 29-10
22 of the Election Code, the undersigned pollwatcher certifies
23 that he or she resides at (address) in the
24 county of, (township or municipality)
25 of (name), State of Illinois, and is duly
26 registered to vote in Illinois.

27
28 (Precinct and/or Ward in (Signature of Pollwatcher)
29 Which Pollwatcher Resides)

30 Pollwatchers must present their credentials to the Judges
31 of Election upon entering the polling place. Pollwatcher
32 credentials properly executed and signed shall be proof of the
33 qualifications of the pollwatcher authorized thereby. Such

1 credentials are retained by the Judges and returned to the
2 Election Authority at the end of the day of election with the
3 other election materials. Once a pollwatcher has surrendered a
4 valid credential, he may leave and reenter the polling place
5 provided that such continuing action does not disrupt the
6 conduct of the election. Pollwatchers may be substituted during
7 the course of the day, but established political parties,
8 candidates and qualified civic organizations can have only as
9 many pollwatchers at any given time as are authorized in this
10 Article. A substitute must present his signed credential to the
11 judges of election upon entering the polling place. Election
12 authorities must provide a sufficient number of credentials to
13 allow for substitution of pollwatchers. After the polls have
14 closed pollwatchers shall be allowed to remain until the
15 canvass of votes is completed; but may leave and reenter only
16 in cases of necessity, provided that such action is not so
17 continuous as to disrupt the canvass of votes.

18 Candidates seeking office in a district or municipality
19 encompassing 2 or more counties shall be admitted to any and
20 all polling places throughout such district or municipality
21 without regard to the counties in which such candidates are
22 registered to vote. Actions of such candidates shall be
23 governed in each polling place by the same privileges and
24 limitations that apply to pollwatchers as provided in this
25 Section. Any such candidate who engages in an activity in a
26 polling place which could reasonably be construed by a majority
27 of the judges of election as campaign activity shall be removed
28 forthwith from such polling place.

29 Candidates seeking office in a district or municipality
30 encompassing 2 or more counties who desire to be admitted to
31 polling places on election day in such district or municipality
32 shall be required to have proper credentials. Such credentials
33 shall be printed in sufficient quantities, shall be issued by
34 and under the facsimile signature of the election authority of
35 the election jurisdiction where the polling place in which the
36 candidate seeks admittance is located, and shall be available

1 for distribution at least 2 weeks prior to the election. Such
2 credentials shall be signed by the candidate.

3 Candidate credentials shall be in substantially the
4 following form:

5 CANDIDATE CREDENTIALS

6 TO THE JUDGES OF ELECTION:

7 In accordance with the provisions of the Election Code, I
8 (name of candidate) hereby certify that I am a candidate
9 for (name of office) and seek admittance to
10 precinct of the ward (if applicable) of the
11 (township or municipality) of at the election
12 to be held on (insert date).

13

14 (Signature of Candidate)

.....
OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

18 Pollwatchers shall be permitted to observe all proceedings
19 and view all reasonably requested records relating to the
20 conduct of the election, provided the secrecy of the ballot is
21 not impinged, and to station themselves in a position in the
22 voting room as will enable them to observe the judges making
23 the signature comparison between the voter application and the
24 voter registration record card; provided, however, that such
25 pollwatchers shall not be permitted to station themselves in
26 such close proximity to the judges of election so as to
27 interfere with the orderly conduct of the election and shall
28 not, in any event, be permitted to handle election materials.
29 Pollwatchers may challenge for cause the voting qualifications
30 of a person offering to vote and may call to the attention of
31 the judges of election any incorrect procedure or apparent
32 violations of this Code.

33 If a majority of the judges of election determine that the
34 polling place has become too overcrowded with pollwatchers so

1 as to interfere with the orderly conduct of the election, the
2 judges shall, by lot, limit such pollwatchers to a reasonable
3 number, except that each established or new political party
4 shall be permitted to have at least one pollwatcher present.

5 Representatives of an election authority, with regard to an
6 election under its jurisdiction, the State Board of Elections,
7 and law enforcement agencies, including but not limited to a
8 United States Attorney, a State's attorney, the Attorney
9 General, and a State, county, or local police department, in
10 the performance of their official election duties, shall be
11 permitted at all times to enter and remain in the polling
12 place. Upon entering the polling place, such representatives
13 shall display their official credentials or other
14 identification to the judges of election.

15 Uniformed police officers assigned to polling place duty
16 shall follow all lawful instructions of the judges of election.

17 The provisions of this Section shall also apply to
18 supervised casting of absentee ballots as provided in Section
19 19-12.2 of this Act.

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

21 (10 ILCS 5/17-100 new)

22 Sec. 17-100. Definition of a vote.

23 (a) Notwithstanding any law to the contrary, for the
24 purpose of this Article, a person casts a valid vote on a punch
25 card ballot when:

26 (1) A chad on the card has at least one corner detached
27 from the card;

28 (2) The fibers of paper on at least one edge of the
29 chad are broken in a way that permits unimpeded light to be
30 seen through the card; or

31 (3) An indentation on the chad from the stylus or other
32 object is present and indicates a clearly ascertainable
33 intent of the voter to vote based on the totality of the
34 circumstances, including but not limited to any pattern or
35 frequency of indentations on other ballot positions from

1 the same ballot card.

2 (b) Write-in votes shall be counted in a manner consistent
3 with the existing provisions of this Code.

4 (c) For purposes of this Section, a "chad" is that portion
5 of a ballot card that a voter punches or perforates with a
6 stylus or other designated marking device to manifest his or
7 her vote for a particular ballot position on a ballot card as
8 defined in subsection (a).

9 (d) Prior to the original counting of any punch card
10 ballots, an election judge may not alter a punch card ballot in
11 any manner, including, but not limited to, the removal or
12 manipulation of chads.

13 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

14 Sec. 18-5. Any person desiring to vote and whose name is
15 found upon the register of voters by the person having charge
16 thereof, shall then be questioned by one of the judges as to
17 his nativity, his term of residence at present address,
18 precinct, State and United States, his age, whether naturalized
19 and if so the date of naturalization papers and court from
20 which secured, and he shall be asked to state his residence
21 when last previously registered and the date of the election
22 for which he then registered. The judges of elections shall
23 check each application for ballot against the list of voters
24 registered in that precinct to whom absentee and early ballots
25 have been issued for that election, which shall be provided by
26 the election authority and which list shall be available for
27 inspection by pollwatchers. A voter applying to vote in the
28 precinct on election day whose name appears on the list as
29 having been issued an absentee or early ballot shall not be
30 permitted to vote in the precinct ~~unless that voter submits to~~
31 ~~the judges of election, for cancellation or revocation, his~~
32 ~~absentee ballot. In the case that the voter's absentee ballot~~
33 ~~is not present in the polling place, it shall be sufficient for~~
34 ~~any such voter to submit to the judges of election in lieu of~~
35 ~~his absentee ballot, either a portion of such ballot if torn or~~

1 ~~mutilated, an affidavit executed before the judges of election~~
2 ~~specifying that the voter never received an absentee ballot, or~~
3 ~~an affidavit executed before the judges of election specifying~~
4 ~~that the voter desires to cancel or revoke any absentee ballot~~
5 ~~that may have been cast in the voter's name.~~ If such person so
6 registered shall be challenged as disqualified, the party
7 challenging shall assign his reasons therefor, and thereupon
8 one of the judges shall administer to him an oath to answer
9 questions, and if he shall take the oath he shall then be
10 questioned by the judge or judges touching such cause of
11 challenge, and touching any other cause of disqualification.
12 And he may also be questioned by the person challenging him in
13 regard to his qualifications and identity. But if a majority of
14 the judges are of the opinion that he is the person so
15 registered and a qualified voter, his vote shall then be
16 received accordingly. But if his vote be rejected by such
17 judges, such person may afterward produce and deliver an
18 affidavit to such judges, subscribed and sworn to by him before
19 one of the judges, in which it shall be stated how long he has
20 resided in such precinct, and state; that he is a citizen of
21 the United States, and is a duly qualified voter in such
22 precinct, and that he is the identical person so registered. In
23 addition to such an affidavit, the person so challenged shall
24 provide to the judges of election proof of residence by
25 producing 2 forms of identification showing the person's
26 current residence address, provided that such identification
27 to the person at his current residence address and postmarked
28 not earlier than 30 days prior to the date of the election, or
29 the person shall procure a witness personally known to the
30 judges of election, and resident in the precinct (or district),
31 or who shall be proved by some legal voter of such precinct or
32 district, known to the judges to be such, who shall take the
33 oath following, viz:

34 I do solemnly swear (or affirm) that I am a resident of
35 this election precinct (or district), and entitled to vote at
36 this election, and that I have been a resident of this State

1 for 30 days last past, and am well acquainted with the person
2 whose vote is now offered; that he is an actual and bona fide
3 resident of this election precinct (or district), and has
4 resided herein 30 days, and as I verily believe, in this State,
5 30 days next preceding this election.

6 The oath in each case may be administered by one of the
7 judges of election, or by any officer, resident in the precinct
8 or district, authorized by law to administer oaths. Also
9 supported by an affidavit by a registered voter residing in
10 such precinct, stating his own residence, and that he knows
11 such person; and that he does reside at the place mentioned and
12 has resided in such precinct and state for the length of time
13 as stated by such person, which shall be subscribed and sworn
14 to in the same way. Whereupon the vote of such person shall be
15 received, and entered as other votes. But such judges, having
16 charge of such registers, shall state in their respective books
17 the facts in such case, and the affidavits, so delivered to the
18 judges, shall be preserved and returned to the office of the
19 commissioners of election. Blank affidavits of the character
20 aforesaid shall be sent out to the judges of all the precincts,
21 and the judges of election shall furnish the same on demand and
22 administer the oaths without criticism. Such oaths, if
23 administered by any other officer than such judge of election,
24 shall not be received. Whenever a proposal for a constitutional
25 amendment or for the calling of a constitutional convention is
26 to be voted upon at the election, the separate blue ballot or
27 ballots pertaining thereto shall be placed on top of the other
28 ballots to be voted at the election in such manner that the
29 legend appearing on the back thereof, as prescribed in Section
30 16-6 of this Act, shall be plainly visible to the voter, and in
31 this fashion the ballots shall be handed to the voter by the
32 judge.

33 The voter shall, upon quitting the voting booth, deliver to
34 one of the judges of election all of the ballots, properly
35 folded, which he received. The judge of election to whom the
36 voter delivers his ballots shall not accept the same unless all

1 of the ballots given to the voter are returned by him. If a
2 voter delivers less than all of the ballots given to him, the
3 judge to whom the same are offered shall advise him in a voice
4 clearly audible to the other judges of election that the voter
5 must return the remainder of the ballots. The statement of the
6 judge to the voter shall clearly express the fact that the
7 voter is not required to vote such remaining ballots but that
8 whether or not he votes them he must fold and deliver them to
9 the judge. In making such statement the judge of election shall
10 not indicate by word, gesture or intonation of voice that the
11 unreturned ballots shall be voted in any particular manner. No
12 new voter shall be permitted to enter the voting booth of a
13 voter who has failed to deliver the total number of ballots
14 received by him until such voter has returned to the voting
15 booth pursuant to the judge's request and again quit the booth
16 with all of the ballots required to be returned by him. Upon
17 receipt of all such ballots the judges of election shall enter
18 the name of the voter, and his number, as above provided in
19 this section, and the judge to whom the ballots are delivered
20 shall immediately put the ballots into the ballot box. If any
21 voter who has failed to deliver all the ballots received by him
22 refuses to return to the voting booth after being advised by
23 the judge of election as herein provided, the judge shall
24 inform the other judges of such refusal, and thereupon the
25 ballot or ballots returned to the judge shall be deposited in
26 the ballot box, the voter shall be permitted to depart from the
27 polling place, and a new voter shall be permitted to enter the
28 voting booth.

29 The judge of election who receives the ballot or ballots
30 from the voter shall announce the residence and name of such
31 voter in a loud voice. The judge shall put the ballot or
32 ballots received from the voter into the ballot box in the
33 presence of the voter and the judges of election, and in plain
34 view of the public. The judges having charge of such registers
35 shall then, in a column prepared thereon, in the same line of,
36 the name of the voter, mark "Voted" or the letter "V".

1 No judge of election shall accept from any voter less than
2 the full number of ballots received by such voter without first
3 advising the voter in the manner above provided of the
4 necessity of returning all of the ballots, nor shall any such
5 judge advise such voter in a manner contrary to that which is
6 herein permitted, or in any other manner violate the provisions
7 of this section; provided, that the acceptance by a judge of
8 election of less than the full number of ballots delivered to a
9 voter who refuses to return to the voting booth after being
10 properly advised by such judge shall not be a violation of this
11 Section.

12 (Source: P.A. 89-653, eff. 8-14-96.)

13 (10 ILCS 5/18-100 new)

14 Sec. 18-100. Definition of a vote.

15 (a) Notwithstanding any law to the contrary, for the
16 purpose of this Article, a person casts a valid vote on a punch
17 card ballot when:

18 (1) A chad on the card has at least one corner detached
19 from the card;

20 (2) The fibers of paper on at least one edge of the
21 chad are broken in a way that permits unimpeded light to be
22 seen through the card; or

23 (3) An indentation on the chad from the stylus or other
24 object is present and indicates a clearly ascertainable
25 intent of the voter to vote based on the totality of the
26 circumstances, including but not limited to any pattern or
27 frequency of indentations on other ballot positions from
28 the same ballot card.

29 (b) Write-in votes shall be counted in a manner consistent
30 with the existing provisions of this Code.

31 (c) For purposes of this Section, a "chad" is that portion
32 of a ballot card that a voter punches or perforates with a
33 stylus or other designated marking device to manifest his or
34 her vote for a particular ballot position on a ballot card as
35 defined in subsection (a).

1 (d) Prior to the original counting of any punch card
2 ballots, an election judge may not alter a punch card ballot in
3 any manner, including, but not limited to, the removal or
4 manipulation of chads.

5 (10 ILCS 5/18A-5)

6 (Text of Section before amendment by P.A. 93-1071)

7 Sec. 18A-5. Provisional voting; general provisions.

8 (a) A person who claims to be a registered voter is
9 entitled to cast a provisional ballot under the following
10 circumstances:

11 (1) The person's name does not appear on the official
12 list of eligible voters, ~~whether a list of active or~~
13 ~~inactive voters,~~ for the precinct in which the person seeks
14 to vote. The official list is the centralized statewide
15 voter registration list established and maintained in
16 accordance with Section 1A-25;

17 (2) The person's voting status has been challenged by
18 an election judge, a pollwatcher, or any legal voter and
19 that challenge has been sustained by a majority of the
20 election judges; ~~or~~

21 (3) A federal or State court order extends the time for
22 closing the polls beyond the time period established by
23 State law and the person votes during the extended time
24 period; or

25 (4) The voter registered to vote by mail and is
26 required by law to present identification when voting
27 either in person or by absentee ballot, but fails to do so.

28 (b) The procedure for obtaining and casting a provisional
29 ballot at the polling place shall be as follows:

30 (1) After first verifying through an examination of the
31 precinct register that the person's address is within the
32 precinct boundaries, an ~~An~~ election judge at the polling
33 place shall notify a person who is entitled to cast a
34 provisional ballot pursuant to subsection (a) that he or
35 she may cast a provisional ballot in that election. An

1 election judge must accept any information provided by a
 2 person who casts a provisional ballot that the person
 3 believes supports his or her claim that he or she is a duly
 4 registered voter and qualified to vote in the election.
 5 However, if the person's residence address is outside the
 6 precinct boundaries, the election judge shall inform the
 7 person of that fact, give the person the appropriate
 8 telephone number of the election authority in order to
 9 locate the polling place assigned to serve that address,
 10 and instruct the person to go to the proper polling place
 11 to vote.

12 (2) The person shall execute a written form provided by
 13 the election judge that shall state or contain all of the
 14 following that is available:

15 (i) an affidavit stating the following:

16 State of Illinois, County of,
 17 Township, Precinct, Ward
 18, I,, do solemnly
 19 swear (or affirm) that: I am a citizen of the United
 20 States; I am 18 years of age or older; I have resided
 21 in this State and in this precinct for 30 days
 22 preceding this election; I have not voted in this
 23 election; I am a duly registered voter in every
 24 respect; and I am eligible to vote in this election.
 25 Signature Printed Name of Voter Printed
 26 Residence Address of Voter City State
 27 Zip Code Telephone Number Date of
 28 Birth and Illinois Driver's License Number
 29 or Last 4 digits of Social Security Number
 30 or State Identification Card Number issued to
 31 you by the Illinois Secretary of State.....

32 ~~(ii) Written instruction stating the following:~~

33 ~~In order to expedite the verification of your voter~~
 34 ~~registration status, the (insert name of county~~
 35 ~~clerk of board of election commissioners here)~~
 36 ~~requests that you include your phone number and both~~

1 ~~the last four digits of your social security number and~~
2 ~~your driver's license number or State Identification~~
3 ~~Card Number issued to you by the Secretary of State. At~~
4 ~~minimum, you are required to include either (A) your~~
5 ~~driver's license number or State Identification Card~~
6 ~~Number issued to you by the Secretary of State or (B)~~
7 ~~the last 4 digits of your social security number.~~

8 (ii) ~~(iii)~~ A box for the election judge to check one of
9 the 4 ~~3~~ reasons why the person was given a provisional
10 ballot under subsection (a) of Section 18A-5.

11 (iii) ~~(iv)~~ An area for the election judge to affix his
12 or her signature and to set forth any facts that support or
13 oppose the allegation that the person is not qualified to
14 vote in the precinct in which the person is seeking to
15 vote.

16 The written affidavit form described in this subsection
17 (b) (2) must be printed on a multi-part form prescribed by the
18 county clerk or board of election commissioners, as the case
19 may be.

20 (3) After the person executes the portion of the written
21 affidavit described in subsection (b) (2) (i) of this Section,
22 the election judge shall complete the portion of the written
23 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

24 (4) The election judge shall give a copy of the completed
25 written affidavit to the person. The election judge shall place
26 the original written affidavit in a self-adhesive clear plastic
27 packing list envelope that must be attached to a separate
28 envelope marked as a "provisional ballot envelope". The
29 election judge shall also place any information provided by the
30 person who casts a provisional ballot in the clear plastic
31 packing list envelope. Each county clerk or board of election
32 commissioners, as the case may be, must design, obtain or
33 procure self-adhesive clear plastic packing list envelopes and
34 provisional ballot envelopes that are suitable for
35 implementing this subsection (b) (4) of this Section.

36 (5) The election judge shall provide the person with a

1 provisional ballot, written instructions for casting a
2 provisional ballot, and the provisional ballot envelope with
3 the clear plastic packing list envelope affixed to it, which
4 contains the person's original written affidavit and, if any,
5 information provided by the provisional voter to support his or
6 her claim that he or she is a duly registered voter. An
7 election judge must also give the person written information
8 that states that any person who casts a provisional ballot
9 shall be able to ascertain, pursuant to guidelines established
10 by the State Board of Elections, whether the provisional vote
11 was counted in the official canvass of votes for that election
12 and, if the provisional vote was not counted, the reason that
13 the vote was not counted.

