



Sen. Terry Link

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LRB094 02783 JAM 47169 a

1 AMENDMENT TO HOUSE BILL 1968

2 AMENDMENT NO. _____. Amend House Bill 1968 by replacing
3 everything after the enacting clause with the following:

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

1 date of this amendatory Act of the 93rd General Assembly, the
2 State Board of Elections shall post on its World Wide Web site
3 the following information:

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

7 (2) A schedule of upcoming elections and the deadline
8 for voter registration.

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

14 Any forms described under paragraph (3) must state the
15 following:

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

28 (b) Acceptance of registration forms by the State Board of
29 Elections and county clerks and board of election
30 commissioners. The State Board of Elections, county clerks, and
31 board of election commissioners shall accept all completed
32 voter registration forms described in subsection (a) (3) of this
33 Section and Section 1A-17 that are:

34 (1) postmarked on or before the day that voter

1 registration is closed under the Election Code;

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

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

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

11 Upon the receipt of a registration form, the State Board of
12 Elections shall mark the date on which the form was received
13 and send the form via first class mail to the appropriate
14 county clerk or board of election commissioners, as the case
15 may be, within 2 business days based upon the home address of
16 the person submitting the registration form. The county clerk
17 and board of election commissioners shall accept and process
18 any form received from the State Board of Elections.

19 (c) Processing of registration forms by county clerks and
20 boards of election commissioners. The county clerk or board of
21 election commissioners shall promulgate procedures for
22 processing the voter registration form.

23 (d) Contents of the voter registration form. The State
24 Board shall create a voter registration form, which must
25 contain the following content:

26 (1) Instructions for completing the form.

27 (2) A summary of the qualifications to register to vote
28 in Illinois.

29 (3) Instructions for mailing in or submitting the form
30 in person.

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

33 (5) A box for the person to check that explains one of
34 3 reasons for submitting the form:

1 (a) new registration;

2 (b) change of address; or

3 (c) change of name.

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

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

12 (8) Spaces for the person to fill in his or her first,
13 middle, and last names, street address (principal place of
14 residence), county, city, state, and zip code.

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

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

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

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

28 (13) A space for the person to fill the name appearing
29 on his or her last voter registration, the street address
30 of his or her last registration, including the city,
31 county, state, and zip code.

32 (14) A space where the person swears or affirms the
33 following under penalty of perjury with his or her
34 signature:

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

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

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

7 "The information I have provided is true to the
8 best of my knowledge under penalty of perjury. If I
9 have provided false information, then ~~than~~ I may be
10 fined, imprisoned, or if I am not a U.S. citizen,
11 deported from or refused entry into the United States."

12 (d) Compliance with federal law; rulemaking authority. The
13 voter registration form described in this Section shall be
14 consistent with the form prescribed by the Federal Election
15 Commission under the National Voter Registration Act of 1993,
16 P.L. 103-31, as amended from time to time, and the Help America
17 Vote Act of 2002, P.L. 107-252, in all relevant respects. The
18 State Board of Elections shall periodically update the form
19 based on changes to federal or State law. The State Board of
20 Elections shall promulgate any rules necessary for the
21 implementation of this Section; provided that the rules comport
22 with the letter and spirit of the National Voter Registration
23 Act of 1993 and Help America Vote Act of 2002 and maximize the
24 opportunity for a person to register to vote.

25 (e) Forms available in paper form. The State Board of
26 Elections shall make the voter registration form available in
27 regular paper stock and form in sufficient quantities for the
28 general public. The State Board of Elections may provide the
29 voter registration form to the Secretary of State, county
30 clerks, boards of election commissioners, designated agencies
31 of the State of Illinois, and any other person or entity
32 designated to have these forms by the Election Code in regular
33 paper stock and form or some other format deemed suitable by
34 the Board. Each county clerk or board of election commissioners

1 has the authority to design and print its own voter
2 registration form so long as the form complies with the
3 requirements of this Section. The State Board of Elections,
4 county clerks, boards of election commissioners, or other
5 designated agencies of the State of Illinois required to have
6 these forms under the Election Code shall provide a member of
7 the public with any reasonable number of forms that he or she
8 may request. Nothing in this Section shall permit the State
9 Board of Elections, county clerk, board of election
10 commissioners, or other appropriate election official who may
11 accept a voter registration form to refuse to accept a voter
12 registration form because the form is printed on photocopier or
13 regular paper stock and form.