14 (6) After the person has completed marking his or her
15 provisional ballot, he or she shall place the marked ballot
16 inside of the provisional ballot envelope, close and seal the
17 envelope, and return the envelope to an election judge, who
18 shall then deposit the sealed provisional ballot envelope into
19 a securable container separately identified and utilized for
20 containing sealed provisional ballot envelopes. Ballots that
21 are provisional because they are cast after 7:00 p.m. by court
22 order shall be kept separate from other provisional ballots.
23 Upon the closing of the polls, the securable container shall be
24 sealed with filament tape provided for that purpose, which
25 shall be wrapped around the box lengthwise and crosswise, at
26 least twice each way, and each of the election judges shall
27 sign the seal.

28 (c) Instead of the affidavit form described in subsection
29 (b), the county clerk or board of election commissioners, as
30 the case may be, may design and use a multi-part affidavit form
31 that is imprinted upon or attached to the provisional ballot
32 envelope described in subsection (b). If a county clerk or
33 board of election commissioners elects to design and use its
34 own multi-part affidavit form, then the county clerk or board
35 of election commissioners shall establish a mechanism for
36 accepting any information the provisional voter has supplied to

1 the election judge to support his or her claim that he or she
2 is a duly registered voter. In all other respects, a county
3 clerk or board of election commissioners shall establish
4 procedures consistent with subsection (b).

5 (d) The county clerk or board of election commissioners, as
6 the case may be, shall use the completed affidavit form
7 described in subsection (b) to update the person's voter
8 registration information in the State voter registration
9 database and voter registration database of the county clerk or
10 board of election commissioners, as the case may be. If a
11 person is later determined not to be a registered voter based
12 on Section 18A-15 of this Code, then the affidavit shall be
13 processed by the county clerk or board of election
14 commissioners, as the case may be, as a voter registration
15 application.

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

17 (Text of Section after amendment by P.A. 93-1071)

18 Sec. 18A-5. Provisional voting; general provisions.

19 (a) A person who claims to be a registered voter is
20 entitled to cast a provisional ballot under the following
21 circumstances:

22 (1) The person's name does not appear on the official
23 list of eligible voters for the precinct in which the
24 person seeks to vote. The official list is the centralized
25 statewide voter registration list established and
26 maintained in accordance with Section 1A-25;

27 (2) The person's voting status has been challenged by
28 an election judge, a pollwatcher, or any legal voter and
29 that challenge has been sustained by a majority of the
30 election judges; ~~or~~

31 (3) A federal or State court order extends the time for
32 closing the polls beyond the time period established by
33 State law and the person votes during the extended time
34 period; or

35 (4) The voter registered to vote by mail and is

1 required by law to present identification when voting
2 either in person or by absentee ballot, but fails to do so.

3 (b) The procedure for obtaining and casting a provisional
4 ballot at the polling place shall be as follows:

5 (1) After first verifying through an examination of the
6 precinct register that the person's address is within the
7 precinct boundaries, an ~~An~~ election judge at the polling
8 place shall notify a person who is entitled to cast a
9 provisional ballot pursuant to subsection (a) that he or
10 she may cast a provisional ballot in that election. An
11 election judge must accept any information provided by a
12 person who casts a provisional ballot that the person
13 believes supports his or her claim that he or she is a duly
14 registered voter and qualified to vote in the election.
15 However, if the person's residence address is outside the
16 precinct boundaries, the election judge shall inform the
17 person of that fact, give the person the appropriate
18 telephone number of the election authority in order to
19 locate the polling place assigned to serve that address,
20 and instruct the person to go to the proper polling place
21 to vote.

22 (2) The person shall execute a written form provided by
23 the election judge that shall state or contain all of the
24 following that is available:

25 (i) an affidavit stating the following:

26 State of Illinois, County of,
27 Township, Precinct, Ward
28, I,, do solemnly
29 swear (or affirm) that: I am a citizen of the United
30 States; I am 18 years of age or older; I have resided
31 in this State and in this precinct for 30 days
32 preceding this election; I have not voted in this
33 election; I am a duly registered voter in every
34 respect; and I am eligible to vote in this election.
35 Signature Printed Name of Voter Printed
36 Residence Address of Voter City State

1 Zip Code Telephone Number Date of
2 Birth and Illinois Driver's License Number
3 or Last 4 digits of Social Security Number
4 or State Identification Card Number issued to
5 you by the Illinois Secretary of State.....

6 ~~(ii) Written instruction stating the following:~~

7 ~~In order to expedite the verification of your voter~~
8 ~~registration status, the (insert name of county~~
9 ~~clerk of board of election commissioners here)~~
10 ~~requests that you include your phone number and both~~
11 ~~the last four digits of your social security number and~~
12 ~~your driver's license number or State Identification~~
13 ~~Card Number issued to you by the Secretary of State. At~~
14 ~~minimum, you are required to include either (A) your~~
15 ~~driver's license number or State Identification Card~~
16 ~~Number issued to you by the Secretary of State or (B)~~
17 ~~the last 4 digits of your social security number.~~

18 (ii) ~~(iii)~~ A box for the election judge to check one of
19 the 3 reasons why the person was given a provisional ballot
20 under subsection (a) of Section 18A-5.

21 (iii) ~~(iv)~~ An area for the election judge to affix his
22 or her signature and to set forth any facts that support or
23 oppose the allegation that the person is not qualified to
24 vote in the precinct in which the person is seeking to
25 vote.

26 The written affidavit form described in this subsection
27 (b) (2) must be printed on a multi-part form prescribed by the
28 county clerk or board of election commissioners, as the case
29 may be.

30 (3) After the person executes the portion of the written
31 affidavit described in subsection (b) (2) (i) of this Section,
32 the election judge shall complete the portion of the written
33 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

34 (4) The election judge shall give a copy of the completed
35 written affidavit to the person. The election judge shall place
36 the original written affidavit in a self-adhesive clear plastic

1 packing list envelope that must be attached to a separate
2 envelope marked as a "provisional ballot envelope". The
3 election judge shall also place any information provided by the
4 person who casts a provisional ballot in the clear plastic
5 packing list envelope. Each county clerk or board of election
6 commissioners, as the case may be, must design, obtain or
7 procure self-adhesive clear plastic packing list envelopes and
8 provisional ballot envelopes that are suitable for
9 implementing this subsection (b)(4) of this Section.

10 (5) The election judge shall provide the person with a
11 provisional ballot, written instructions for casting a
12 provisional ballot, and the provisional ballot envelope with
13 the clear plastic packing list envelope affixed to it, which
14 contains the person's original written affidavit and, if any,
15 information provided by the provisional voter to support his or
16 her claim that he or she is a duly registered voter. An
17 election judge must also give the person written information
18 that states that any person who casts a provisional ballot
19 shall be able to ascertain, pursuant to guidelines established
20 by the State Board of Elections, whether the provisional vote
21 was counted in the official canvass of votes for that election
22 and, if the provisional vote was not counted, the reason that
23 the vote was not counted.

24 (6) After the person has completed marking his or her
25 provisional ballot, he or she shall place the marked ballot
26 inside of the provisional ballot envelope, close and seal the
27 envelope, and return the envelope to an election judge, who
28 shall then deposit the sealed provisional ballot envelope into
29 a securable container separately identified and utilized for
30 containing sealed provisional ballot envelopes. Ballots that
31 are provisional because they are cast after 7:00 p.m. by court
32 order shall be kept separate from other provisional ballots.

33 Upon the closing of the polls, the securable container shall be
34 sealed with filament tape provided for that purpose, which
35 shall be wrapped around the box lengthwise and crosswise, at
36 least twice each way, and each of the election judges shall

1 sign the seal.

2 (c) Instead of the affidavit form described in subsection
3 (b), the county clerk or board of election commissioners, as
4 the case may be, may design and use a multi-part affidavit form
5 that is imprinted upon or attached to the provisional ballot
6 envelope described in subsection (b). If a county clerk or
7 board of election commissioners elects to design and use its
8 own multi-part affidavit form, then the county clerk or board
9 of election commissioners shall establish a mechanism for
10 accepting any information the provisional voter has supplied to
11 the election judge to support his or her claim that he or she
12 is a duly registered voter. In all other respects, a county
13 clerk or board of election commissioners shall establish
14 procedures consistent with subsection (b).

15 (d) The county clerk or board of election commissioners, as
16 the case may be, shall use the completed affidavit form
17 described in subsection (b) to update the person's voter
18 registration information in the State voter registration
19 database and voter registration database of the county clerk or
20 board of election commissioners, as the case may be. If a
21 person is later determined not to be a registered voter based
22 on Section 18A-15 of this Code, then the affidavit shall be
23 processed by the county clerk or board of election
24 commissioners, as the case may be, as a voter registration
25 application.

26 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 6-1-05.)

27 (10 ILCS 5/18A-15)

28 Sec. 18A-15. Validating and counting provisional ballots.

29 (a) The county clerk or board of election commissioners
30 shall complete the validation and counting of provisional
31 ballots within 14 calendar days of the day of the election. The
32 county clerk or board of election commissioners shall have 7
33 calendar days from the completion of the validation and
34 counting of provisional ballots to conduct its final canvass.
35 The State Board of Elections shall complete within 31 calendar

1 days of the election or sooner if all the returns are received,
2 its final canvass of the vote for all public offices.

3 (b) If a county clerk or board of election commissioners
4 determines that all of the following apply, then a provisional
5 ballot is valid and shall be counted as a vote:

6 (1) The provisional voter cast the provisional ballot
7 in the correct precinct based on the address provided by
8 the provisional voter. The provisional voter's affidavit
9 shall serve as a change of address request by that voter
10 for registration purposes for the next ensuing election if
11 it bears an address different from that in the records of
12 the election authority;

13 (2) The affidavit executed by the provisional voter
14 pursuant to subsection (b) (2) of Section 18A-5 contains, at
15 a minimum, the provisional voter's first and last name,
16 house number and street name, and signature or mark ~~18A-10~~
17 ~~is properly executed;~~ and

18 (3) the provisional voter is a registered voter based
19 on information available to the county clerk or board of
20 election commissioners provided by or obtained from any of
21 the following:

- 22 i. the provisional voter;
23 ii. an election judge;
24 iii. the statewide voter registration database
25 maintained by the State Board of Elections;
26 iv. the records of the county clerk or board of
27 election commissioners' database; or
28 v. the records of the Secretary of State.

29 (c) With respect to subsection (b) (3) of this Section, the
30 county clerk or board of election commissioners shall
31 investigate and record whether or not the specified ~~each of the~~
32 ~~5 types of~~ information is available from each of the 5
33 identified sources ~~and record whether this information is or is~~
34 ~~not available.~~ If the one or more types of information is
35 available from one or more of the identified sources, then the
36 county clerk or board of election commissioners shall seek to

1 obtain the all-relevant information from each of those sources
2 until satisfied, with information from at least one of those
3 sources, that the provisional voter is registered and entitled
4 to vote all sources identified in subsection (b) (3). The county
5 clerk or board of election commissioners shall use any
6 information it obtains as the basis for determining the voter
7 registration status of the provisional voter. If a conflict
8 exists among the information available to the county clerk or
9 board of election commissioners as to the registration status
10 of the provisional voter, then the county clerk or board of
11 election commissioners shall make a determination based on the
12 totality of the circumstances. In a case where the above
13 information equally supports or opposes the registration
14 status of the voter, the county clerk or board of election
15 commissioners shall decide in favor of the provisional voter as
16 being duly registered to vote. If the statewide voter
17 registration database maintained by the State Board of
18 Elections indicates that the provisional voter is registered to
19 vote, but the county clerk's or board of election
20 commissioners' voter registration database indicates that the
21 provisional voter is not registered to vote, then the
22 information found in the statewide voter registration database
23 shall control the matter and the provisional voter shall be
24 deemed to be registered to vote. If the records of the county
25 clerk or board of election commissioners indicates that the
26 provisional voter is registered to vote, but the statewide
27 voter registration database maintained by the State Board of
28 Elections indicates that the provisional voter is not
29 registered to vote, then the information found in the records
30 of the county clerk or board of election commissioners shall
31 control the matter and the provisional voter shall be deemed to
32 be registered to vote. If the provisional voter's signature on
33 his or her provisional ballot request varies from the signature
34 on an otherwise valid registration application solely because
35 of the substitution of initials for the first or middle name,
36 the election authority may not reject the provisional ballot.

1 (d) In validating the registration status of a person
2 casting a provisional ballot, the county clerk or board of
3 election commissioners shall not require a provisional voter to
4 complete any form other than the affidavit executed by the
5 provisional voter under subsection (b) (2) of Section 18A-5. In
6 addition, the county clerk or board of election commissioners
7 shall not require all provisional voters or any particular
8 class or group of provisional voters to appear personally
9 before the county clerk or board of election commissioners or
10 as a matter of policy require provisional voters to submit
11 additional information to verify or otherwise support the
12 information already submitted by the provisional voter. The
13 provisional voter may, within 2 calendar days after the
14 election, submit additional information to the county clerk or
15 board of election commissioners. This information must be
16 received by the county clerk or board of election commissioners
17 within the 2-calendar-day period.

18 (e) If the county clerk or board of election commissioners
19 determines that subsection (b) (1), (b) (2), or (b) (3) does not
20 apply, then the provisional ballot is not valid and may not be
21 counted. The provisional ballot envelope containing the ballot
22 cast by the provisional voter may not be opened. The county
23 clerk or board of election commissioners shall write on the
24 provisional ballot envelope the following: "Provisional ballot
25 determined invalid."

26 (f) If the county clerk or board of election commissioners
27 determines that a provisional ballot is valid under this
28 Section, then the provisional ballot envelope shall be opened.
29 The outside of each provisional ballot envelope shall also be
30 marked to identify the precinct and the date of the election.

31 (g) The provisional ballots determined to be valid shall be
32 added to the vote totals for the precincts from which they were
33 cast in the order in which the ballots were opened. The county
34 clerk or board of election commissioners may, in the
35 alternative, create a separate provisional-voter precinct for
36 the purpose of counting and recording provisional ballots and

1 adding the recorded votes to its official canvass. The
2 validation and counting of provisional ballots shall be subject
3 to the provisions of this Code that apply to pollwatchers. If
4 the provisional ballots are a ballot of a punch card voting
5 system, then the provisional ballot shall be counted in a
6 manner consistent with Article 24A. If the provisional ballots
7 are a ballot of optical scan or other type of approved
8 electronic voting system, then the provisional ballots shall be
9 counted in a manner consistent with Article 24B.

10 (h) As soon as the ballots have been counted, the election
11 judges or election officials shall, in the presence of the
12 county clerk or board of election commissioners, place each of
13 the following items in a separate envelope or bag: (1) all
14 provisional ballots, voted or spoiled; (2) all provisional
15 ballot envelopes of provisional ballots voted or spoiled; and
16 (3) all executed affidavits of the provisional ballots voted or
17 spoiled. All provisional ballot envelopes for provisional
18 voters who have been determined not to be registered to vote
19 shall remain sealed. The county clerk or board of election
20 commissioners shall treat the provisional ballot envelope
21 containing the written affidavit as a voter registration
22 application for that person for the next election and process
23 that application. The election judges or election officials
24 shall then securely seal each envelope or bag, initial the
25 envelope or bag, and plainly mark on the outside of the
26 envelope or bag in ink the precinct in which the provisional
27 ballots were cast. The election judges or election officials
28 shall then place each sealed envelope or bag into a box, secure
29 and seal it in the same manner as described in item (6) of
30 subsection (b) of Section 18A-5. Each election judge or
31 election official shall take and subscribe an oath before the
32 county clerk or board of election commissioners that the
33 election judge or election official securely kept the ballots
34 and papers in the box, did not permit any person to open the
35 box or otherwise touch or tamper with the ballots and papers in
36 the box, and has no knowledge of any other person opening the

1 box. For purposes of this Section, the term "election official"
2 means the county clerk, a member of the board of election
3 commissioners, as the case may be, and their respective
4 employees.

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

6 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

7 Sec. 19-2.1. At the consolidated primary, general primary,
8 consolidated, and general elections, electors entitled to vote
9 by absentee ballot under the provisions of Section 19-1 may
10 vote in person at the office of the municipal clerk, if the
11 elector is a resident of a municipality not having a board of
12 election commissioners, or at the office of the township clerk
13 or, in counties not under township organization, at the office
14 of the road district clerk if the elector is not a resident of
15 a municipality; provided, in each case that the municipal,
16 township or road district clerk, as the case may be, is
17 authorized to conduct in-person absentee voting pursuant to
18 this Section. Absentee voting in such municipal and township
19 clerk's offices under this Section shall be conducted from the
20 22nd day through the day before the election.

21 Municipal and township clerks (or road district clerks) who
22 have regularly scheduled working hours at regularly designated
23 offices other than a place of residence and whose offices are
24 open for business during the same hours as the office of the
25 election authority shall conduct in-person absentee voting for
26 said elections. Municipal and township clerks (or road district
27 clerks) who have no regularly scheduled working hours but who
28 have regularly designated offices other than a place of
29 residence shall conduct in-person absentee voting for said
30 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
31 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
32 Saturdays, but not during such hours as the office of the
33 election authority is closed, unless the clerk files a written
34 waiver with the election authority not later than July 1 of
35 each year stating that he or she is unable to conduct such

1 voting and the reasons therefor. Such clerks who conduct
2 in-person absentee voting may extend their hours for that
3 purpose to include any hours in which the election authority's
4 office is open. Municipal and township clerks (or road district
5 clerks) who have no regularly scheduled office hours and no
6 regularly designated offices other than a place of residence
7 may not conduct in-person absentee voting for said elections.
8 The election authority may devise alternative methods for
9 in-person absentee voting before said elections for those
10 precincts located within the territorial area of a municipality
11 or township (or road district) wherein the clerk of such
12 municipality or township (or road district) has waived or is
13 not entitled to conduct such voting. In addition, electors may
14 vote by absentee ballot under the provisions of Section 19-1 at
15 the office of the election authority having jurisdiction over
16 their residence.

17 In conducting absentee voting under this Section, the
18 respective clerks shall not be required to verify the signature
19 of the absentee voter by comparison with the signature on the
20 official registration record card. However, the clerk shall
21 reasonably ascertain the identity of such applicant, shall
22 verify that each such applicant is a registered voter, and
23 shall verify the precinct in which he or she is registered and
24 the proper ballots of the political subdivisions in which the
25 applicant resides and is entitled to vote, prior to providing
26 any absentee ballot to such applicant. The clerk shall verify
27 the applicant's registration and from the most recent poll list
28 provided by the county clerk, and if the applicant is not
29 listed on that poll list then by telephoning the office of the
30 county clerk.

31 Absentee voting procedures in the office of the municipal,
32 township and road district clerks shall be subject to all of
33 the applicable provisions of this Article 19. Pollwatchers may
34 be appointed to observe in-person absentee voting procedures
35 and view all reasonably requested records relating to the
36 conduct of the election, provided the secrecy of the ballot is

1 not impinged, at the office of the municipal, township or road
2 district clerks' offices where such absentee voting is
3 conducted. Such pollwatchers shall qualify and be appointed in
4 the same manner as provided in Sections 7-34 and 17-23, except
5 each candidate, political party or organization of citizens may
6 appoint only one pollwatcher for each location where in-person
7 absentee voting is conducted. Pollwatchers must be registered
8 to vote in Illinois and possess valid pollwatcher credentials.
9 All requirements in this Article applicable to election
10 authorities shall apply to the respective local clerks, except
11 where inconsistent with this Section.

12 The sealed absentee ballots in their carrier envelope shall
13 be delivered by the respective clerks, or by the election
14 authority on behalf of a clerk if the clerk and the election
15 authority agree, to the proper polling place before the close
16 of the polls on the day of the general primary, consolidated
17 primary, consolidated, or general election.

18 Not more than 23 days before the nonpartisan, general and
19 consolidated elections, the county clerk shall make available
20 to those municipal, township and road district clerks
21 conducting in-person absentee voting within such county, a
22 sufficient number of applications, absentee ballots,
23 envelopes, and printed voting instruction slips for use by
24 absentee voters in the offices of such clerks. The respective
25 clerks shall receipt for all ballots received, shall return all
26 unused or spoiled ballots to the county clerk on the day of the
27 election and shall strictly account for all ballots received.

28 The ballots delivered to the respective clerks shall
29 include absentee ballots for each precinct in the municipality,
30 township or road district, or shall include such separate
31 ballots for each political subdivision conducting an election
32 of officers or a referendum on that election day as will permit
33 any resident of the municipality, township or road district to
34 vote absentee in the office of the proper clerk.

35 The clerks of all municipalities, townships and road
36 districts may distribute applications for absentee ballot for

1 the use of voters who wish to mail such applications to the
2 appropriate election authority. Such applications for absentee
3 ballots shall be made on forms provided by the election
4 authority. Duplication of such forms by the municipal, township
5 or road district clerk is prohibited.

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

7 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

8 Sec. 19-4. Mailing or delivery of ballots - Time.)
9 Immediately upon the receipt of such application either by
10 mail, not more than 40 days nor less than 5 days prior to such
11 election, or by personal delivery not more than 40 days nor
12 less than one day prior to such election, at the office of such
13 election authority, it shall be the duty of such election
14 authority to examine the records to ascertain whether or not
15 such applicant is lawfully entitled to vote as requested, and
16 if found so to be, to post within one business day thereafter
17 the name, street address, ward and precinct number or township
18 and district number, as the case may be, of such applicant
19 given on a list, the pages of which are to be numbered
20 consecutively to be kept by such election authority for such
21 purpose in a conspicuous, open and public place accessible to
22 the public at the entrance of the office of such election
23 authority, and in such a manner that such list may be viewed
24 without necessity of requesting permission therefor. Within
25 one business day after posting the name and other information
26 of an applicant for an absentee ballot, the election authority
27 shall transmit that name and other posted information to the
28 State Board of Elections, which shall maintain those names and
29 other information in an electronic format on its website,
30 arranged by county and accessible to State and local political
31 committees., ~~and~~ Within 2 business days after posting a name
32 and other information on the list within its office, the
33 election authority shall thereafter to mail, postage prepaid,
34 or deliver in person in such office an official ballot or
35 ballots if more than one are to be voted at said election. Mail

1 delivery of Temporarily Absent Student ballot applications
2 pursuant to Section 19-12.3 shall be by nonforwardable mail.
3 However, for the consolidated election, absentee ballots for
4 certain precincts may be delivered to applicants not less than
5 25 days before the election if so much time is required to have
6 prepared and printed the ballots containing the names of
7 persons nominated for offices at the consolidated primary. The
8 election authority shall enclose with each absentee ballot or
9 application written instructions on how voting assistance
10 shall be provided pursuant to Section 17-14 and a document,
11 written and approved by the State Board of Elections,
12 enumerating the circumstances under which a person is
13 authorized to vote by absentee ballot pursuant to this Article;
14 such document shall also include a statement informing the
15 applicant that if he or she falsifies or is solicited by
16 another to falsify his or her eligibility to cast an absentee
17 ballot, such applicant or other is subject to penalties
18 pursuant to Section 29-10 and Section 29-20 of the Election
19 Code. Each election authority shall maintain a list of the
20 name, street address, ward and precinct, or township and
21 district number, as the case may be, of all applicants who have
22 returned absentee ballots to such authority, and the name of
23 such absent voter shall be added to such list within one
24 business day from receipt of such ballot. If the absentee
25 ballot envelope indicates that the voter was assisted in
26 casting the ballot, the name of the person so assisting shall
27 be included on the list. The list, the pages of which are to be
28 numbered consecutively, shall be kept by each election
29 authority in a conspicuous, open, and public place accessible
30 to the public at the entrance of the office of the election
31 authority and in a manner that the list may be viewed without
32 necessity of requesting permission for viewing.

33 Each election authority shall maintain a list for each
34 election of the voters to whom it has issued absentee ballots.
35 The list shall be maintained for each precinct within the
36 jurisdiction of the election authority. Prior to the opening of

1 the polls on election day, the election authority shall deliver
2 to the judges of election in each precinct the list of
3 registered voters in that precinct to whom absentee ballots
4 have been issued by mail.

5 Each election authority shall maintain a list for each
6 election of voters to whom it has issued temporarily absent
7 student ballots. The list shall be maintained for each election
8 jurisdiction within which such voters temporarily abide.
9 Immediately after the close of the period during which
10 application may be made by mail for absentee ballots, each
11 election authority shall mail to each other election authority
12 within the State a certified list of all such voters
13 temporarily abiding within the jurisdiction of the other
14 election authority.

15 In the event that the return address of an application for
16 ballot by a physically incapacitated elector is that of a
17 facility licensed or certified under the Nursing Home Care Act,
18 within the jurisdiction of the election authority, and the
19 applicant is a registered voter in the precinct in which such
20 facility is located, the ballots shall be prepared and
21 transmitted to a responsible judge of election no later than 9
22 a.m. on the Saturday, Sunday or Monday immediately preceding
23 the election as designated by the election authority under
24 Section 19-12.2. Such judge shall deliver in person on the
25 designated day the ballot to the applicant on the premises of
26 the facility from which application was made. The election
27 authority shall by mail notify the applicant in such facility
28 that the ballot will be delivered by a judge of election on the
29 designated day.

30 All applications for absentee ballots shall be available at
31 the office of the election authority for public inspection upon
32 request from the time of receipt thereof by the election
33 authority until 30 days after the election, except during the
34 time such applications are kept in the office of the election
35 authority pursuant to Section 19-7, and except during the time
36 such applications are in the possession of the judges of

1 election.

2 (Source: P.A. 89-653, eff. 8-14-96; 90-101, eff. 7-11-97.)

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

4 Sec. 19-10. Pollwatchers may be appointed to observe
5 in-person absentee voting procedures and view all reasonably
6 requested records relating to the conduct of the election,
7 provided the secrecy of the ballot is not impinged, at the
8 office of the election authority as well as at municipal,
9 township or road district clerks' offices where such absentee
10 voting is conducted. Such pollwatchers shall qualify and be
11 appointed in the same manner as provided in Sections 7-34 and
12 17-23, except each candidate, political party or organization
13 of citizens may appoint only one pollwatcher for each location
14 where in-person absentee voting is conducted. Pollwatchers
15 must be registered to vote in Illinois and possess valid
16 pollwatcher credentials.

17 In the polling place on election day, pollwatchers shall be
18 permitted to be present during the casting of the absent
19 voters' ballots and the vote of any absent voter may be
20 challenged for cause the same as if he were present and voted
21 in person, and the judges of the election or a majority thereof
22 shall have power and authority to hear and determine the
23 legality of such ballot; Provided, however, that if a challenge
24 to any absent voter's right to vote is sustained, notice of the
25 same must be given by the judges of election by mail addressed
26 to the voter's place of residence.

27 Where certain absent voters' ballots are counted on the day
28 of the election in the office of the election authority as
29 provided in Section 19-8 of this Act, each political party,
30 candidate and qualified civic organization shall be entitled to
31 have present one pollwatcher for each panel of election judges
32 therein assigned. Such pollwatchers shall be subject to the
33 same provisions as are provided for pollwatchers in Sections
34 7-34 and 17-23 of this Code, and shall be permitted to observe
35 the election judges making the signature comparison between

1 that which is on the ballot envelope and that which is on the
2 permanent voter registration record card taken from the master
3 file.

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

5 (10 ILCS 5/Art. 19A heading new)

6 ARTICLE 19A.

7 EARLY VOTING BY PERSONAL APPEARANCE

8 (10 ILCS 5/19A-5 new)

9 Sec. 19A-5. Issuance of ballots; voting booths.

10 (a) If a request is made to vote early by a registered
11 voter in person, the election authority shall issue a ballot
12 for early voting to the voter. The ballot must be voted on the
13 premises of the election authority, except as otherwise
14 provided in this Article, and returned to the election
15 authority.

16 (b) On the dates for early voting prescribed in Section
17 19A-15, each election authority shall provide voting booths,
18 with suitable equipment for voting, on the premises of the
19 election authority and any other early voting polling place for
20 use by registered voters who are issued ballots for early
21 voting in accordance with this Article.

22 (c) The election authority must maintain a list for each
23 election of the voters to whom it has issued early ballots. The
24 list must be maintained for each precinct within the election
25 authority's jurisdiction. Before the opening of the polls on
26 election day, the election authority shall deliver to the
27 judges of election in each precinct the list of registered
28 voters who have voted by early ballot.

29 (10 ILCS 5/19A-10 new)

30 Sec. 19A-10. Permanent polling places for early voting.

31 (a) An election authority may establish permanent polling
32 places for early voting by personal appearance at locations
33 throughout the election authority's jurisdiction, including

1 but not limited to a municipal clerk's office, a township
2 clerk's office, a road district clerk's office, or a county or
3 local public agency office. Except as otherwise provided in
4 subsection (b), any person entitled to vote early by personal
5 appearance may do so at any polling place established for early
6 voting.

7 (b) If it is impractical for the election authority to
8 provide at each polling place for early voting a ballot in
9 every form required in the election authority's jurisdiction,
10 the election authority may:

11 (1) provide appropriate forms of ballots to the office
12 of the municipal clerk in a municipality not having a board
13 of election commissioners; the township clerk; or in
14 counties not under township organization, the road
15 district clerk; and

16 (2) limit voting at that polling place to registered
17 voters in that municipality, ward or group of wards,
18 township, or road district.

19 If the early voting polling place does not have the correct
20 ballot form for a person seeking to vote early, the election
21 judge or election official conducting early voting at that
22 polling place shall inform the person of that fact, give the
23 person the appropriate telephone number of the election
24 authority in order to locate an early voting polling place with
25 the correct ballot form for use in that person's assigned
26 precinct, and instruct the person to go to the proper early
27 voting polling place to vote early.

28 (10 ILCS 5/19A-15 new)

29 Sec. 19A-15. Period for early voting; hours.

30 (a) The period for early voting by personal appearance
31 begins the 22nd day preceding a general primary, consolidated
32 primary, consolidated, or general election and extends through
33 the 5th day before election day.

34 (b) A permanent polling place for early voting must remain
35 open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m.

1 to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on
2 Saturdays, Sundays, and holidays.

3 (10 ILCS 5/19A-20 new)

4 Sec. 19A-20. Temporary branch polling places.

5 (a) In addition to permanent polling places for early
6 voting, the election authority may establish temporary branch
7 polling places for early voting.

8 (b) The provisions of subsection (b) of Section 19A-15 do
9 not apply to a temporary polling place. Voting at a temporary
10 branch polling place may be conducted on any one or more days
11 and during any hours within the period for early voting by
12 personal appearance that are determined by the election
13 authority.

14 (c) The schedules for conducting voting do not need to be
15 uniform among the temporary branch polling places.

16 (d) The legal rights and remedies which inure to the owner
17 or lessor of private property are not impaired or otherwise
18 affected by the leasing of the property for use as a temporary
19 branch polling place for early voting, except to the extent
20 necessary to conduct early voting at that location.

21 (10 ILCS 5/19A-25 new)

22 Sec. 19A-25. Schedule of locations and times for early
23 voting.

24 (a) The election authority shall publish during the week
25 before the period for early voting and at least once each week
26 during the period for early voting in a newspaper of general
27 circulation in the election authority's jurisdiction a
28 schedule stating:

29 (1) the location of each permanent and temporary
30 polling place for early voting and the precincts served by
31 each location; and

32 (2) the dates and hours that early voting will be
33 conducted at each location.

34 (b) The election authority shall post a copy of the

1 schedule at any office or other location that is to be used as
2 a polling place for early voting. The schedule must be posted
3 continuously for a period beginning not later than the 5th day
4 before the first day of the period for early voting by personal
5 appearance and ending on the last day of that period.

6 (c) The election authority must make copies of the schedule
7 available to the public in reasonable quantities without charge
8 during the period of posting.

9 (d) If the election authority maintains a website, it shall
10 make the schedule available on its website.

11 (e) No additional polling places for early voting may be
12 established after the schedule is published under this Section.

13 (10 ILCS 5/19A-25.5 new)

14 Sec. 19A-25.5. Voting machines, automatic tabulating
15 equipment, and precinct tabulation optical scan technology
16 voting equipment.

17 (a) In all jurisdictions in which voting machines are used,
18 the provisions of this Code that are not inconsistent with this
19 Article relating to the furnishing of ballot boxes, printing
20 and furnishing ballots and supplies, the canvassing of ballots,
21 and the making of returns, apply with full force and effect to
22 the extent necessary to make this Article effective, provided
23 that the number of ballots to be printed shall be in the
24 discretion of the election authority, and provided further that
25 early ballots shall not be counted until after the polls are
26 closed on election day.

27 (b) If the election authority has adopted the use of
28 automatic tabulating equipment under Article 24A of this Code,
29 and the provisions of that Article are in conflict with the
30 provisions of this Article 19A, the provisions of Article 24A
31 shall govern the procedures followed by the election authority,
32 its judges of election, and all employees and agents; provided
33 that early ballots shall not be counted until after the polls
34 are closed on election day.

35 (c) If the election authority has adopted the use of

1 precinct tabulation optical scan technology voting equipment
2 under Article 24B of this Code, and the provisions of that
3 Article are in conflict with the provisions of this Article
4 19A, the provisions of Article 24B shall govern the procedures
5 followed by the election authority, its judges of election, and
6 all employees and agents; provided that early ballots shall not
7 be counted until after the polls are closed on election day.

8 (d) If the election authority has adopted the use of Direct
9 Recording Electronic Voting Systems under Article 24C of this
10 Code, and the provisions of that Article are in conflict with
11 the provisions of this Article 19A, the provisions of Article
12 24C shall govern the procedures followed by the election
13 authority, its judges of election, and all employees and
14 agents; provided that early ballots shall not be counted until
15 after the polls are closed on election day.

16 (10 ILCS 5/19A-30 new)

17 Sec. 19A-30. Persons conducting early voting.

18 (a) The election authority (i) must use election judges to
19 conduct early voting at an early voting polling place or (ii)
20 must appoint an employee or, if appropriate, designate a
21 municipal clerk, township clerk, or road district clerk to
22 serve as the election official in charge of a polling place for
23 early voting.

24 (b) If the election authority uses an employee or
25 designates a municipal, township, or road district clerk under
26 subsection (a), then the election authority may also appoint as
27 many additional election officials as it deems necessary for
28 the proper conduct of the election.

29 (10 ILCS 5/19A-35 new)

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

31 (a) Not more than 23 days before the start of early voting,
32 the county clerk shall make available to the election authority
33 conducting early voting by personal appearance a sufficient
34 number of early ballots, envelopes, and printed voting

1 instruction slips for the use of early voters. The election
2 authority shall receipt for all ballots received and shall
3 return unused or spoiled ballots at the close of the early
4 voting period to the county clerk and must strictly account for
5 all ballots received. The ballots delivered to the election
6 authority must include early ballots for each precinct in the
7 election authority's jurisdiction and must include separate
8 ballots for each political subdivision conducting an election
9 of officers or a referendum at that election.

10 (b) In conducting early voting under this Article, the
11 election judge or official is not required to verify the
12 signature of the early voter by comparison with the signature
13 on the official registration card, however, the judge or
14 official must verify (i) the identity of the applicant, (ii)
15 that the applicant is a registered voter, (iii) the precinct in
16 which the applicant is registered, and (iv) the proper ballots
17 of the political subdivision in which the applicant resides and
18 is entitled to vote before providing an early ballot to the
19 applicant. The applicant's identity must be verified by the
20 applicant's presentation of an Illinois driver's license, a
21 non-driver identification card issued by the Illinois
22 Secretary of State, or another government-issued
23 identification document containing the applicant's photograph.
24 The election judge or official must verify the applicant's
25 registration from the most recent poll list provided by the
26 election authority, and if the applicant is not listed on that
27 poll list, by telephoning the office of the election authority.

28 (c) The sealed early ballots in their carrier envelope
29 shall be delivered by the election authority to the proper
30 polling place before the close of the polls on the day of the
31 election.

32 (10 ILCS 5/19A-40 new)

33 Sec. 19A-40. Enclosure of ballots in envelope. It is the
34 duty of the election judge or official to fold the ballot or
35 ballots in the manner specified by the statute for folding

1 ballots prior to their deposit in the ballot box, and to
 2 enclose the ballot or ballots in an envelope unsealed to be
 3 furnished by him or her, which envelope shall bear upon the
 4 face thereof the name, official title, and post office address
 5 of the election authority, and upon the other side a printed
 6 certification in substantially the following form:

7 I state that I am a resident of the precinct of the
 8 (1) *township of (2) *City of or (3) *.... ward in
 9 the city of residing at in that city or town in the
 10 county of and State of Illinois, that I have lived at that
 11 address for months last past; that I am lawfully entitled
 12 to vote in that precinct at the election to be held on
 13

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

15 I further state that I personally marked the enclosed
 16 ballot in secret.

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

21

22 If the ballot enclosed is to be voted at a primary
 23 election, the certification shall designate the name of the
 24 political party with which the voter is affiliated.

25 In addition to the above, the election authority shall
 26 provide printed slips giving full instructions regarding the
 27 manner of marking and returning the ballot in order that the
 28 same may be counted, and shall furnish one of the printed slips
 29 to each of such applicants at the same time the ballot is
 30 delivered to him or her. The instructions shall include the
 31 following statement: "In signing the certification on the early
 32 ballot envelope, you are attesting that you personally marked
 33 this early ballot in secret. If you are physically unable to
 34 mark the ballot, a friend or relative may assist you. Federal
 35 and State laws prohibit your employer, your employer's agent,
 36 or an officer or agent of your union from assisting physically

1 disabled voters."

2 In addition to the above, if a ballot to be provided to a
3 voter pursuant to this Section contains a public question
4 described in subsection (b) of Section 28-6 and the territory
5 concerning which the question is to be submitted is not
6 described on the ballot due to the space limitations of the
7 ballot, the election authority shall provide a printed copy of
8 a notice of the public question, which shall include a
9 description of the territory in the manner required by Section
10 16-7. The notice shall be furnished to the voter at the same
11 time the ballot is delivered to the voter.

12 (10 ILCS 5/19A-45 new)

13 Sec. 19A-45. Certification. The voter shall make and
14 subscribe the certification provided for on the return envelope
15 of the ballot, and the ballot or ballots shall be folded by the
16 voter in the manner required to be folded before depositing the
17 ballot in the ballot box, and shall be deposited in the
18 envelope and the envelope securely sealed. The voter shall then
19 endorse his or her certificate on the back of the envelope and
20 the envelope shall be returned to the election judge or
21 official conducting the early voting.

22 (10 ILCS 5/19A-50 new)

23 Sec. 19A-50. Receipt of ballots. Upon receipt of the
24 voter's ballot, the election judge or official shall enclose
25 the unopened ballot in a large or carrier envelope that shall
26 be securely sealed and endorsed with the name and official
27 title of the election judge or official and the words, "This
28 envelope contains a ballot and must be opened on election day",
29 together with the number and description of the precinct in
30 which the ballot is to be voted, and the election authority
31 shall safely keep the envelope in its office until delivered to
32 the judges of election as provided in Section 19A-35.