14 (f) Internet voter registration study. The State Board of
15 Elections shall investigate the feasibility of offering voter
16 registration on its website and consider voter registration
17 methods of other states in an effort to maximize the
18 opportunity for all Illinois citizens to register to vote. The
19 State Board of Elections shall assemble its findings in a
20 report and submit it to the General Assembly no later than
21 January 1, 2006. The report shall contain legislative
22 recommendations to the General Assembly on improving voter
23 registration in Illinois.

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

25 (10 ILCS 5/1A-17 new)

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

27 (a) The Secretary of State, the Department of Human
28 Services, the Department of Children and Family Services, the
29 Department of Public Aid, the Department of Employment
30 Security, and each public institution of higher learning in
31 Illinois must make available on its World Wide Web site a
32 downloadable, printable voter registration form that complies
33 with the requirements in subsection (d) of Section 1A-16 for

1 the State Board of Elections' voter registration form.

2 (b) Each public institution of higher learning in Illinois
3 must include voter registration information and a voter
4 registration form supplied by the State Board of Elections
5 under subsection (e) of Section 1A-16 in any mailing of student
6 registration materials to an address located in Illinois. Each
7 public institution of higher learning must provide voter
8 registration information and a voter registration form
9 supplied by the State Board of Elections under subsection (e)
10 of Section 1A-16 to each person with whom the institution
11 conducts in-person student registration.

12 (c) As used in this Section, a public institution of higher
13 learning means a public university, college, or community
14 college in Illinois.

15 (10 ILCS 5/1A-18 new)

16 Sec. 1A-18. Voter registration applications; General
17 Assembly district offices. Each member of the General Assembly,
18 and his or her State employees (as defined in Section 1-5 of
19 the State Officials and Employees Ethics Act) authorized by the
20 member, may make available voter registration forms supplied by
21 the State Board of Elections under subsection (e) of Section
22 1A-16 to the public and may undertake that and other voter
23 registration activities at the member's district office,
24 during regular business hours or otherwise, in a manner
25 determined by the member.

26 (10 ILCS 5/1A-25)

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

32 (1) The centralized statewide voter registration list

1 shall be compiled from the voter registration data bases of
2 each election authority in this State.

3 (2) All new voter registration forms and applications
4 to register to vote, including those reviewed by the
5 Secretary of State at a driver services facility, shall be
6 transmitted only to the appropriate election authority as
7 required by Articles 4, 5, and 6 of this Code and not to
8 the State Board of Elections. The election authority shall
9 process and verify each voter registration form and
10 electronically enter verified registrations on an
11 expedited basis onto the statewide voter registration
12 list. All original registration cards shall remain
13 permanently in the office of the election authority as
14 required by this Code Sections 4-20, 5-28, and 6-65.

15 (3) The centralized statewide voter registration list
16 shall:

17 (i) Be designed to allow election authorities to
18 utilize the registration data on the statewide voter
19 registration list pertinent to voters registered in
20 their election jurisdiction on locally maintained
21 software programs that are unique to each
22 jurisdiction.

23 (ii) Allow each election authority to perform
24 essential election management functions, including but
25 not limited to production of voter lists, processing of
26 absentee voters, production of individual, pre-printed
27 applications to vote, administration of election
28 judges, and polling place administration, but shall
29 not prevent any election authority from using
30 information from that election authority's own
31 systems.

32 (4) The registration information maintained by each
33 election authority shall ~~at all times~~ be synchronized with
34 that authority's information on the statewide list at least

1 once every 24 hours ~~on a constant, real-time basis.~~

2 To protect the privacy and confidentiality of voter
3 registration information, the disclosure of any portion of the
4 centralized statewide voter registration list to any person or
5 entity other than to a State or local political committee and
6 other than to a governmental entity for a governmental purpose
7 is specifically prohibited.