33 (10 ILCS 5/19A-55 new)

1 Sec. 19A-55. Casting the ballots. At the close of the
2 regular balloting and at the close of the polls the judges of
3 election of each voting precinct shall proceed to cast the
4 early voter's ballot separately, and as each early voter's
5 ballot is taken shall open the outer or carrier envelope,
6 announce the early voter's name, and compare the signature upon
7 the official registration card with the signature upon the
8 certification on the ballot envelope. In case the judges find
9 the certification properly executed, that the signatures
10 correspond, that the applicant is a duly qualified voter in the
11 precinct, and the voter has not been present and voted on the
12 election day, they shall open the envelope containing the early
13 voter's ballot in a manner that does not deface or destroy the
14 certification thereon, or mark or tear the ballots therein and
15 take out the ballot or ballots therein contained without
16 unfolding or permitting the same to be unfolded or examined,
17 and having endorsed the ballot in like manner as other ballots
18 are required to be endorsed, shall deposit the same in the
19 proper ballot box or boxes and enter the early voter's name in
20 the poll book the same as if he or she had voted on election
21 day. The judges shall place the early ballot certification
22 envelopes in a separate envelope as per the direction of the
23 election authority. The envelope containing the early ballot
24 certification envelopes shall be returned to the election
25 authority and preserved in like manner as the official poll
26 record.

27 In case the signatures do not correspond, or the applicant
28 is not a duly qualified voter in the precinct or the ballot
29 envelope is open or has been opened and resealed, or the voter
30 has voted on election day, the previously cast vote shall not
31 be allowed, but without opening the early voter's envelope the
32 judge of the election shall mark across the face thereof,
33 "Rejected", giving the reason therefor.

34 In case the ballot envelope contains more than one ballot
35 of any kind, the ballots shall not be counted, but shall be
36 marked "Rejected", giving the reason therefor.

1 The early voters' envelopes and affidavits and the early
2 voters' envelope with its contents unopened, when the early
3 vote is rejected, shall be retained and preserved in the manner
4 as now provided for the retention and preservation of official
5 ballots rejected at the election.

6 (10 ILCS 5/19A-60 new)

7 Sec. 19A-60. Pollwatchers. Pollwatchers may be appointed
8 to observe early voting by personal appearance at each
9 permanent and temporary polling place where early voting is
10 conducted. The pollwatchers shall qualify and be appointed in
11 the same manner as provided in Sections 7-34 and 17-23, except
12 that each candidate, political party, or organization of
13 citizens may appoint only one pollwatcher for each location
14 where early voting by personal appearance is conducted.
15 Pollwatchers must be residents of the State and possess valid
16 pollwatcher credentials.

17 In the polling place on election day, pollwatchers are
18 permitted to be present during the casting of the early ballots
19 and the vote of an early voter may be challenged for cause the
20 same as if the voter were present and voted on election day.
21 The judges of election or election authority personnel
22 conducting early voting, or a majority of either of these, have
23 the power and authority to hear and determine the legality of
24 the early ballot, provided that if a challenge to any early
25 voter's right to vote is sustained, notice of the challenge
26 must be given by the judges of election or election authority
27 by mail addressed to the voter's place of residence.

28 (10 ILCS 5/19A-65 new)

29 Sec. 19A-65. Death of voter before opening of polls.
30 Whenever due proof is made to the judges of election or
31 election authority personnel counting early ballots that any
32 voter who has marked an early ballot as provided in this
33 Article has died before the opening of the polls on the date of
34 the election, the ballot of the deceased voter shall be

1 returned in the same manner provided for rejected ballots; but
2 the casting of the ballot of a deceased voter shall not
3 invalidate the election.

4 (10 ILCS 5/19A-70 new)

5 Sec. 19A-70. Advertising or campaigning in proximity of
6 polling place; penalty. During the period prescribed in Section
7 19A-15 for early voting by personal appearance, no advertising
8 pertaining to any candidate or proposition to be voted on may
9 be displayed in or within 100 feet of any polling place used by
10 voters under this Article. No person may engage in
11 electioneering in or within 100 feet of any polling place used
12 by voters under this Article. The provisions of Section 17-29
13 with respect to establishment of a campaign free zone apply to
14 polling places under this Article.

15 Any person who violates this Section may be punished for
16 contempt of court.

17 (10 ILCS 5/19A-75 new)

18 Sec. 19A-75. Early voting in jurisdictions using Direct
19 Recording Electronic Voting Systems under Article 24C.
20 Election authorities that have adopted for use Direct Recording
21 Electronic Voting Systems under Article 24C may either use
22 those voting systems to conduct early voting or, so long as at
23 least one Direct Recording Electronic Voting System device is
24 available at each early voting polling place, use whatever
25 method the election authority uses for absentee balloting
26 conducted by mail; provided that no early ballots are counted
27 before the polls close on election day.

28 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

29 Sec. 20-4. Immediately upon the receipt of the official
30 postcard or an application as provided in Section 20-3 within
31 the times heretofore prescribed, the election authority shall
32 ascertain whether or not such applicant is legally entitled to
33 vote as requested. If the election authority ascertains that

1 the applicant is lawfully entitled to vote, it shall enter the
2 name, street address, ward and precinct number of such
3 applicant on a list to be posted in his or its office in a place
4 accessible to the public. Within one business day after posting
5 the name and other information of an applicant for a ballot,
6 the election authority shall transmit that name and posted
7 information to the State Board of Elections, which shall
8 maintain the names and other information in an electronic
9 format on its website, arranged by county and accessible to
10 State and local political committees. As soon as the official
11 ballot is prepared the election authority shall immediately
12 deliver the same to the applicant in person or by mail, in the
13 manner prescribed in Section 20-5.

14 If any such election authority receives a second or
15 additional application which it believes is from the same
16 person, he or it shall submit it to the chief judge of the
17 circuit court or any judge of that court designated by the
18 chief judge. If the chief judge or his designate determines
19 that the application submitted to him is a second or additional
20 one, he shall so notify the election authority who shall
21 disregard the second or additional application.

22 The election authority shall maintain a list for each
23 election of the voters to whom it has issued absentee ballots.
24 The list shall be maintained for each precinct within the
25 jurisdiction of the election authority. Prior to the opening of
26 the polls on election day, the election authority shall deliver
27 to the judges of election in each precinct the list of
28 registered voters in that precinct to whom absentee ballots
29 have been issued.

30 (Source: P.A. 81-0155; 81-0953; 81-1509.)

31 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

32 Sec. 22-1. Abstracts of votes. Within 21 days after the
33 close of the election at which candidates for offices
34 hereinafter named in this Section are voted upon, the county
35 clerks of the respective counties, with the assistance of the

1 chairmen of the county central committees of the Republican and
2 Democratic parties of the county, shall open the returns and
3 make abstracts of the votes on a separate sheet for each of the
4 following:

- 5 A. For Governor and Lieutenant Governor;
- 6 B. For State officers;
- 7 C. For presidential electors;
- 8 D. For United States Senators and Representatives to
9 Congress;
- 10 E. For judges of the Supreme Court;
- 11 F. For judges of the Appellate Court;
- 12 G. For judges of the circuit court;
- 13 H. For Senators and Representatives to the General
14 Assembly;
- 15 I. For State's Attorneys elected from 2 or more counties;
- 16 J. For amendments to the Constitution, and for other
17 propositions submitted to the electors of the entire State;
- 18 K. For county officers and for propositions submitted to
19 the electors of the county only;
- 20 L. For Regional Superintendent of Schools;
- 21 M. For trustees of Sanitary Districts; and
- 22 N. For Trustee of a Regional Board of School Trustees.

23 Each sheet shall report the returns by precinct or ward.

24 Multiple originals of each of the sheets shall be prepared
25 and one of each shall be turned over to the chairman of the
26 county central committee of each of the then existing
27 established political parties, as defined in Section 10-2, or
28 his duly authorized representative immediately after the
29 completion of the entries on the sheets and before the totals
30 have been compiled.

31 The foregoing abstracts shall be preserved by the county
32 clerk in his office.

33 Whenever any county chairman is also county clerk or
34 whenever any county chairman is unable to serve as a member of
35 such canvassing board the vice-chairman or secretary of his
36 county central committee, in that order, shall serve in his

1 place as member of such canvassing board; provided, that if
2 none of these persons is able to serve, the county chairman may
3 appoint a member of his county central committee to serve as a
4 member of such canvassing board.

5 The powers and duties of the county canvassing board are
6 limited to those specified in this Section. In no event shall
7 such canvassing board open any package in which the ballots
8 have been wrapped or any envelope containing "defective" or
9 "objected to" ballots, or in any manner undertake to examine
10 the ballots used in the election, except as provided in Section
11 22-9.1 or when directed by a court in an election contest. Nor
12 shall such canvassing board call in the precinct judges of
13 election or any other persons to open or recount the ballots.

14 No person who is shown by the canvassing board's
15 proclamation to have been elected at the consolidated election
16 or general election as a write-in candidate shall take office
17 unless that person has first filed with the certifying office
18 or board a statement of candidacy pursuant to Section 7-10 or
19 Section 10-5, a statement pursuant to Section 7-10.1, and a
20 receipt for filing a statement of economic interests in
21 relation to the unit of government to which he or she has been
22 elected. For officers elected at the consolidated election, the
23 certifying officer shall notify the election authority of the
24 receipt of those documents, and the county clerk shall issue
25 the certification of election under the provisions of Section
26 22-18.

27 (Source: P.A. 93-847, eff. 7-30-04.)

28 (10 ILCS 5/22-5) (from Ch. 46, par. 22-5)

29 Sec. 22-5. Immediately after the completion of the
30 abstracts of votes by precinct or ward, the county clerk shall
31 make 2 correct copies of the abstracts of votes for Governor,
32 Lieutenant Governor, Secretary of State, State Comptroller,
33 Treasurer, Attorney General, both of which said copies he shall
34 envelope and seal up, and endorse upon the envelopes in
35 substance, "Abstracts of votes for State Officers from

1 County"; and shall seal up a copy of each of the abstracts of
2 votes for other officers and amendments to the Constitution and
3 other propositions voted on, and endorse the same so as to show
4 the contents of the package, and address the same to the State
5 Board of Elections. The several packages shall then be placed
6 in one envelope and addressed to the State Board of Elections.
7 The county clerk shall send the sealed envelope addressed to
8 the State Board of Elections via overnight mail so it arrives
9 at the address the following calendar day.

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

11 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

12 Sec. 22-7. Canvass of votes; declaration and proclamation
13 of result. The State Board of Elections, shall proceed within
14 31 days after the election, and sooner if all the returns are
15 received, to canvass the votes given for United States Senators
16 and Representatives to Congress, State executive officers,
17 judges of the Supreme Court, judges of the Appellate Court,
18 judges of the Circuit Court, Senators, Representatives to the
19 General Assembly, State's Attorneys and Regional
20 Superintendents of Schools elected from 2 or more counties,
21 respectively, and the persons having the highest number of
22 votes for the respective offices shall be declared duly
23 elected, but if it appears that more than the number of persons
24 to be elected have the highest and an equal number of votes for
25 the same office, the electoral board shall decide by lot which
26 of such persons shall be elected; and to each person duly
27 elected, the Governor shall give a certificate of election or
28 commission, as the case may require, and shall cause
29 proclamation to be made of the result of the canvass, and they
30 shall at the same time and in the same manner, canvass the vote
31 cast upon amendments to the Constitution, and upon other
32 propositions submitted to the electors of the entire State; and
33 the Governor shall cause to be made such proclamation of the
34 result of the canvass as the statutes elsewhere provide. The
35 State Board of Elections shall transmit to the State

1 Comptroller a list of the persons elected to the various
2 offices. The State Board of Elections shall also transmit to
3 the Supreme Court the names of persons elected to judgeships in
4 adversary elections and the names of judges who fail to win
5 retention in office.

6 No person who is shown by the canvassing board's
7 proclamation to have been elected at the consolidated election
8 or general election as a write-in candidate shall take office
9 unless that person has first filed with the certifying office
10 or board a statement of candidacy pursuant to Section 7-10 or
11 Section 10-5, a statement pursuant to Section 7-10.1, and a
12 receipt for filing a statement of economic interests in
13 relation to the unit of government to which he or she has been
14 elected. For officers elected at the consolidated election, the
15 certifying officer shall notify the election authority of the
16 receipt of those documents, and the county clerk shall issue
17 the certification of election under the provisions of Section
18 22-18.

19 (Source: P.A. 93-847, eff. 7-30-04.)

20 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

21 Sec. 22-8. In municipalities operating under Article 6 of
22 this Act, within 21 days after the close of such election, a
23 judge of the circuit court, with the assistance of the city
24 attorney and the board of election commissioners, who are
25 hereby declared a canvassing board for such city, shall open
26 all returns left respectively, with the election
27 commissioners, the county clerk, and city comptroller, and
28 shall make abstracts or statements of the votes in the
29 following manner, as the case may require, viz: All votes for
30 Governor and Lieutenant Governor on one sheet; all votes for
31 other State officers on another sheet; all votes for
32 presidential electors on another sheet; all votes for United
33 States Senators and Representatives to Congress on another
34 sheet; all votes for judges of the Supreme Court on another
35 sheet; all votes for judges of the Appellate Court on another

1 sheet; all votes for Judges of the Circuit Court on another
2 sheet; all votes for Senators and Representatives to the
3 General Assembly on another sheet; all votes for State's
4 Attorneys where elected from 2 or more counties on another
5 sheet; all votes for County Officers on another sheet; all
6 votes for City Officers on another sheet; all votes for Town
7 Officers on another sheet; and all votes for any other office
8 on a separate and appropriate sheet; all votes for any
9 proposition, which may be submitted to a vote of the people, on
10 another sheet, and all votes against any proposition, submitted
11 to a vote of the people, on another sheet.

12 Each sheet shall report the returns by precinct or ward.

13 Multiple originals of each of the sheets shall be prepared
14 and one of each shall be turned over to the chairman of the
15 county central committee of each of the then existing
16 established political parties, as defined in Section 10-2, or
17 his duly authorized representative immediately after the
18 completion of the entries on the sheets and before the totals
19 have been compiled.

20 (Source: P.A. 93-847, eff. 7-30-04.)

21 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

22 Sec. 22-9. It shall be the duty of such Board of Canvassers
23 to canvass, and add up and declare the result of every election
24 hereafter held within the boundaries of such city, village or
25 incorporated town, operating under Article 6 of this Act, and
26 the judge of the circuit court shall thereupon enter of record
27 such abstract and result by precinct or ward, and a certified
28 copy of such record shall thereupon be filed with the County
29 Clerk of the county; and such abstracts or results shall be
30 treated, by the County Clerk in all respects, as if made by the
31 Canvassing Board now provided by the foregoing sections of this
32 law, and he shall transmit the same to the State Board of
33 Elections, or other proper officer, as required hereinabove.
34 The county clerk or board of election commissioners, as the
35 case may be, shall send the abstract by precinct or ward and

1 result in a sealed envelope addressed to the State Board of
2 Elections via overnight mail so it arrives at the address the
3 following calendar day. And such abstracts or results so
4 entered and declared by such judge, and a certified copy
5 thereof, shall be treated everywhere within the state, and by
6 all public officers, with the same binding force and effect as
7 the abstract of votes now authorized by the foregoing
8 provisions of this Act.

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

10 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

11 Sec. 22-15. The county clerk or board of election
12 commissioners shall, upon request, and by mail if so requested,
13 furnish free of charge to any candidate for State office,
14 including State Senator and Representative in the General
15 Assembly, and any candidate for congressional office, whose
16 name appeared upon the ballot within the jurisdiction of the
17 county clerk or board of election commissioners, a copy of the
18 abstract of votes by precinct or ward for all candidates for
19 the office for which such person was a candidate. Such abstract
20 shall be furnished no later than 2 days after the receipt of
21 the request or 8 days after the completing of the canvass,
22 whichever is later.

23 Within one calendar day following the canvass and
24 proclamation of each general primary election and general
25 election, each election authority shall transmit to the
26 principal office of the State Board of Elections copies of the
27 abstracts of votes by precinct or ward ~~for the above named~~
28 ~~offices and~~ for the offices of ward, township, and precinct
29 committeeman via overnight mail so that the abstract of votes
30 arrives at the address the following calendar day. Each
31 election authority shall also transmit to the principal office
32 of the State Board of Elections copies of current precinct poll
33 lists.

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

1 (10 ILCS 5/22-15.1) (from Ch. 46, par. 22-15.1)

2 Sec. 22-15.1. (a) Within 60 days following the canvass of
3 the general election within each election jurisdiction, the
4 election authority shall prepare, in typewritten or legible
5 computer-generated form, a report of the abstracts of votes by
6 precinct for all offices and questions of public policy in
7 connection with which votes were cast within the election
8 jurisdiction at the general election. The report shall include
9 the total number of ballots cast within each precinct or ward
10 and the total number of registered voters within each precinct
11 or ward. The election authority shall provide a copy of the
12 report to the chairman of the county central committee of each
13 established political party in the county within which the
14 election jurisdiction is contained, and shall make a reasonable
15 number of copies of the report available for distribution to
16 the public.

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

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

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

31 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

32 Sec. 22-17. (a) Except as provided in subsection (b), the
33 canvass of votes cast at the ~~nonpartisan and~~ consolidated
34 election ~~elections~~ shall be conducted by the following
35 canvassing boards within 21 days after the close of such

1 elections:

2 1. For city offices, by the mayor, the city attorney
3 and the city clerk.

4 2. For village and incorporated town offices, by the
5 president of the board of trustees, one member of the board
6 of trustees, and the village or incorporated town clerk.

7 3. For township offices, by the township supervisor,
8 the eligible town trustee elected in the township who has
9 the longest term of continuous service as town trustee, and
10 the township clerk.

11 4. For road district offices, by the highway
12 commissioner and the road district clerk.

13 5. For school district or community college district
14 offices, by the school or community college district board.

15 6. For special district elected offices, by the board
16 of the special district.

17 7. For multi-county educational service region
18 offices, by the regional board of school trustees.

19 8. For township trustee of schools or land
20 commissioner, by the township trustees of schools or land
21 commissioners.

22 9. For park district offices, by the president of the
23 park board, one member of the board of park commissioners
24 and the secretary of the park district.

25 10. For multi-township assessment districts, by the
26 chairman, clerk, and assessor of the multi-township
27 assessment district.

28 (b) The city canvassing board provided in Section 22-8
29 shall canvass the votes cast at the ~~nonpartisan~~ and
30 consolidated election ~~elections~~ for offices of any political
31 subdivision entirely within the jurisdiction of a municipal
32 board of election commissioners.

33 (c) The canvass of votes cast upon any public questions
34 submitted to the voters of any political subdivision, or any
35 precinct or combination of precincts within a political
36 subdivision, at any regular election or at any emergency

1 referendum election, including votes cast by voters outside of
2 the political subdivision where the question is for annexation
3 thereto, shall be canvassed by the same board provided for in
4 this Section for the canvass of votes of the officers of such
5 political subdivision. However, referenda conducted throughout
6 a county and referenda of sanitary districts whose officers are
7 elected at general elections shall be canvassed by the county
8 canvassing board. The votes cast on a public question for the
9 formation of a political subdivision shall be canvassed by the
10 circuit court that ordered the question submitted, or by such
11 officers of the court as may be appointed for such purpose,
12 except where in the formation or reorganization of a school
13 district or districts the regional superintendent of schools is
14 designated by law as the canvassing official.

15 (c-5) No person who is shown by the canvassing board's
16 proclamation to have been elected at the consolidated election
17 or general election as a write-in candidate shall take office
18 unless that person has first filed with the certifying office
19 or board a statement of candidacy pursuant to Section 7-10 or
20 Section 10-5, a statement pursuant to Section 7-10.1, and a
21 receipt for filing a statement of economic interests in
22 relation to the unit of government to which he or she has been
23 elected. For officers elected at the consolidated election, the
24 certifying officer shall notify the election authority of the
25 receipt of those documents, and the county clerk shall issue
26 the certification of election under the provisions of Section
27 22-18.

28 (d) The canvass of votes for offices of political
29 subdivisions cast at special elections to fill vacancies held
30 on the day of any regular election shall be conducted by the
31 canvassing board which is responsible for canvassing the votes
32 at the regularly scheduled election for such office.

33 (e) Abstracts of votes prepared pursuant to canvasses under
34 this Section shall report returns by precinct or ward.

35 (Source: P.A. 93-847, eff. 7-30-04.)

1 (10 ILCS 5/23-15.1)

2 Sec. 23-15.1. Production of ballot counting code and
3 attendance of witnesses. All voting-system vendors shall,
4 within 90 days after the adoption of rules or upon application
5 for voting-system approval, place in escrow all computer code
6 for its voting system with the State Board of Elections. The
7 State Board of Elections shall promulgate rules to implement
8 this Section. For purposes of this Section, the term "computer
9 code" includes, but is not limited to, ballot counting source
10 code, table structures, modules, program narratives, and other
11 human readable computer instructions used to count ballots. Any
12 computer code submitted by vendors to the State Board of
13 Elections shall be considered strictly confidential and the
14 intellectual property of the vendors and shall not be subject
15 to public disclosure under the Freedom of Information Act.

16 The State Board of Elections shall determine which software
17 components of a voting system it deems necessary to enable the
18 review and verification of the computer. The State Board of
19 Elections shall secure and maintain all proprietary computer
20 codes in strict confidence and shall make a computer code
21 available to authorized persons in connection with an election
22 contest or pursuant to any State or federal court order.

23 In an election contest, each party to the contest may
24 designate one or more persons who are authorized to receive the
25 computer code of the relevant voting systems. The person or
26 persons authorized to receive the relevant computer code shall
27 enter into a confidentiality agreement with the State Board of
28 Elections and must exercise the highest degree of reasonable
29 care to maintain the confidentiality of all proprietary
30 information.

31 The State Board of Elections shall promulgate rules to
32 provide for the security, review, and verification of computer
33 codes. Verification includes, but is not limited to,
34 determining that the computer code corresponds to computer
35 instructions actually in use to count ballots. The State Board
36 of Elections shall hire, contract with, or otherwise provide

1 sufficiently qualified resources, both human and capital, to
2 conduct the reviews with the greatest possible expectation of
3 thoroughness, completeness, and effectiveness. The resources
4 shall be independent of and have no business, personal,
5 professional, or other affiliation with any of the system
6 vendors currently or prospectively supplying voting systems to
7 any county in the State of Illinois. Nothing in this Section
8 shall impair the obligation of any contract between a
9 voting-systems vendor and an election authority that provides
10 access to computer code that is equal to or greater than that
11 provided by this Section.

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

13 (10 ILCS 5/23-50 new)

14 Sec. 23-50. Definition of a vote. For the purpose of any
15 recount of votes under this Code, a vote is defined as provided
16 in Sections 7-100, 17-100, 18-100, 24A-22, 24B-9.1, or 24C-10,
17 depending upon the type of voting equipment or system used to
18 cast the vote.

19 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

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

25 (a) Two ballot boxes shall be provided for each polling
26 place. The first ballot box is for the depositing of votes cast
27 on the electronic voting system; and the second ballot box is
28 for all votes cast on paper ballots, including absentee paper
29 and early paper ballots and any other paper ballots required to
30 be voted other than on the electronic voting system. Ballots,
31 except absentee and early ballots for candidates and
32 propositions which are listed on the electronic voting system,
33 deposited in the second ballot box shall be counted, tallied,
34 and returned as is elsewhere provided in "The Election Code,"

1 as amended, for the counting and handling of paper ballots.
2 Immediately after the closing of the polls the absentee and
3 early ballots delivered to the precinct judges of election by
4 the election official in charge of the election shall be
5 examined to determine that such ballots comply with Sections
6 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and
7 are entitled to be deposited in the ballot box provided
8 therefor; those entitled to be deposited in this ballot box
9 shall be initialed by the precinct judges of election and
10 deposited therein. Those not entitled to be deposited in this
11 ballot box shall be marked "Rejected" and disposed of as
12 provided in Sections 19-9, 19A-55, and 20-9. The precinct
13 judges of election shall then open the second ballot box and
14 examine all paper absentee and early ballots which are in the
15 ballot box to determine whether the absentee and early ballots
16 bear the initials of a precinct judge of election. If any
17 absentee or early ballot is not so initialed, it shall be
18 marked on the back "Defective," initialed as to such label by
19 all judges immediately under such word "Defective," and not
20 counted, but placed in the envelope provided for that purpose
21 labeled "Defective Ballots Envelope." The judges of election,
22 consisting in each case of at least one judge of election of
23 each of the two major political parties, shall examine the
24 paper absentee and early ballots which were in such ballot box
25 and properly initialed so as to determine whether the same
26 contain write-in votes. Write-in votes, not causing an overvote
27 for an office otherwise voted for on the paper absentee or
28 early ballot, and otherwise properly voted, shall be counted,
29 tallied and recorded on the tally sheet provided for such
30 record. A write-in vote causing an overvote for an office shall
31 not be counted for that office, but the precinct judges shall
32 mark such paper or early absentee ballot "Objected To" on the
33 back thereof and write on its back the manner in which such
34 ballot is counted and initial the same. An overvote for one
35 office shall invalidate only the vote or count of that
36 particular office. After counting, tallying and recording the

1 write-in votes on absentee and early ballots, the judges of
2 election, consisting in each case of at least one judge of
3 election of each of the two major political parties, shall make
4 a true duplicate ballot of the remaining valid votes on each
5 paper absentee or early ballot which was in the ballot box and
6 properly initialed, by using the electronic voting system used
7 in the precinct and one of the marking devices of the precinct
8 so as to transfer the remaining valid votes of the voter on the
9 paper absentee ballot to an official ballot or a ballot card of
10 that kind used in the precinct at that election. The original
11 paper absentee or early ballot shall be clearly labeled
12 "Absentee Ballot" or "Early Ballot", as the case may be, and
13 the ballot card so produced "Duplicate Absentee Ballot," or
14 "Duplicate Early Ballot", as the case may be, and each shall
15 bear the same serial number which shall be placed thereon by
16 the judges of election, commencing with number 1 and continuing
17 consecutively for the ballots of that kind in that precinct.
18 The judges of election shall initial the "Duplicate Absentee
19 Ballot" and "Duplicate Early Ballot" ballots or ballot cards
20 and shall place them in the first ballot box provided for
21 return of the ballots to be counted at the central counting
22 location in lieu of the paper absentee and early ballots. The
23 paper absentee and early ballots shall be placed in an envelope
24 provided for that purpose labeled "Duplicate Ballots."

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

1 judges shall sign such seal. Thereupon two of the judges of
2 election, of different political parties, shall forthwith and
3 by the most direct route transport both ballot boxes to the
4 counting location designated by the county clerk or board of
5 election commissioners.

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

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

28 The precinct transport judges shall then examine the
29 remaining ballots for write-in votes and shall count and
30 tabulate the write-in vote; or

31 (b) A single ballot box, for the deposit of all votes cast,
32 shall be used. All ballots which are not to be tabulated on the
33 electronic voting system shall be counted, tallied, and
34 returned as elsewhere provided in "The Election Code," as
35 amended, for the counting and handling of paper ballots.

36 All ballots to be processed and tabulated with the

1 electronic voting system shall be processed as follows:

2 Immediately after the closing of the polls the absentee and
3 early ballots delivered to the precinct judges of election by
4 the election official in charge of the election shall be
5 examined to determine that such ballots comply with Sections
6 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and
7 are entitled to be deposited in the ballot box; those entitled
8 to be deposited in the ballot box shall be initialed by the
9 precinct judges of election and deposited in the ballot box.
10 Those not entitled to be deposited in the ballot box shall be
11 marked "Rejected" and disposed of as provided in said Sections
12 19-9, 19A-55, and 20-9. The precinct judges of election then
13 shall open the ballot box and canvass the votes polled to
14 determine that the number of ballots therein agree with the
15 number of voters voting as shown by the applications for ballot
16 or if the same do not agree the judges of election shall make
17 such ballots agree with the applications for ballot in the
18 manner provided by Section 17-18 of "The Election Code." The
19 judges of election shall then examine all paper absentee and
20 early ballots, ballot cards and ballot card envelopes which are
21 in the ballot box to determine whether the paper ballots,
22 ballot cards and ballot card envelopes bear the initials of a
23 precinct judge of election. If any paper ballot, ballot card or
24 ballot card envelope is not initialed, it shall be marked on
25 the back "Defective," initialed as to such label by all judges
26 immediately under such word "Defective," and not counted, but
27 placed in the envelope provided for that purpose labeled
28 "Defective Ballots Envelope." The judges of election,
29 consisting in each case of at least one judge of election of
30 each of the two major political parties, shall examine the
31 paper absentee and early ballots which were in the ballot box
32 and properly initialed so as to determine whether the same
33 contain write-in votes. Write-in votes, not causing an overvote
34 for an office otherwise voted for on the paper absentee or
35 early ballot, and otherwise properly voted, shall be counted,
36 tallied and recorded on the tally sheet provided for such

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

33 When an electronic voting system is used which utilizes a
34 ballot card, before separating the remaining ballot cards from
35 their respective covering envelopes, the judges of election
36 shall examine the ballot card envelopes for write-in votes.

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

1 the automatic tabulating equipment, the judges of election,
2 consisting in each case of at least one judge of election of
3 each of the two major political parties, shall make a true
4 duplicate ballot of all votes on such ballot card by using the
5 ballot label booklet of the precinct and one of the marking
6 devices of the precinct. The original ballot or ballot card and
7 envelope shall be clearly labeled "Damaged Ballot" and the
8 ballot or ballot card so produced "Duplicate Damaged Ballot,"
9 and each shall bear the same number which shall be placed
10 thereon by the judges of election, commencing with number 1 and
11 continuing consecutively for the ballots of that kind in the
12 precinct. The judges of election shall initial the "Duplicate
13 Damaged Ballot" ballot or ballot cards, and shall place them in
14 the box for return of the ballots. The "Damaged Ballot" ballots
15 or ballot cards and their envelopes shall be placed in the
16 "Duplicated Ballots" envelope. A slip indicating the number of
17 voters voting in person, number of absentee votes deposited in
18 the ballot box, and the total number of voters of the precinct
19 who voted at the election shall be made out, signed by all
20 judges of election, and inserted in the box for return of the
21 ballots. The tally sheets recording the write-in votes shall be
22 placed in this box. The judges of election thereupon
23 immediately shall securely lock the ballot box or other
24 suitable box furnished for return of the ballots by the
25 election official in charge of the election; provided that if
26 such box is not of a type which may be securely locked, such
27 box shall be sealed with filament tape provided for such
28 purpose which shall be wrapped around the box lengthwise and
29 crosswise, at least twice each way. A separate adhesive seal
30 label signed by each of the judges of election of the precinct
31 shall be affixed to the box so as to cover any slot therein and
32 to identify the box of the precinct; and if such box is sealed
33 with filament tape as provided herein rather than locked, such
34 tape shall be wrapped around the box as provided herein, but in
35 such manner that the separate adhesive seal label affixed to
36 the box and signed by the judges may not be removed without

1 breaking the filament tape and disturbing the signature of the
2 judges. Thereupon, 2 of the judges of election, of different
3 major political parties, forthwith shall by the most direct
4 route transport the box for return of the ballots and enclosed
5 ballots and returns to the central counting location designated
6 by the election official in charge of the election. If,
7 however, because of the lack of adequate parking facilities at
8 the central counting location or for any other reason, it is
9 impossible or impracticable for the boxes from all the polling
10 places to be delivered directly to the central counting
11 location, the election official in charge of the election may
12 designate some other location to which the boxes shall be
13 delivered by the 2 precinct judges. While at such other
14 location the boxes shall be in the care and custody of one or
15 more teams, each consisting of 4 persons, 2 from each of the
16 two major political parties, designated for such purpose by the
17 election official in charge of elections from recommendations
18 by the appropriate political party organizations. As soon as
19 possible, the boxes shall be transported from such other
20 location to the central counting location by one or more teams,
21 each consisting of 4 persons, 2 from each of the 2 major
22 political parties, designated for such purpose by the election
23 official in charge of elections from recommendations by the
24 appropriate political party organizations.

25 The "Defective Ballots" envelope, and "Duplicated Ballots"
26 envelope each shall be securely sealed and the flap or end
27 thereof of each signed by the precinct judges of election and
28 returned to the central counting location with the box for
29 return of the ballots, enclosed ballots and returns.

30 At the central counting location, a team of tally judges
31 designated by the election official in charge of the election
32 shall check the box returned containing the ballots to
33 determine that all seals are intact, and thereupon shall open
34 the box, check the voters' slip and compare the number of
35 ballots so delivered against the total number of voters of the
36 precinct who voted, remove the ballots or ballot cards and

1 deliver them to the technicians operating the automatic
2 tabulating equipment. Any discrepancies between the number of
3 ballots and total number of voters shall be noted on a sheet
4 furnished for that purpose and signed by the tally judges; or

5 (c) A single ballot box, for the deposit of all votes cast,
6 shall be used. Immediately after the closing of the polls the
7 judges of election shall examine the absentee and early ballots
8 received by the precinct judges of election from the election
9 authority of voters in that precinct to determine that they
10 comply with the provisions of Sections 19-9, 19A-55, 20-8, and
11 20-9 of the Election Code, as amended, and are entitled to be
12 deposited in the ballot box; those entitled to be deposited in
13 the ballot box shall be initialed by the precinct judges and
14 deposited in the ballot box. Those not entitled to be deposited
15 in the ballot box, in accordance with Sections 19-9, 19A-55,
16 20-8, and 20-9 of the Election Code, as amended, shall be
17 marked "Rejected" and preserved in the manner provided in The
18 Election Code for the retention and preservation of official
19 ballots rejected at such election. Immediately upon the
20 completion of the absentee and early balloting, the precinct
21 judges of election shall securely lock the ballot box; provided
22 that if such box is not of a type which may be securely locked,
23 such box shall be sealed with filament tape provided for such
24 purpose which shall be wrapped around the box lengthwise and
25 crosswise, at least twice each way. A separate adhesive seal
26 label signed by each of the judges of election of the precinct
27 shall be affixed to the box so as to cover any slot therein and
28 to identify the box of the precinct; and if such box is sealed
29 with filament tape as provided herein rather than locked, such
30 tape shall be wrapped around the box as provided herein, but in
31 such manner that the separate adhesive seal label affixed to
32 the box and signed by the judges may not be removed without
33 breaking the filament tape and disturbing the signature of the
34 judges. Thereupon, 2 of the judges of election, of different
35 major political parties, shall forthwith by the most direct
36 route transport the box for return of the ballots and enclosed

1 absentee and early ballots and returns to the central counting
2 location designated by the election official in charge of the
3 election. If however, because of the lack of adequate parking
4 facilities at the central counting location or for some other
5 reason, it is impossible or impracticable for the boxes from
6 all the polling places to be delivered directly to the central
7 counting location, the election official in charge of the
8 election may designate some other location to which the boxes
9 shall be delivered by the 2 precinct judges. While at such
10 other location the boxes shall be in the care and custody of
11 one or more teams, each consisting of 4 persons, 2 from each of
12 the two major political parties, designated for such purpose by
13 the election official in charge of elections from
14 recommendations by the appropriate political party
15 organizations. As soon as possible, the boxes shall be
16 transported from such other location to the central counting
17 location by one or more teams, each consisting of 4 persons, 2
18 from each of the 2 major political parties, designated for such
19 purpose by the election official in charge of the election from
20 recommendations by the appropriate political party
21 organizations.

22 At the central counting location there shall be one or more
23 teams of tally judges who possess the same qualifications as
24 tally judges in election jurisdictions using paper ballots. The
25 number of such teams shall be determined by the election
26 authority. Each team shall consist of 5 tally judges, 3
27 selected and approved by the county board from a certified list
28 furnished by the chairman of the county central committee of
29 the party with the majority of members on the county board and
30 2 selected and approved by the county board from a certified
31 list furnished by the chairman of the county central committee
32 of the party with the second largest number of members on the
33 county board. At the central counting location a team of tally
34 judges shall open the ballot box and canvass the votes polled
35 to determine that the number of ballot sheets therein agree
36 with the number of voters voting as shown by the applications

1 for ballot and for absentee and early ballot; and, if the same
2 do not agree, the tally judges shall make such ballots agree
3 with the number of applications for ballot in the manner
4 provided by Section 17-18 of the Election Code. The tally
5 judges shall then examine all ballot sheets which are in the
6 ballot box to determine whether they bear the initials of the
7 precinct judge of election. If any ballot is not initialed, it
8 shall be marked on the back "Defective", initialed as to such
9 label by all tally judges immediately under such word
10 "Defective", and not counted, but placed in the envelope
11 provided for that purpose labeled "Defective Ballots
12 Envelope". Write-in votes, not causing an overvote for an
13 office otherwise voted for on the absentee and early ballot
14 sheet, and otherwise properly voted, shall be counted, tallied
15 and recorded by the central counting location judges on the
16 tally sheet provided for such record. A write-in vote causing
17 an overvote for an office shall not be counted for that office,
18 but the tally judges shall mark such absentee ballot sheet
19 "Objected To" on the back thereof and write on its back the
20 manner in which such ballot is counted and initial the same. An
21 overvote for one office shall invalidate only the vote or count
22 of that particular office.

23 At the central counting location, a team of tally judges
24 designated by the election official in charge of the election
25 shall deliver the ballot sheets to the technicians operating
26 the automatic tabulating equipment. Any discrepancies between
27 the number of ballots and total number of voters shall be noted
28 on a sheet furnished for that purpose and signed by the tally
29 judges.

30 (2) Regardless of which procedure described in subsection
31 (1) of this Section is used, the judges of election designated
32 to transport the ballots, properly signed and sealed as
33 provided herein, shall ensure that the ballots are delivered to
34 the central counting station no later than 12 hours after the
35 polls close. At the central counting station a team of tally
36 judges designated by the election official in charge of the

1 election shall examine the ballots so transported and shall not
2 accept ballots for tabulating which are not signed and sealed
3 as provided in subsection (1) of this Section until the judges
4 transporting the same make and sign the necessary corrections.
5 Upon acceptance of the ballots by a team of tally judges at the
6 central counting station, the election judges transporting the
7 same shall take a receipt signed by the election official in
8 charge of the election and stamped with the date and time of
9 acceptance. The election judges whose duty it is to transport
10 any ballots shall, in the event such ballots cannot be found
11 when needed, on proper request, produce the receipt which they
12 are to take as above provided.

13 (Source: P.A. 83-1362.)

14 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

18 Immediately after the closing of the polls, the absentee
19 and early ballots delivered to the precinct judges of election
20 by the election authority shall be examined to determine that
21 such ballots comply with Sections 19-9 and 20-9 of this Act and
22 are entitled to be deposited in the ballot box; those entitled
23 to be deposited in the ballot box shall be initialed by the
24 precinct judges of election and deposited in the ballot box.
25 Those not entitled to be deposited in the ballot box shall be
26 marked "Rejected" and disposed of as provided in said Sections
27 19-9, 19A-55, and 20-9.