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

9 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

10 Sec. 4-6.2. (a) The county clerk shall appoint all
11 municipal and township or road district clerks or their duly
12 authorized deputies as deputy registrars who may accept the
13 registration of all qualified residents of the State ~~their~~
14 ~~respective municipalities, townships and road districts. A~~
15 ~~deputy registrar serving as such by virtue of his status as a~~
16 ~~municipal clerk, or a duly authorized deputy of a municipal~~
17 ~~clerk, of a municipality the territory of which lies in more~~
18 ~~than one county may accept the registration of any qualified~~
19 ~~resident of the municipality, regardless of which county the~~
20 ~~resident, municipal clerk or the duly authorized deputy of the~~
21 ~~municipal clerk lives in.~~

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

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

1 in Section 2-105 of the Illinois Vehicle Code.

2 The county clerk shall appoint each of the following named
3 persons as deputy registrars upon the written request of such
4 persons:

5 1. The chief librarian, or a qualified person
6 designated by the chief librarian, of any public library
7 situated within the election jurisdiction, who may accept
8 the registrations of any qualified resident of the State
9 ~~county~~, at such library.

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

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

29 4. A duly elected or appointed official of a bona fide
30 labor organization, or a reasonable number of qualified
31 members designated by such official, who may accept the
32 registrations of any qualified resident of the State
33 ~~county~~.

34 5. A duly elected or appointed official of a bonafide

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

24 6. The Director of the Illinois Department of Public
25 Aid, or a reasonable number of employees designated by the
26 Director and located at public aid offices, who may accept
27 the registration of any qualified resident of the county at
28 any such public aid office.

29 7. The Director of the Illinois Department of
30 Employment Security, or a reasonable number of employees
31 designated by the Director and located at unemployment
32 offices, who may accept the registration of any qualified
33 resident of the county at any such unemployment office.

34 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 ~~county~~.

5 If the request to be appointed as deputy registrar is
6 denied, the county clerk shall, within 10 days after the date
7 the request is submitted, provide the affected individual or
8 organization with written notice setting forth the specific
9 reasons or criteria relied upon to deny the request to be
10 appointed as deputy registrar.

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

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

31 "I do solemnly swear (or affirm, as the case may be) that I
32 will support the Constitution of the United States, and the
33 Constitution of the State of Illinois, and that I will
34 faithfully discharge the duties of the office of deputy

1 registrar to the best of my ability and that I will register no
2 person nor cause the registration of any person except upon his
3 personal application before me.

4
5 (Signature Deputy Registrar)"

6 This oath shall be administered by the county clerk, or by
7 one of his deputies, or by any person qualified to take
8 acknowledgement of deeds and shall immediately thereafter be
9 filed with the county clerk.

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

22 (b) The county clerk shall be responsible for training all
23 deputy registrars appointed pursuant to subsection (a), at
24 times and locations reasonably convenient for both the county
25 clerk and such appointees. The county clerk 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
32 be returned to the appointing ~~proper~~ election authority within
33 7 days, except that completed registration materials received
34 by the deputy registrars during the period between the 35th and

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

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

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

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

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

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

28 (10 ILCS 5/4-16) (from Ch. 46, par. 4-16)

29 Sec. 4-16. Any registered voter who changes his residence
30 from one address to another within the same county wherein this
31 Article is in effect, may have his registration transferred to
32 his new address by making and signing an application for change
33 of residence address upon a form to be provided by the county

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

8 Upon receipt of the 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 card, and if it appears that the applicant
13 is the same person as the person previously registered under
14 that name the transfer shall be made.

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

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

1 The precinct election officials shall report to the county
2 clerk the names and addresses of all persons who have changed
3 their addresses and voted, which shall be treated as an
4 application to change address accordingly, and the names and
5 addresses of all persons otherwise voting by affidavit as in
6 this Section provided, which shall be treated as an application
7 to erase under Section 4--12 hereof.

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

9 (10 ILCS 5/4-105 new)

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

23 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

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

1 ~~regardless of which county the resident, municipal clerk or the~~
2 ~~duly authorized deputy of the municipal clerk lives in.~~

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

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

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

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

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

1 every election.