28 The precinct judges of election shall open the ballot box
29 and count the number of ballots therein to determine if such
30 number agrees with the number of voters voting as shown by the
31 applications for ballot or, if the same do not agree, the
32 judges of election shall make such ballots agree with the
33 applications for ballot in the manner provided by Section 17-18
34 of this Act. The judges of election shall then examine all
35 ballot cards and ballot card envelopes which are in the ballot

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

16 When an electronic voting system is used which utilizes a
17 ballot card, before separating the remaining ballot cards from
18 their respective covering envelopes, the judges of election
19 shall examine the ballot card envelopes for write-in votes.
20 When the voter has cast a write-in vote, the judges of election
21 shall compare the write-in vote with the votes on the ballot
22 card to determine whether such write-in results in an overvote
23 for any office. In case of an overvote for any office, the
24 judges of election, consisting in each case of at least one
25 judge of election of each of the 2 major political parties,
26 shall make a true duplicate ballot of all votes on such ballot
27 card except for the office which is overvoted, by using the
28 ballot label booklet of the precinct and one of the marking
29 devices of the precinct so as to transfer all votes of the
30 voter, except for the office overvoted, to a duplicate card.
31 The original ballot card and envelope upon which there is an
32 overvote shall be clearly labeled "Overvoted Ballot", and each
33 such "Overvoted Ballot" as well as its "Replacement" shall
34 contain the same serial number which shall be placed thereon by
35 the judges of election, commencing with number 1 and continuing
36 consecutively for the ballots of that kind in that precinct.

1 The "Overvoted Ballot" card and ballot envelope shall be placed
2 in an envelope provided for that purpose labeled "Duplicate
3 Ballot" envelope, and the judges of election shall initial the
4 "Replacement" ballot cards and shall place them with the other
5 ballot cards to be counted on the automatic tabulating
6 equipment. Envelopes containing write-in votes marked in the
7 place designated therefor and containing the initials of a
8 precinct judge of election and not resulting in an overvote and
9 otherwise complying with the election laws as to marking shall
10 be counted and tallied and their votes recorded on a tally
11 sheet provided by the election authority.

12 The ballot cards and ballot card envelopes shall be
13 separated in preparation for counting by the automatic
14 tabulating equipment provided for that purpose by the election
15 authority.

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

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

10 The totals for all candidates and propositions shall be
11 tabulated; 4 sets shall be attached to the 4 sets of
12 "Certificate of Results" provided by the election authority;
13 one set shall be posted in a conspicuous place inside the
14 polling place; and every effort shall be made by the judges of
15 election to provide a set for each authorized pollwatcher or
16 other official authorized to be present in the polling place to
17 observe the counting of ballots; but in no case shall the
18 number of sets to be made available to pollwatchers be fewer
19 than 4, chosen by lot by the judges of election. In addition,
20 sufficient time shall be provided by the judges of election to
21 the pollwatchers to allow them to copy information from the set
22 which has been posted.

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

27 The precinct judges of election shall select a bi-partisan
28 team of 2 judges, who shall immediately return the ballots in a
29 sealed container, along with all other election materials as
30 instructed by the election authority; provided, however, that
31 such container must first be sealed by the election judges with
32 filament tape provided for such purpose which shall be wrapped
33 around the container lengthwise and crosswise, at least twice
34 each way, in such manner that the ballots cannot be removed
35 from such container without breaking the seal and filament tape
36 and disturbing any signatures affixed by the election judges to

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

18 (Source: P.A. 83-1362.)

19 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

20 Sec. 24A-15.1. Except as herein provided, discovery
21 recounts and election contests shall be conducted as otherwise
22 provided for in "The Election Code", as amended. The automatic
23 tabulating equipment shall be tested prior to the discovery
24 recount or election contest as provided in Section 24A-9, and
25 then the official ballots or ballot cards shall be recounted on
26 the automatic tabulating equipment. In addition, (1) the ballot
27 or ballot cards shall be checked for the presence or absence of
28 judges' initials and other distinguishing marks, and (2) the
29 ballots marked "Rejected", "Defective", "Objected to", ~~and~~
30 "Absentee Ballot", and "Early Ballot" shall be examined to
31 determine the propriety of the such labels, and (3) the
32 "Duplicate Absentee Ballots", "Duplicate Early Ballots",
33 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"
34 shall be compared with their respective originals to determine
35 the correctness of the duplicates.

1 Any person who has filed a petition for discovery recount
2 may request that a redundant count be conducted in those
3 precincts in which the discovery recount is being conducted.
4 The additional costs of such a redundant count shall be borne
5 by the requesting party.

6 The log of the computer operator and all materials retained
7 by the election authority in relation to vote tabulation and
8 canvass shall be made available for any discovery recount or
9 election contest.

10 (Source: P.A. 82-1014.)

11 (10 ILCS 5/24A-22)

12 Sec. 24A-22. Definition of a vote.

13 (a) Notwithstanding any law to the contrary, for the
14 purpose of this Article, a person casts a valid vote on a punch
15 card ballot when:

16 (1) A chad on the card has at least one corner detached
17 from the card;

18 (2) The fibers of paper on at least one edge of the
19 chad are broken in a way that permits unimpeded light to be
20 seen through the card; or

21 (3) An indentation on the chad from the stylus or other
22 object is present and indicates a clearly ascertainable
23 intent of the voter to vote based on the totality of the
24 circumstances, including but not limited to any pattern or
25 frequency of indentations on other ballot positions from
26 the same ballot card.

27 (b) Write-in votes shall be counted in a manner consistent
28 with the existing provisions of this Code.

29 (c) For purposes of this Section, a "chad" is that portion
30 of a ballot card that a voter punches or perforates with a
31 stylus or other designated marking device to manifest his or
32 her vote for a particular ballot position on a ballot card as
33 defined in subsection (a). ~~Chads shall be removed from ballot~~
34 ~~cards prior to their processing and tabulation in election~~
35 ~~jurisdictions that utilize a ballot card as a means of~~

1 ~~recording votes at an election. Election jurisdictions that~~
2 ~~utilize a mechanical means or device for chad removal as a~~
3 ~~component of their tabulation shall use that means or device~~
4 ~~for chad removal.~~

5 (d) Prior to the original counting of any punch card
6 ballots, an election judge may not alter a punch card ballot in
7 any manner, including, but not limited to, the removal or
8 manipulation of chads.

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

10 (10 ILCS 5/24B-10)

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

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

18 (1) Two ballot boxes shall be provided for each polling
19 place. The first ballot box is for the depositing of votes
20 cast on the electronic voting system; and the second ballot
21 box is for all votes cast on other ballots, including
22 absentee paper and early paper ballots and any other paper
23 ballots required to be voted other than on the Precinct
24 Tabulation Optical Scan Technology electronic voting
25 system. Ballots, except absentee and early ballots for
26 candidates and propositions which are listed on the
27 Precinct Tabulation Optical Scan Technology electronic
28 voting system, deposited in the second ballot box shall be
29 counted, tallied, and returned as is elsewhere provided in
30 this Code for the counting and handling of paper ballots.
31 Immediately after the closing of the polls the absentee and
32 early ballots delivered to the precinct judges of election
33 by the election official in charge of the election shall be
34 examined to determine that the ballots comply with Sections
35 19-9, 19A-55, and 20-9 of this Code and are entitled to be

1 inserted into the counting equipment and deposited into the
2 ballot box provided; those entitled to be deposited in this
3 ballot box shall be initialed by the precinct judges of
4 election and deposited. Those not entitled to be deposited
5 in this ballot box shall be marked "Rejected" and disposed
6 of as provided in Sections 19-9, 19A-55, and 20-9. The
7 precinct judges of election shall then open the second
8 ballot box and examine all paper absentee and early ballots
9 which are in the ballot box to determine whether the
10 absentee or early ballots bear the initials of a precinct
11 judge of election. If any absentee or early ballot is not
12 so initialed, it shall be marked on the back "Defective",
13 initialed as to the label by all judges immediately under
14 the word "Defective", and not counted, but placed in the
15 envelope provided for that purpose labeled "Defective
16 Ballots Envelope". The judges of election, consisting in
17 each case of at least one judge of election of each of the
18 2 major political parties, shall examine the paper absentee
19 and early ballots which were in such ballot box and
20 properly initialed to determine whether the same contain
21 write-in votes. Write-in votes, not causing an overvote for
22 an office otherwise voted for on the paper absentee or
23 early ballot, and otherwise properly voted, shall be
24 counted, tallied and recorded on the tally sheet provided
25 for the record. A write-in vote causing an overvote for an
26 office shall not be counted for that office, but the
27 precinct judges shall mark such paper absentee or early
28 ballot "Objected To" on the back and write on its back the
29 manner in which the ballot is counted and initial the same.
30 An overvote for one office shall invalidate only the vote
31 or count of that particular office. After counting,
32 tallying and recording the write-in votes on absentee and
33 early ballots, the judges of election, consisting in each
34 case of at least one judge of election of each of the 2
35 major political parties, shall make a true duplicate ballot
36 of the remaining valid votes on each paper absentee and

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

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

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

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

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

29 The precinct transport judges shall then examine the
30 remaining ballots for write-in votes and shall count and
31 tabulate the write-in vote.

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

1 All ballots to be processed and tabulated with the
2 electronic Precinct Tabulation Optical Scan Technology
3 voting system shall be processed as follows:

4 Immediately after the closing of the polls the absentee
5 and early ballots delivered to the precinct judges of
6 election by the election official in charge of the election
7 shall be examined to determine that such ballots comply
8 with Sections 19-9, 19A-55, and 20-9 of this Code and are
9 entitled to be deposited in the ballot box; those entitled
10 to be deposited in the ballot box shall be initialed by the
11 precinct judges of election and deposited in the ballot
12 box. Those not entitled to be deposited in the ballot box
13 shall be marked "Rejected" and disposed of as provided in
14 Sections 19-9, 19A-55, and 20-9. The precinct judges of
15 election then shall open the ballot box and canvass the
16 votes polled to determine that the number of ballots agree
17 with the number of voters voting as shown by the
18 applications for ballot, or if the same do not agree the
19 judges of election shall make such ballots agree with the
20 applications for ballot in the manner provided by Section
21 17-18 of this Code. The judges of election shall then
22 examine all paper absentee and early ballots and ballot
23 envelopes which are in the ballot box to determine whether
24 the ballots and ballot envelopes bear the initials of a
25 precinct judge of election. If any ballot or ballot
26 envelope is not initialed, it shall be marked on the back
27 "Defective", initialed as to the label by all judges
28 immediately under the word "Defective", and not counted,
29 but placed in the envelope provided for that purpose
30 labeled "Defective Ballots Envelope". The judges of
31 election, consisting in each case of at least one judge of
32 election of each of the 2 major political parties, shall
33 examine the paper absentee and early ballots which were in
34 the ballot box and properly initialed to determine whether
35 the same contain write-in votes. Write-in votes, not
36 causing an overvote for an office otherwise voted for on

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

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

1 election, commencing with number 1 and continuing
2 consecutively for the ballots of that kind in the precinct.
3 The judges of election shall initial the "Duplicate Damaged
4 Ballot" ballot and shall place them in the box for return
5 of the ballots. The "Damaged Ballot" ballots shall be
6 placed in the "Duplicated Ballots" envelope. A slip
7 indicating the number of voters voting in person, number of
8 absentee and early votes deposited in the ballot box, and
9 the total number of voters of the precinct who voted at the
10 election shall be made out, signed by all judges of
11 election, and inserted in the box for return of the
12 ballots. The tally sheets recording the write-in votes
13 shall be placed in this box. The judges of election
14 immediately shall securely lock the ballot box or other
15 suitable box furnished for return of the ballots by the
16 election official in charge of the election; provided that
17 if the box is not of a type which may be securely locked,
18 the box shall be sealed with filament tape provided for the
19 purpose which shall be wrapped around the box lengthwise
20 and crosswise, at least twice each way. A separate adhesive
21 seal label signed by each of the judges of election of the
22 precinct shall be affixed to the box to cover any slot
23 therein and to identify the box of the precinct; and if the
24 box is sealed with filament tape as provided rather than
25 locked, such tape shall be wrapped around the box as
26 provided, but in such manner that the separate adhesive
27 seal label affixed to the box and signed by the judges may
28 not be removed without breaking the filament tape and
29 disturbing the signature of the judges. Two of the judges
30 of election, of different major political parties, shall by
31 the most direct route transport the box for return of the
32 ballots and enclosed ballots and returns to the central
33 counting location designated by the election official in
34 charge of the election. If, however, because of the lack of
35 adequate parking facilities at the central counting
36 location or for any other reason, it is impossible or

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

18 The "Defective Ballots" envelope, and "Duplicated
19 Ballots" envelope each shall be securely sealed and the
20 flap or end of each envelope signed by the precinct judges
21 of election and returned to the central counting location
22 with the box for return of the ballots, enclosed ballots
23 and returns.

24 At the central counting location, a team of tally
25 judges designated by the election official in charge of the
26 election shall check the box returned containing the
27 ballots to determine that all seals are intact, and shall
28 open the box, check the voters' slip and compare the number
29 of ballots so delivered against the total number of voters
30 of the precinct who voted, remove the ballots and deliver
31 them to the technicians operating the automatic tabulating
32 equipment. Any discrepancies between the number of ballots
33 and total number of voters shall be noted on a sheet
34 furnished for that purpose and signed by the tally judges.

35 (3) A single ballot box, for the deposit of all votes
36 cast, shall be used. Immediately after the closing of the

1 polls the judges of election shall examine the absentee and
2 early ballots received by the precinct judges of election
3 from the election authority of voters in that precinct to
4 determine that they comply with the provisions of Sections
5 19-9, 19A-55, 20-8, and 20-9 of this Code and are entitled
6 to be deposited in the ballot box; those entitled to be
7 deposited in the ballot box shall be initialed by the
8 precinct judges and deposited in the ballot box. Those not
9 entitled to be deposited in the ballot box, in accordance
10 with Sections 19-9, 19A-55, 20-8, and 20-9 of this Code
11 shall be marked "Rejected" and preserved in the manner
12 provided in this Code for the retention and preservation of
13 official ballots rejected at such election. Immediately
14 upon the completion of the absentee and early balloting,
15 the precinct judges of election shall securely lock the
16 ballot box; provided that if such box is not of a type
17 which may be securely locked, the box shall be sealed with
18 filament tape provided for the purpose which shall be
19 wrapped around the box lengthwise and crosswise, at least
20 twice each way. A separate adhesive seal label signed by
21 each of the judges of election of the precinct shall be
22 affixed to the box to cover any slot therein and to
23 identify the box of the precinct; and if the box is sealed
24 with filament tape as provided rather than locked, such
25 tape shall be wrapped around the box as provided, but in a
26 manner that the separate adhesive seal label affixed to the
27 box and signed by the judges may not be removed without
28 breaking the filament tape and disturbing the signature of
29 the judges. Two of the judges of election, of different
30 major political parties, shall by the most direct route
31 transport the box for return of the ballots and enclosed
32 absentee and early ballots and returns to the central
33 counting location designated by the election official in
34 charge of the election. If however, because of the lack of
35 adequate parking facilities at the central counting
36 location or for some other reason, it is impossible or

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

18 At the central counting location there shall be one or
19 more teams of tally judges who possess the same
20 qualifications as tally judges in election jurisdictions
21 using paper ballots. The number of the teams shall be
22 determined by the election authority. Each team shall
23 consist of 5 tally judges, 3 selected and approved by the
24 county board from a certified list furnished by the
25 chairman of the county central committee of the party with
26 the majority of members on the county board and 2 selected
27 and approved by the county board from a certified list
28 furnished by the chairman of the county central committee
29 of the party with the second largest number of members on
30 the county board. At the central counting location a team
31 of tally judges shall open the ballot box and canvass the
32 votes polled to determine that the number of ballot sheets
33 therein agree with the number of voters voting as shown by
34 the applications for ballot and for absentee and early
35 ballot; and, if the same do not agree, the tally judges
36 shall make such ballots agree with the number of

1 applications for ballot in the manner provided by Section
2 17-18 of this Code. The tally judges shall then examine all
3 ballot sheets that are in the ballot box to determine
4 whether they bear the initials of the precinct judge of
5 election. If any ballot is not initialed, it shall be
6 marked on the back "Defective", initialed as to that label
7 by all tally judges immediately under the word "Defective",
8 and not counted, but placed in the envelope provided for
9 that purpose labeled "Defective Ballots Envelope".
10 Write-in votes, not causing an overvote for an office
11 otherwise voted for on the absentee or early ballot sheet,
12 and otherwise properly voted, shall be counted, tallied,
13 and recorded by the central counting location judges on the
14 tally sheet provided for the record. A write-in vote
15 causing an overvote for an office shall not be counted for
16 that office, but the tally judges shall mark the absentee
17 or early ballot sheet "Objected To" and write the manner in
18 which the ballot is counted on its back and initial the
19 sheet. An overvote for one office shall invalidate only the
20 vote or count for that particular office.

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

29 (b) Regardless of which procedure described in subsection
30 (a) of this Section is used, the judges of election designated
31 to transport the ballots properly signed and sealed, shall
32 ensure that the ballots are delivered to the central counting
33 station no later than 12 hours after the polls close. At the
34 central counting station, a team of tally judges designated by
35 the election official in charge of the election shall examine
36 the ballots so transported and shall not accept ballots for

1 tabulating which are not signed and sealed as provided in
2 subsection (a) of this Section until the judges transporting
3 the ballots make and sign the necessary corrections. Upon
4 acceptance of the ballots by a team of tally judges at the
5 central counting station, the election judges transporting the
6 ballots shall take a receipt signed by the election official in
7 charge of the election and stamped with the date and time of
8 acceptance. The election judges whose duty it is to transport
9 any ballots shall, in the event the ballots cannot be found
10 when needed, on proper request, produce the receipt which they
11 are to take as above provided.

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

13 (10 ILCS 5/24B-10.1)

14 Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures
15 for Counting and Tallying Ballots. In an election jurisdiction
16 where Precinct Tabulation Optical Scan Technology counting
17 equipment is used, the following procedures for counting and
18 tallying the ballots shall apply:

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

34 Immediately after the closing of the polls, the absentee or
35 early ballots delivered to the precinct judges of election by

1 the election authority shall be examined to determine that the
2 ballots comply with Sections 19-9, 19A-55, and 20-9 of this
3 Code and are entitled to be scanned by the Precinct Tabulation
4 Optical Scan Technology equipment and then deposited in the
5 ballot box; those entitled to be scanned and deposited in the
6 ballot box shall be initialed by the precinct judges of
7 election and then scanned and deposited in the ballot box.
8 Those not entitled to be deposited in the ballot box shall be
9 marked "Rejected" and disposed of as provided in said Sections
10 19-9, 19A-55, and 20-9.

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

34 If the judges of election have removed a ballot pursuant to
35 Section 17-18, have labeled "Defective" a ballot which is not
36 initialed, or have otherwise determined under this Code to not

1 count a ballot originally deposited into a ballot box, the
2 judges of election shall be sure that the totals on the
3 automatic tabulating equipment are reset to all zeros in the
4 counting column. Thereafter the judges of election shall enter
5 or otherwise scan each ballot to be counted in the automatic
6 tabulating equipment. Resetting the automatic tabulating
7 equipment to all zeros and re-entering of ballots to be counted
8 may occur at the precinct polling place, the office of the
9 election authority, or any receiving station designated by the
10 election authority. The election authority shall designate the
11 place for resetting and re-entering or re-scanning.