2 3. The president, or a qualified person designated by
3 the president, of any university, college, community
4 college, academy or other institution of learning situated
5 within the election jurisdiction, who may accept the
6 registrations of any resident of the State ~~county~~, at such
7 university, college, community college, academy or
8 institution.

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

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

1 following the month of the general election, and shall be
2 valid for all periods of voter registration as provided by
3 this Code during the terms of such appointments.

4 6. The Director of the Illinois Department of Public
5 Aid, or a reasonable number of employees designated by the
6 Director and located at public aid offices, who may accept
7 the registration of any qualified resident of the county at
8 any such public aid office.

9 7. The Director of the Illinois Department of
10 Employment Security, or a reasonable number of employees
11 designated by the Director and located at unemployment
12 offices, who may accept the registration of any qualified
13 resident of the county at any such unemployment office.

14 8. The president of any corporation as defined by the
15 Business Corporation Act of 1983, or a reasonable number of
16 employees designated by such president, who may accept the
17 registrations of any qualified resident of the State
18 ~~county~~.

19 If the request to be appointed as deputy registrar is
20 denied, the county clerk shall, within 10 days after the date
21 the request is submitted, provide the affected individual or
22 organization with written notice setting forth the specific
23 reasons or criteria relied upon to deny the request to be
24 appointed as deputy registrar.

25 The county clerk may appoint as many additional deputy
26 registrars as he considers necessary. The county clerk shall
27 appoint such additional deputy registrars in such manner that
28 the convenience of the public is served, giving due
29 consideration to both population concentration and area. Some
30 of the additional deputy registrars shall be selected so that
31 there are an equal number from each of the 2 major political
32 parties in the election jurisdiction. The county clerk, in
33 appointing an additional deputy registrar, shall make the
34 appointment from a list of applicants submitted by the Chairman

1 of the County Central Committee of the applicant's political
 2 party. A Chairman of a County Central Committee shall submit a
 3 list of applicants to the county clerk by November 30 of each
 4 year. The county clerk may require a Chairman of a County
 5 Central Committee to furnish a supplemental list of applicants.

6 Deputy registrars may accept registrations at any time
 7 other than the 27 day period preceding an election. All persons
 8 appointed as deputy registrars shall be registered voters
 9 within the county and shall take and subscribe to the following
 10 oath or affirmation:

11 "I do solemnly swear (or affirm, as the case may be) that I
 12 will support the Constitution of the United States, and the
 13 Constitution of the State of Illinois, and that I will
 14 faithfully discharge the duties of the office of deputy
 15 registrar to the best of my ability and that I will register no
 16 person nor cause the registration of any person except upon his
 17 personal application before me.

18
 19 (Signature of Deputy Registrar)"

20 This oath shall be administered by the county clerk, or by
 21 one of his deputies, or by any person qualified to take
 22 acknowledgement of deeds and shall immediately thereafter be
 23 filed with the county clerk.

24 Appointments of deputy registrars under this Section,
 25 except precinct committeemen, shall be for 2-year terms,
 26 commencing on December 1 following the general election of each
 27 even-numbered year, except that the terms of the initial
 28 appointments shall be until December 1st following the next
 29 general election. Appointments of precinct committeemen shall
 30 be for 2-year terms commencing on the date of the county
 31 convention following the general primary at which they were
 32 elected. The county clerk shall issue a certificate of
 33 appointment to each deputy registrar, and shall maintain in his
 34 office for public inspection a list of the names of all

1 appointees.

2 (b) The county clerk shall be responsible for training all
3 deputy registrars appointed pursuant to subsection (a), at
4 times and locations reasonably convenient for both the county
5 clerk and such appointees. The county clerk shall be
6 responsible for certifying and supervising all deputy
7 registrars appointed pursuant to subsection (a). Deputy
8 registrars appointed under subsection (a) shall be subject to
9 removal for cause.

10 (c) Completed registration materials under the control of
11 deputy registrars, appointed pursuant to subsection (a), shall
12 be returned to the appointing ~~proper~~ election authority within
13 7 days, except that completed registration materials received
14 by the deputy registrars during the period between the 35th and
15 28th day preceding an election shall be returned by the deputy
16 registrars to the appointing ~~proper~~ election authority within
17 48 hours after receipt thereof. The completed registration
18 materials received by the deputy registrars on the 28th day
19 preceding an election shall be returned by the deputy
20 registrars within 24 hours after receipt thereof. Unused
21 materials shall be returned by deputy registrars appointed
22 pursuant to paragraph 4 of subsection (a), not later than the
23 next working day following the close of registration.

24 (d) The county clerk or board of election commissioners, as
25 the case may be, must provide any additional forms requested by
26 any deputy registrar regardless of the number of unaccounted
27 registration forms the deputy registrar may have in his or her
28 possession.

29 (e) No deputy registrar shall engage in any electioneering
30 or the promotion of any cause during the performance of his or
31 her duties.

32 (f) The county clerk shall not be criminally or civilly
33 liable for the acts or omissions of any deputy registrar. Such
34 deputy registers shall not be deemed to be employees of the

1 county clerk.

2 (g) Completed registration materials returned by deputy
3 registrars for persons residing outside the county shall be
4 transmitted by the county clerk within 2 days after receipt to
5 the election authority of the person's election jurisdiction of
6 residence.

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

8 (10 ILCS 5/5-23) (from Ch. 46, par. 5-23)

9 Sec. 5-23. Any registered voter who changes his residence
10 from one address, number or place to another within the same
11 county wherein this article 5 is in effect, may have his
12 registration transferred to his new address by making and
13 signing an application for such change of residence upon a form
14 to be provided by the county clerk. Such application must be
15 made to the office of the county clerk. In case the person is
16 unable to sign his name the county clerk shall require such
17 person to execute the request in the presence of the county
18 clerk or of his properly authorized representative, by his
19 mark, and if satisfied of the identity of the person, the
20 county clerk shall make the transfer.

21 Upon receipt of such application, the county clerk, or one
22 of his employees deputized to take registrations shall cause
23 the signature of the voter and the data appearing upon the
24 application to be compared with the signature and data on the
25 registration record, and if it appears that the applicant is
26 the same person as the party previously registered under that
27 name the transfer shall be made.

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

32 Any registered voter who changes his or her name by
33 marriage or otherwise, shall be required to register anew and

1 authorize the cancellation of the previous registration;
2 provided, however, that if the change of name takes place
3 within a period during which such new registration cannot be
4 made, next preceding any election or primary, the elector may,
5 if otherwise qualified, vote upon making the following
6 affidavit before the judges of election:

7 I do solemnly swear that I am the same person now
8 registered in the precinct of the ward of the city of
9 or District Town of under the name of and
10 that I still reside in said precinct or district.

11 (Signed)

12 If the voter whose name has changed still resides in the
13 same precinct, the voter may vote after making the affidavit at
14 the polling place regardless of when the change of name
15 occurred. In that event, the affidavit shall not state that the
16 voter is required to register; the affidavit shall be treated
17 by the election authority as authorization to cancel the
18 registration under the former name, and the election authority
19 shall register the voter under his or her current name.

20 ~~When a removal of a registered voter takes place from one~~
21 ~~address to another within the same precinct within a period~~
22 ~~during which such transfer of registration cannot be made,~~
23 ~~before any election or primary, he shall be entitled to vote~~
24 ~~upon presenting to the judges of election an affidavit of a~~
25 ~~change and having said affidavit supported by the affidavit of~~
26 ~~a qualified voter of the same precinct.~~

27 Suitable forms for this purpose shall be provided by the
28 county clerk. The form in all cases shall be similar to the
29 form furnished by the county clerk for county and state
30 elections.

31 The precinct election officials shall report to the county
32 clerk the names and addresses of all such persons who have
33 changed their addresses and voted. The city, village, town and
34 incorporated town clerks shall within five days after every

1 election report to the county clerk the names and addresses of
2 the persons reported to them as having voted by affidavit as in
3 this section provided.