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

1 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 counted
4 by the automatic tabulating equipment, the voter or the judges
5 of election, consisting in each case of at least one judge of
6 election of each of the 2 major political parties, shall make a
7 true duplicate ballot of all votes on such ballot by using the
8 ballot of the precinct and one of the marking devices of the
9 precinct, or equivalent. If a damaged ballot, the original
10 ballot shall be clearly labeled "Damaged Ballot" and the ballot
11 so produced shall be clearly labeled "Damaged Ballot" and the
12 ballot so produced shall be clearly labeled "Duplicate Damaged
13 Ballot", and each shall contain the same serial number which
14 shall be placed by the judges of election, beginning with
15 number 1 and continuing consecutively for the ballots of that
16 kind in the precinct. The judges of election shall initial the
17 "Duplicate Damaged Ballot" ballot and shall enter or otherwise
18 scan the duplicate damaged ballot into the automatic tabulating
19 equipment. The "Damaged Ballots" shall be placed in the
20 "Duplicated Ballots" envelope; after all ballots have been
21 successfully read, the judges of election shall check to make
22 certain that the Precinct Tabulation Optical Scan Technology
23 equipment readout agrees with the number of voters making
24 application for ballot in that precinct. The number shall be
25 listed on the "Statement of Ballots" form provided by the
26 election authority.

27 The totals for all candidates and propositions shall be
28 tabulated; and 4 copies of a "Certificate of Results" shall be
29 generated by the automatic tabulating equipment; one copy shall
30 be posted in a conspicuous place inside the polling place; and
31 every effort shall be made by the judges of election to provide
32 a copy for each authorized pollwatcher or other official
33 authorized to be present in the polling place to observe the
34 counting of ballots; but in no case shall the number of copies
35 to be made available to pollwatchers be fewer than 4, chosen by
36 lot by the judges of election. In addition, sufficient time

1 shall be provided by the judges of election to the pollwatchers
2 to allow them to copy information from the copy which has been
3 posted.

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

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

1 provided. The precinct judges of election shall also deliver
2 the Precinct Tabulation Optical Scan Technology equipment to
3 the election authority.

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

5 (10 ILCS 5/24B-15.1)

6 Sec. 24B-15.1. Discovery~~r~~ recounts and election contests.
7 Except as provided, discovery recounts and election contests
8 shall be conducted as otherwise provided for in this Code. The
9 automatic Precinct Tabulation Optical Scan Technology
10 tabulating equipment shall be tested prior to the discovery
11 recount or election contest as provided in Section 24B-9, and
12 then the official ballots shall be recounted on the automatic
13 tabulating equipment. In addition, (a) the ballots shall be
14 checked for the presence or absence of judges' initials and
15 other distinguishing marks, and (b) the ballots marked
16 "Rejected", "Defective", "Objected To", "Early Ballot", and
17 "Absentee Ballot" shall be examined to determine the propriety
18 of the labels, and (c) the "Duplicate Absentee Ballots",
19 "Duplicate Overvoted Ballots", "Duplicate Early Ballot", and
20 "Duplicate Damaged Ballots" shall be compared with their
21 respective originals to determine the correctness of the
22 duplicates.

23 Any person who has filed a petition for discovery recount
24 may request that a redundant count be conducted in those
25 precincts in which the discovery recount is being conducted.
26 The additional costs of a redundant count shall be borne by the
27 requesting party.

28 The log of the computer operator and all materials retained
29 by the election authority in relation to vote tabulation and
30 canvass shall be made available for any discovery recount or
31 election contest.

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

33 (10 ILCS 5/24C-2)

34 Sec. 24C-2. Definitions. As used in this Article:

1 "Audit trail" or "audit capacity" means a continuous trail
2 of evidence linking individual transactions related to the
3 casting of a vote, the vote count and the summary record of
4 vote totals, but which shall not allow for the identification
5 of the voter. It shall permit verification of the accuracy of
6 the count and detection and correction of problems and shall
7 provide a record of each step taken in: defining and producing
8 ballots and generating related software for specific
9 elections; installing ballots and software; testing system
10 readiness; casting and tabulating ballots; and producing
11 images of votes cast and reports of vote totals. The record
12 shall incorporate system status and error messages generated
13 during election processing, including a log of machine
14 activities and routine and unusual intervention by authorized
15 and unauthorized individuals. Also part of an audit trail is
16 the documentation of such items as ballots delivered and
17 collected, administrative procedures for system security,
18 pre-election testing of voting systems, and maintenance
19 performed on voting equipment. All test plans, test results,
20 documentation, and other records used to plan, execute, and
21 record the results of the testing and verification, including
22 all material prepared or used by independent testing
23 authorities or other third parties, shall be made part of the
24 public record and shall be freely available via the Internet
25 and paper copy to anyone. "Audit trail" or "audit capacity" ~~It~~
26 also means that the voting system is capable of producing and
27 shall produce immediately after a ballot is cast a permanent
28 paper record of each ballot cast that shall be available as an
29 official record for any recount, redundant count, or
30 verification or retabulation of the vote count conducted with
31 respect to any election in which the voting system is used.

32 "Ballot" means an electronic audio or video display or any
33 other medium, including paper, used to record a voter's choices
34 for the candidates of their preference and for or against
35 public questions.

36 "Ballot configuration" means the particular combination of

1 political subdivision or district ballots including, for each
2 political subdivision or district, the particular combination
3 of offices, candidate names and public questions as it appears
4 for each group of voters who may cast the same ballot.

5 "Ballot image" means a corresponding representation in
6 electronic or paper form of the mark or vote position of a
7 ballot.

8 "Ballot label" or "ballot screen" means the display of
9 material containing the names of offices and candidates and
10 public questions to be voted on.

11 "Central counting" means the counting of ballots in one or
12 more locations selected by the election authority for the
13 processing or counting, or both, of ballots. A location for
14 central counting shall be within the territorial jurisdiction
15 of the election authority unless there is no suitable
16 tabulating equipment available within his territorial
17 jurisdiction. However, in any event a counting location shall
18 be within this State.

19 "Computer", "automatic tabulating equipment" or
20 "equipment" includes apparatus necessary to automatically
21 examine and count votes as designated on ballots, and data
22 processing machines which can be used for counting ballots and
23 tabulating results.

24 "Computer operator" means any person or persons designated
25 by the election authority to operate the automatic tabulating
26 equipment during any portion of the vote tallying process in an
27 election, but shall not include judges of election operating
28 vote tabulating equipment in the precinct.

29 "Computer program" or "program" means the set of operating
30 instructions for the automatic tabulating equipment that
31 examines, records, displays, counts, tabulates, canvasses, or
32 ~~and~~ prints votes recorded by a voter on a ballot or that
33 displays any and all information, graphics, or other visual or
34 audio information or images used in presenting voting
35 information, instructions, or voter choices.

36 "Direct recording electronic voting system", "voting

1 system" or "system" means the total combination of mechanical,
2 electromechanical or electronic equipment, programs and
3 practices used to define ballots, cast and count votes, report
4 or display election results, maintain or produce any audit
5 trail information, identify all system components, test the
6 system during development, maintenance and operation, maintain
7 records of system errors and defects, determine specific system
8 changes to be made to a system after initial qualification, and
9 make available any materials to the voter such as notices,
10 instructions, forms or paper ballots.

11 "Edit listing" means a computer generated listing of the
12 names of each candidate and public question as they appear in
13 the program for each precinct.

14 "In-precinct counting" means the recording and counting of
15 ballots on automatic tabulating equipment provided by the
16 election authority in the same precinct polling place in which
17 those ballots have been cast.

18 "Marking device" means any device approved by the State
19 Board of Elections for marking a ballot so as to enable the
20 ballot to be recorded, counted and tabulated by automatic
21 tabulating equipment.

22 "Permanent paper record" means a paper record upon which
23 shall be printed in human readable form the votes cast for each
24 candidate and for or against each public question on each
25 ballot recorded in the voting system. Each permanent paper
26 record shall be printed by the voting device upon activation of
27 the marking device by the voter and shall contain a unique,
28 randomly assigned identifying number that shall correspond to
29 the number randomly assigned by the voting system to each
30 ballot as it is electronically recorded.

31 "Redundant count" means a verification of the original
32 computer count of ballots by another count using compatible
33 equipment or other means as part of a discovery recount,
34 including a count of the permanent paper record of each ballot
35 cast by using compatible equipment, different equipment
36 approved by the State Board of Elections for that purpose, or

1 by hand.

2 "Separate ballot" means a separate page or display screen
3 of the ballot that is clearly defined and distinguishable from
4 other portions of the ballot.

5 "Voting device" or "voting machine" means an apparatus that
6 contains the ballot label or ballot screen and allows the voter
7 to record his or her vote.

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

9 (10 ILCS 5/24C-12)

10 Sec. 24C-12. Procedures for Counting and Tallying of
11 Ballots.

12 In an election jurisdiction where a Direct Recording
13 Electronic Voting System is used, the following procedures for
14 counting and tallying the ballots shall apply:

15 Before the opening of the polls, the judges of elections
16 shall assemble the voting equipment and devices and turn the
17 equipment on. The judges shall, if necessary, take steps to
18 activate the voting devices and counting equipment by inserting
19 into the equipment and voting devices appropriate data cards
20 containing passwords and data codes that will select the proper
21 ballot formats selected for that polling place and that will
22 prevent inadvertent or unauthorized activation of the
23 poll-opening function. Before voting begins and before ballots
24 are entered into the voting devices, the judges of election
25 shall cause to be printed a record of the following: the
26 election's identification data, the device's unit
27 identification, the ballot's format identification, the
28 contents of each active candidate register by office and of
29 each active public question register showing that they contain
30 all zero votes, all ballot fields that can be used to invoke
31 special voting options, and other information needed to ensure
32 the readiness of the equipment and to accommodate
33 administrative reporting requirements. The judges must also
34 check to be sure that the totals are all zeros in the counting
35 columns and in the public counter affixed to the voting

1 devices.

2 After the judges have determined that a person is qualified
3 to vote, a voting device with the proper ballot to which the
4 voter is entitled shall be enabled to be used by the voter. The
5 ballot may then be cast by the voter by marking by appropriate
6 means the designated area of the ballot for the casting of a
7 vote for any candidate or for or against any public question.
8 The voter shall be able to vote for any and all candidates and
9 public measures appearing on the ballot in any legal number and
10 combination and the voter shall be able to delete, change or
11 correct his or her selections before the ballot is cast. The
12 voter shall be able to select candidates whose names do not
13 appear upon the ballot for any office by entering
14 electronically as many names of candidates as the voter is
15 entitled to select for each office.

16 Upon completing his or her selection of candidates or
17 public questions, the voter shall signify that voting has been
18 completed by activating the appropriate button, switch or
19 active area of the ballot screen associated with end of voting.
20 Upon activation, the voting system shall record an image of the
21 completed ballot, increment the proper ballot position
22 registers, and shall signify to the voter that the ballot has
23 been cast. Upon activation, the voting system shall also print
24 a permanent paper record of each ballot cast as defined in
25 Section 24C-2 of this Code. This permanent paper record shall
26 (i) be printed in a clear, readily readable format that can be
27 easily reviewed by the voter for completeness and accuracy and
28 (ii) either be self-contained within the voting device or ~~shall~~
29 be deposited by the voter into a secure ballot box. No
30 permanent paper record shall be removed from the polling place
31 except by election officials as authorized by this Article. All
32 permanent paper records shall be preserved and secured by
33 election officials in the same manner as paper ballots and
34 shall be available as an official record for any recount,
35 redundant count, or verification or retabulation of the vote
36 count conducted with respect to any election in which the

1 voting system is used. The voter shall exit the voting station
2 and the voting system shall prevent any further attempt to vote
3 until it has been properly re-activated. If a voting device has
4 been enabled for voting but the voter leaves the polling place
5 without casting a ballot, 2 judges of election, one from each
6 of the 2 major political parties, shall spoil the ballot.

7 Throughout the election day and before the closing of the
8 polls, no person may check any vote totals for any candidate or
9 public question on the voting or counting equipment. Such
10 equipment shall be programmed so that no person may reset the
11 equipment for reentry of ballots unless provided the proper
12 code from an authorized representative of the election
13 authority.

14 The precinct judges of election shall check the public
15 register to determine whether the number of ballots counted by
16 the voting equipment agrees with the number of voters voting as
17 shown by the applications for ballot. If the same do not agree,
18 the judges of election shall immediately contact the offices of
19 the election authority in charge of the election for further
20 instructions. If the number of ballots counted by the voting
21 equipment agrees with the number of voters voting as shown by
22 the application for ballot, the number shall be listed on the
23 "Statement of Ballots" form provided by the election authority.

24 The totals for all candidates and propositions shall be
25 tabulated; and 4 copies of a "Certificate of Results" shall be
26 printed by the automatic tabulating equipment; one copy shall
27 be posted in a conspicuous place inside the polling place; and
28 every effort shall be made by the judges of election to provide
29 a copy for each authorized pollwatcher or other official
30 authorized to be present in the polling place to observe the
31 counting of ballots; but in no case shall the number of copies
32 to be made available to pollwatchers be fewer than 4, chosen by
33 lot by the judges of election. In addition, sufficient time
34 shall be provided by the judges of election to the pollwatchers
35 to allow them to copy information from the copy which has been
36 posted.

1 If instructed by the election authority, the judges of
2 election shall cause the tabulated returns to be transmitted
3 electronically to the offices of the election authority via
4 modem or other electronic medium.

5 The precinct judges of election shall select a bi-partisan
6 team of 2 judges, who shall immediately return the ballots in a
7 sealed container, along with all other election materials and
8 equipment as instructed by the election authority; provided,
9 however, that such container must first be sealed by the
10 election judges with filament tape or other approved sealing
11 devices provided for the purpose in a manner that the ballots
12 cannot be removed from the container without breaking the seal
13 or filament tape and disturbing any signatures affixed by the
14 election judges to the container. The election authority shall
15 keep the office of the election authority, or any receiving
16 stations designated by the authority, open for at least 12
17 consecutive hours after the polls close or until the ballots
18 and election material and equipment from all precincts within
19 the jurisdiction of the election authority have been returned
20 to the election authority. Ballots and election materials and
21 equipment returned to the office of the election authority
22 which are not signed and sealed as required by law shall not be
23 accepted by the election authority until the judges returning
24 the ballots make and sign the necessary corrections. Upon
25 acceptance of the ballots and election materials and equipment
26 by the election authority, the judges returning the ballots
27 shall take a receipt signed by the election authority and
28 stamped with the time and date of the return. The election
29 judges whose duty it is to return any ballots and election
30 materials and equipment as provided shall, in the event the
31 ballots, materials or equipment cannot be found when needed, on
32 proper request, produce the receipt which they are to take as
33 above provided.

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

1 Sec. 24C-13. Absentee ballots; Early voting ballots;
2 Proceedings at Location for Central Counting; Employees;
3 Approval of List.

4 (a) All jurisdictions using Direct Recording Electronic
5 Voting Systems shall use paper ballots or paper ballot sheets
6 approved for use under Articles 16, 24A or 24B of this Code
7 when conducting absentee voting except that Direct Recording
8 Electronic Voting Systems may be used for in-person absentee
9 voting conducted pursuant to Section 19-2.1 of this Code. All
10 absentee ballots shall be counted at the office of the election
11 authority. The provisions of Section 24A-9, 24B-9 and 24C-9 of
12 this Code shall apply to the testing and notice requirements
13 for central count tabulation equipment, including comparing
14 the signature on the ballot envelope with the signature of the
15 voter on the permanent voter registration record card taken
16 from the master file. Absentee ballots other than absentee
17 ballots voted in person pursuant to Section 19-2.1 of this Code
18 shall be examined and processed pursuant to Sections 19-9 and
19 20-9 of this Code. Vote results shall be recorded by precinct
20 and shall be added to the vote results for the precinct in
21 which the absent voter was eligible to vote prior to completion
22 of the official canvass.

23 (a-5) Early voting ballots cast in accordance with Article
24 19A shall be counted in precincts as provided in that Article.
25 Early votes cast through the use of Direct Recording Electronic
26 Voting System devices shall be counted using the procedures of
27 this Article. Early votes cast by a method other than the use
28 of Direct Recording Electronic Voting System devices shall be
29 counted using the procedures of this Code for that method.

30 (b) All proceedings at the location for central counting
31 shall be under the direction of the county clerk or board of
32 election commissioners. Except for any specially trained
33 technicians required for the operation of the Direct Recording
34 Electronic Voting System, the employees at the counting station
35 shall be equally divided between members of the 2 leading
36 political parties and all duties performed by the employees

1 shall be by teams consisting of an equal number of members of
2 each political party. Thirty days before an election the county
3 clerk or board of election commissioners shall submit to the
4 chairman of each political party, for his or her approval or
5 disapproval, a list of persons of his or her party proposed to
6 be employed. If a chairman fails to notify the election
7 authority of his or her disapproval of any proposed employee
8 within a period of 10 days thereafter the list shall be deemed
9 approved.

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

11 (10 ILCS 5/24C-15)

12 Sec. 24C-15. Official Return of Precinct; Check of Totals;
13 Audit. The precinct return printed by the Direct Recording
14 Electronic Voting System tabulating equipment shall include
15 the number of ballots cast and votes cast for each candidate
16 and public question and shall constitute the official return of
17 each precinct. In addition to the precinct return, the election
18 authority shall provide the number of applications for ballots
19 in each precinct, the total number of ballots and absentee
20 ballots counted in each precinct for each political subdivision
21 and district and the number of registered voters in each
22 precinct. However, the election authority shall check the
23 totals shown by the precinct return and, if there is an obvious
24 discrepancy regarding the total number of votes cast in any
25 precinct, shall have the ballots for that precinct audited to
26 correct the return. The procedures for this audit shall apply
27 prior to and after the proclamation is completed; however,
28 after the proclamation of results, the election authority must
29 obtain a court order to unseal voted ballots or voting devices
30 except for election contests and discovery recounts. The
31 certificate of results, which has been prepared and signed by
32 the judges of election in the polling place after the ballots
33 have been tabulated, shall be the document used for the canvass
34 of votes for such precinct. Whenever a discrepancy exists
35 during the canvass of votes between the unofficial results and

1 the certificate of results, or whenever a discrepancy exists
2 during the canvass of votes between the certificate of results
3 and the set of totals reflected on the certificate of results,
4 the ballots for that precinct shall be audited to correct the
5 return.

6 Prior to the proclamation, the election authority shall
7 test the voting devices and equipment in 5% ~~1%~~ of the precincts
8 within the election jurisdiction. The precincts to be tested
9 shall be selected after election day on a random basis by the
10 election authority, so that every precinct in the election
11 jurisdiction has an equal mathematical chance of being
12 selected. The State Board of Elections shall design a standard
13 and scientific random method of selecting the precincts that
14 are to be tested, and the election authority shall be required
15 to use that method. The State Board of Elections, the State's
16 Attorney and other appropriate law enforcement agencies, the
17 county chairman of each established political party and
18 qualified civic organizations shall be given prior written
19 notice of the time and place of the random selection procedure
20 and may be represented at the procedure.

21 The test shall be conducted by counting the votes marked on
22 the permanent paper record of each ballot cast in the tested
23 precinct printed by the voting system at the time that each
24 ballot was cast and comparing the results of this count with
25 the results shown by the certificate of results prepared by the
26 Direct Recording Electronic Voting System in the test precinct.
27 The election authority shall test count these votes either by
28 hand or by using an automatic tabulating device other than a
29 Direct Recording Electronic voting device that has been
30 approved by the State Board of Elections for that purpose and
31 tested before use to ensure accuracy. The election authority
32 shall print the results of each test count. If any error is
33 detected, the cause shall be determined and corrected, and an
34 errorless count shall be made prior to the official canvass and
35 proclamation of election results. If an errorless count cannot
36 be conducted and there continues to be difference in vote

1 results between the certificate of results produced by the
2 Direct Recording Electronic Voting System and the count of the
3 permanent paper records or if an error was detected and
4 corrected, the election authority shall immediately prepare
5 and forward to the appropriate canvassing board a written
6 report explaining the results of the test and any errors
7 encountered and the report shall be made available for public
8 inspection.

9 The State Board of Elections, the State's Attorney and
10 other appropriate law enforcement agencies, the county
11 chairman of each established political party and qualified
12 civic organizations shall be given prior written notice of the
13 time and place of the test and may be represented at the test.

14 The results of this post-election test shall be treated in
15 the same manner and have the same effect as the results of the
16 discovery procedures set forth in Section 22-9.1 of this Code.

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

18 Section 10. The State Finance Act is amended by adding
19 Section 5.700 and by changing Section 8h as follows:

20 (30 ILCS 105/5.700 new)

21 Sec. 5.700. The Voters' Guide Fund.

22 (30 ILCS 105/8h)

23 Sec. 8h. Transfers to General Revenue Fund.

24 (a) Except as provided in subsection (b), notwithstanding
25 any other State law to the contrary, the Governor may, through
26 June 30, 2007, from time to time direct the State Treasurer and
27 Comptroller to transfer a specified sum from any fund held by
28 the State Treasurer to the General Revenue Fund in order to
29 help defray the State's operating costs for the fiscal year.
30 The total transfer under this Section from any fund in any
31 fiscal year shall not exceed the lesser of (i) 8% of the
32 revenues to be deposited into the fund during that fiscal year
33 or (ii) an amount that leaves a remaining fund balance of 25%

1 of the July 1 fund balance of that fiscal year. In fiscal year
2 2005 only, prior to calculating the July 1, 2004 final
3 balances, the Governor may calculate and direct the State
4 Treasurer with the Comptroller to transfer additional amounts
5 determined by applying the formula authorized in Public Act
6 93-839 to the funds balances on July 1, 2003. No transfer may
7 be made from a fund under this Section that would have the
8 effect of reducing the available balance in the fund to an
9 amount less than the amount remaining unexpended and unreserved
10 from the total appropriation from that fund estimated to be
11 expended for that fiscal year. This Section does not apply to
12 any funds that are restricted by federal law to a specific use,
13 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
14 Fund, the Medicaid Provider Relief Fund, ~~or~~ the Reviewing Court
15 Alternative Dispute Resolution Fund, or the Voters' Guide Fund,
16 or to any funds to which subsection (f) of Section 20-40 of the
17 Nursing and Advanced Practice Nursing Act applies.
18 Notwithstanding any other provision of this Section, for fiscal
19 year 2004, the total transfer under this Section from the Road
20 Fund or the State Construction Account Fund shall not exceed
21 the lesser of (i) 5% of the revenues to be deposited into the
22 fund during that fiscal year or (ii) 25% of the beginning
23 balance in the fund. For fiscal year 2005 through fiscal year
24 2007, no amounts may be transferred under this Section from the
25 Road Fund, the State Construction Account Fund, the Criminal
26 Justice Information Systems Trust Fund, the Wireless Service
27 Emergency Fund, or the Mandatory Arbitration Fund.

28 In determining the available balance in a fund, the
29 Governor may include receipts, transfers into the fund, and
30 other resources anticipated to be available in the fund in that
31 fiscal year.

32 The State Treasurer and Comptroller shall transfer the
33 amounts designated under this Section as soon as may be
34 practicable after receiving the direction to transfer from the
35 Governor.

36 (b) This Section does not apply to any fund established

1 under the Community Senior Services and Resources Act.

2 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
3 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
4 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
5 1-15-05.)

6 Section 15. The Illinois Municipal Code is amended by
7 changing Sections 3.1-10-50 and 5-5-1 as follows:

8 (65 ILCS 5/3.1-10-50)

9 Sec. 3.1-10-50. Vacancies.

10 (a) A municipal officer may resign from office. A vacancy
11 occurs in an office by reason of resignation, failure to elect
12 or qualify (in which case the incumbent shall remain in office
13 until the vacancy is filled), death, permanent physical or
14 mental disability rendering the person incapable of performing
15 the duties of his or her office, conviction of a disqualifying
16 crime, abandonment of office, removal from office, or removal
17 of residence from the municipality or, in the case of aldermen
18 of a ward or trustees of a district, removal of residence from
19 the ward or district, as the case may be. An admission of guilt
20 of a criminal offense that would, upon conviction, disqualify
21 the municipal officer from holding that office, in the form of
22 a written agreement with State or federal prosecutors to plead
23 guilty to a felony, bribery, perjury, or other infamous crime
24 under State or federal law, shall constitute a resignation from
25 that office, effective at the time the plea agreement is made.
26 For purposes of this Section, a conviction for an offense that
27 disqualifies the municipal officer from holding that office
28 shall occur on the date of the return of a guilty verdict or,
29 in the case of a trial by the court, the entry of a finding of
30 guilt.

31 (b) If a vacancy occurs in an elective municipal office
32 with a 4-year term and there remains an unexpired portion of
33 the term of at least 28 months, and the vacancy occurs at least
34 130 days before the general municipal election next scheduled

1 under the general election law, the vacancy shall be filled for
2 the remainder of the term at that general municipal election.
3 Whenever an election is held for this purpose, the municipal
4 clerk shall certify the office to be filled and the candidates
5 for the office to the proper election authorities as provided
6 in the general election law. If the vacancy is in the office of
7 mayor, the city council shall elect one of their members acting
8 mayor; if the vacancy is in the office of president, the
9 vacancy shall be filled by the appointment by the trustees of
10 an acting president from the members of the board of trustees.
11 In villages with a population of less than 5,000, if each of
12 the members of the board of trustees either declines the
13 appointment as acting president or is not approved for the
14 appointment by a majority vote of the trustees presently
15 holding office, then the board of trustees may appoint as
16 acting president any other village resident who is qualified to
17 hold municipal office. The acting mayor or acting president
18 shall perform the duties and possess all the rights and powers
19 of the mayor or president until a successor to fill the vacancy
20 has been elected and has qualified. If the vacancy is in any
21 other elective municipal office, then until the office is
22 filled by election, the mayor or president shall appoint a
23 qualified person to the office subject to the advice and
24 consent of the city council or trustees.

25 (c) In a 2 year term, or if the vacancy occurs later than
26 the time provided in subsection (b) in a 4 year term, a vacancy
27 in the office of mayor shall be filled by the corporate
28 authorities electing one of their members acting mayor; if the
29 vacancy is in the office of president, the vacancy shall be
30 filled by the appointment by the trustees of an acting
31 president from the members of the board of trustees. In
32 villages with a population of less than 5,000, if each of the
33 members of the board of trustees either declines the
34 appointment as acting president or is not approved for the
35 appointment by a majority vote of the trustees presently
36 holding office, then the board of trustees may appoint as

1 acting president any other village resident who is qualified to
2 hold municipal office. The acting mayor or acting president
3 shall perform the duties and possess all the rights and powers
4 of the mayor or president until a mayor or president is elected
5 at the next general municipal election and has qualified. A
6 vacancy in any elective office other than mayor or president
7 shall be filled by appointment by the mayor or president, with
8 the advice and consent of the corporate authorities.

9 (d) This subsection applies on and after January 1, 2006.
10 The election of an acting mayor or acting president in a
11 municipality with a population under 500,000 does not create a
12 vacancy in the original office of the person on the city
13 council or as a trustee, as the case may be, unless the person
14 resigns from the original office following election as acting
15 mayor or acting president. If the person resigns from the
16 original office following election as acting mayor or acting
17 president, then the original office must be filled pursuant to
18 the terms of this Section and the acting mayor or acting
19 president shall exercise the powers of the mayor or president
20 and shall vote and have veto power in the manner provided by
21 law for a mayor or president. If the person does not resign
22 from the original office following election as acting mayor or
23 acting president, then the acting mayor or acting president
24 shall exercise the powers of the mayor or president but shall
25 be entitled to vote only in the manner provided for as the
26 holder of the original office and shall not have the power to
27 veto. If the person does not resign from the original office
28 following election as acting mayor or acting president, and if
29 that person's original term of office has not expired when a
30 mayor or president is elected and has qualified for office, the
31 acting mayor or acting president shall return to the original
32 office for the remainder of the term thereof.

33 (e) ~~(d)~~ Municipal officers appointed or elected under this
34 Section shall hold office until their successors are elected
35 and have qualified.

36 (f) ~~(e)~~ An appointment to fill a vacancy in the office of

1 alderman shall be made within 60 days after the vacancy occurs.
2 The requirement that an appointment be made within 60 days is
3 an exclusive power and function of the State and is a denial
4 and limitation under Article VII, Section 6, subsection (h) of
5 the Illinois Constitution of the power of a home rule
6 municipality to require that an appointment be made within a
7 different period after the vacancy occurs.

8 (Source: P.A. 90-429, eff. 8-15-97; 90-707, eff. 8-7-98;
9 91-357, eff. 7-29-99.)

10 (65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

11 Sec. 5-5-1. Petition for abandonment of managerial form;
12 referendum; succeeding elections of officers and aldermen or
13 trustees.

14 (a) A city or village that has operated for 4 years or more
15 under the managerial form of municipal government may abandon
16 that organization as provided in this Section. For the purposes
17 of this Article, the operation of the managerial form of
18 municipal government shall be deemed to begin on the date of
19 the appointment of the first manager in the city or village.
20 When a petition for abandonment signed by electors of the
21 municipality equal in number to at least 10% of the number of
22 votes cast for candidates for mayor at the preceding general
23 quadrennial municipal election is filed with the circuit court
24 for the county in which that city or village is located, the
25 court shall set a date not less than 10 nor more than 30 days
26 thereafter for a hearing on the sufficiency of the petition.
27 Notice of the filing of the petition and of the date of the
28 hearing shall be given in writing to the city or village clerk
29 and to the mayor or village president at least 7 days before
30 the date of the hearing. If the petition is found sufficient,
31 the court shall enter an order directing that the proposition
32 be submitted at an election other than a primary election for
33 the municipality. The clerk of the court shall certify the
34 proposition to the proper election authorities for submission.
35 The proposition shall be in substantially the following form:

1 Shall (name of city or village) retain the managerial
2 form of municipal government?

3 (b) If the majority of the votes at the election are "yes",
4 then the proposition to abandon is rejected and the
5 municipality shall continue operating under this Article 5. If
6 the majority of the votes are "no", then the proposition to
7 abandon operation under this Article 5 is approved.

8 (c) If the proposition for abandonment is approved, the
9 city or village shall become subject to Article 3.1 or Article
10 4, whichever Article was in force in the city or village
11 immediately before the adoption of the plan authorized by this
12 Article 5, upon the election and qualification of officers to
13 be elected at the next succeeding general municipal election.
14 Those officers shall be those prescribed by Article 3.1 or
15 Article 4, as the case may be, but the change shall not in any
16 manner or degree affect the property rights or liabilities of
17 the city or village. The mayor, clerk, and treasurer and all
18 other elected officers of a city or village in office at the
19 time the proposition for abandonment is approved shall continue
20 in office until the expiration of the term for which they were
21 elected.

22 (d) If a city or village operating under this Article 5 has
23 aldermen or trustees elected from wards or districts and a
24 proposition to abandon operation under this Article 5 is
25 approved, then the officers to be elected at the next
26 succeeding general municipal election shall be elected from the
27 same wards or districts as exist immediately before the
28 abandonment.

29 (e) If a city or village operating under this Article 5 has
30 a council or village board elected from the municipality at
31 large and a proposition to abandon operation under this Article
32 5 is approved, then the first group of aldermen, board of
33 trustees, or commissioners so elected shall be of the same
34 number as was provided for in the municipality at the time of
35 the adoption of a plan under this Article 5, with the same ward
36 or district boundaries in cities or villages that immediately

1 before the adoption of this Article 5 had wards or districts,
2 unless the municipal boundaries have been changed. If there has
3 been such a change, the council or village board shall so alter
4 the former ward or district boundaries so as to conform as
5 nearly as possible to the former division. If the plan
6 authorized by this Article 5 is abandoned, the next general
7 municipal election for officers shall be held at the time
8 specified in Section 3.1-10-75 or 3.1-25-15 for that election.
9 The aldermen or trustees elected at that election shall, if the
10 city or village was operating under Article 3 at the time of
11 adoption of this Article 5 and had at that time staggered 4
12 year terms of office for the aldermen or trustees, choose by
13 lot which shall serve initial 2 year terms as provided by
14 Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in
15 the case of election of those officers at the first election
16 after a municipality is incorporated.

17 (f) The proposition to abandon the managerial form of
18 municipal government shall not be submitted in any city or
19 village oftener than once in 46 ~~12~~ months.

20 (Source: P.A. 93-847, eff. 7-30-04.)

21 Section 20. The Revised Cities and Villages Act of 1941 is
22 amended by changing Section 21-28 as follows:

23 (65 ILCS 20/21-28) (from Ch. 24, par. 21-28)

24 Sec. 21-28. Nomination by petition.

25 (a) All nominations for alderman of any ward in the city
26 shall be by petition. All petitions for nominations of
27 candidates shall be signed by such a number of legal voters of
28 the ward as will aggregate not less than two per cent of all
29 the votes cast for alderman in such ward at the last preceding
30 general election. For the election following the redistricting
31 of wards petitions for nominations of candidates shall be
32 signed by the number of legal voters of the ward as will
33 aggregate not less than 2% of the total number of votes cast
34 for mayor at the last preceding municipal election divided by

1 the number of wards.

2 (b) All nominations for mayor, city clerk, and city
3 treasurer in the city shall be by petition. Each petition for
4 nomination of a candidate must be signed by at least 12,500
5 legal voters of the city.

6 (c) All such petitions, and procedure with respect thereto,
7 shall conform in other respects to the provisions of the
8 election and ballot laws then in force in the city of Chicago
9 concerning the nomination of independent candidates for public
10 office by petition. The method of nomination herein provided is
11 exclusive of and replaces all other methods heretofore provided
12 by law.

13 (Source: P.A. 81-1535.)

14 Section 25. The Illinois Highway Code is amended by
15 changing Section 6-116 as follows:

16 (605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

17 Sec. 6-116. Except as otherwise provided in this Section
18 with respect to highway commissioners of township and
19 consolidated township road districts, at the election provided
20 by the general election law in 1985 and every 4 years
21 thereafter in all counties, other than counties in which a
22 county unit road district has been established and other than
23 in Cook County, the highway commissioner of each road district
24 and the district clerk of each road district having an elected
25 clerk, shall be elected to hold office for a term of 4 years,
26 and until his successor is elected and qualified. The highway
27 commissioner of each road district and the district clerk of
28 each road district elected in 1979 shall hold office for an
29 additional 2 years and until his successor is elected and has
30 qualified.

31 In each township and consolidated township road district
32 outside Cook County, highway commissioners shall be elected at
33 the election provided for such commissioners by the general
34 election law in 1981 and every 4 years thereafter to hold

1 office for a term of 4 years and until his successor is elected
2 and qualified. The highway commissioner of each road district
3 in Cook County shall be elected at the election provided for
4 said commissioner by the general election law in 1981 and every
5 4 years thereafter for a term of 4 years, and until his
6 successor is elected and qualified.

7 Each highway commissioner shall enter upon the duties of
8 his office on the third ~~first~~ Monday in May after his election.

9 In road districts comprised of a single township, the
10 highway commissioner shall be elected at the election provided
11 for said commissioner by the general election law. All
12 elections as are provided in this Section shall be conducted in
13 accordance with the general election law.

14 (Source: P.A. 83-108.)

15 Section 30. The Illinois Vehicle Code is amended by
16 changing Section 2-105 as follows:

17 (625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

18 Sec. 2-105. Offices of Secretary of State. The Secretary of
19 State shall maintain offices in the State capital and in such
20 other places in the State as he may deem necessary to properly
21 carry out the powers and duties vested in him.

22 The Secretary of State may construct and equip one or more
23 buildings in the State of Illinois outside of the County of
24 Sangamon as he deems necessary to properly carry out the powers
25 and duties vested in him. The Secretary of State may, on behalf
26 of the State of Illinois, acquire public or private property
27 needed therefor by lease, purchase or eminent domain. The care,
28 custody and control of such sites and buildings constructed
29 thereon shall be vested in the Secretary of State. Expenditures
30 for the construction and equipping of any of such buildings
31 upon premises owned by another public entity shall not be
32 subject to the provisions of any State law requiring that the
33 State be vested with absolute fee title to the premises. The
34 exercise of the authority vested in the Secretary of State by

1 this Section is subject to the appropriation of the necessary
2 funds.

3 Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of The
4 Election Code, the Secretary of State shall make driver
5 services facilities available for use as temporary places of
6 registration. Registration within the offices shall be in the
7 most public, orderly and convenient portions thereof, and
8 Section 4-3, 5-3, and 11-4 of The Election Code relative to the
9 attendance of police officers during the conduct of
10 registration shall apply. Registration under this Section
11 shall be made in the manner provided by Sections 4-8, 4-10,
12 5-7, 5-9, 6-34, 6-35, and 6-37 of The Election Code.

13 Within 30 days after the effective date of this amendatory
14 Act of 1990, and no later than November 1 of each even-numbered
15 year thereafter, the Secretary of State, to the extent
16 practicable, shall designate to each election authority in the
17 State a reasonable number of employees at each driver services
18 facility registered to vote within the jurisdiction of such
19 election authority and within adjacent election jurisdictions
20 for appointment as deputy registrars by the election authority
21 located within the election jurisdiction where the employees
22 maintain their residences. Such designation shall be in writing
23 and certified by the Secretary of State.

24 Each person applying at a driver services facility for a
25 driver's license or permit, a corrected driver's license or
26 permit, an Illinois identification card or a corrected Illinois
27 identification card shall be notified that the person may
28 register at such station to vote in the State ~~election~~
29 ~~jurisdiction in which the station is located or in an election~~
30 ~~jurisdiction adjacent to the location of the station~~ and may
31 also transfer his voter registration at such station to a
32 different ~~an~~ address in the State ~~election jurisdiction within~~
33 ~~which the station is located or to an address in an adjacent~~
34 ~~election jurisdiction~~. Such notification may be made in writing
35 or verbally issued by an employee or the Secretary of State.

36 The Secretary of State shall promulgate such rules as may

1 be necessary for the efficient execution of his duties and the
2 duties of his employees under this amendatory Act of 1990.

3 (Source: P.A. 90-89, eff. 1-1-98.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.29 as follows:

6 (30 ILCS 805/8.29 new)

7 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
8 of this Act, no reimbursement by the State is required for the
9 implementation of any mandate created by this amendatory Act of
10 the 94th General Assembly.

11 Section 95. Severability. The provisions of this
12 amendatory Act of the 94th General Assembly are severable under
13 Section 1.31 of the Statute on Statutes.

14 Section 97. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.