4 The county clerk may obtain information from utility
5 companies, city, village, town and incorporated town records,
6 the post office or from other sources regarding the removal of
7 registered voters and notify such voters that a transfer of
8 registration may be made in the manner provided by this
9 section.

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

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

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

21 (10 ILCS 5/5-105 new)

22 Sec. 5-105. First time voting. If a person registered to
23 vote by mail, the person must vote for the first time in person
24 and not by an absentee ballot, except that the person may vote
25 by absentee ballot in person if the person first provides the
26 appropriate election authority with sufficient proof of
27 identity by the person's driver's license number or State
28 identification card number or, if the person does not have
29 either of those, by the last 4 digits of the person's social
30 security number, a copy of a current and valid photo
31 identification, or a copy of any of the following current
32 documents that show the person's name and address: utility
33 bill, bank statement, paycheck, government check, or other

1 government document.

2 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

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

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

17 The board of election commissioners shall appoint each of
18 the following named persons as deputy registrars upon the
19 written request of such persons:

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

25 2. The principal, or a qualified person designated by
26 the principal, of any high school, elementary school, or
27 vocational school situated within the election
28 jurisdiction, who may accept the registrations of any
29 resident of the State ~~election jurisdiction~~, at such
30 school. The board of election commissioners shall notify
31 every principal and vice-principal of each high school,
32 elementary school, and vocational school situated in the
33 election jurisdiction of their eligibility to serve as

1 deputy registrars and offer training courses for service as
2 deputy registrars at conveniently located facilities at
3 least 4 months prior to every election.

4 3. The president, or a qualified person designated by
5 the president, of any university, college, community
6 college, academy or other institution of learning situated
7 within the State ~~election jurisdiction~~, who may accept the
8 registrations of any resident of the election
9 jurisdiction, at such university, college, community
10 college, academy or institution.

11 4. A duly elected or appointed official of a bona fide
12 labor organization, or a reasonable number of qualified
13 members designated by such official, who may accept the
14 registrations of any qualified resident of the State
15 ~~election jurisdiction~~.

16 5. A duly elected or appointed official of a bona fide
17 State civic organization, as defined and determined by rule
18 of the State Board of Elections, or qualified members
19 designated by such official, who may accept the
20 registration of any qualified resident of the State
21 ~~election jurisdiction~~. In determining the number of deputy
22 registrars that shall be appointed, the board of election
23 commissioners shall consider the population of the
24 jurisdiction, the size of the organization, the geographic
25 size of the jurisdiction, convenience for the public, the
26 existing number of deputy registrars in the jurisdiction
27 and their location, the registration activities of the
28 organization and the need to appoint deputy registrars to
29 assist and facilitate the registration of non-English
30 speaking individuals. In no event shall a board of election
31 commissioners fix an arbitrary number applicable to every
32 civic organization requesting appointment of its members
33 as deputy registrars. The State Board of Elections shall by
34 rule provide for certification of bona fide State civic

1 organizations. Such appointments shall be made for a period
2 not to exceed 2 years, terminating on the first business
3 day of the month following the month of the general
4 election, and shall be valid for all periods of voter
5 registration as provided by this Code during the terms of
6 such appointments.

7 6. The Director of the Illinois Department of Public
8 Aid, or a reasonable number of employees designated by the
9 Director and located at public aid offices, who may accept
10 the registration of any qualified resident of the election
11 jurisdiction at any such public aid office.

12 7. The Director of the Illinois Department of
13 Employment Security, or a reasonable number of employees
14 designated by the Director and located at unemployment
15 offices, who may accept the registration of any qualified
16 resident of the election jurisdiction at any such
17 unemployment office. If the request to be appointed as
18 deputy registrar is denied, the board of election
19 commissioners shall, within 10 days after the date the
20 request is submitted, provide the affected individual or
21 organization with written notice setting forth the
22 specific reasons or criteria relied upon to deny the
23 request to be appointed as deputy registrar.

24 8. The president of any corporation, as defined by the
25 Business Corporation Act of 1983, or a reasonable number of
26 employees designated by such president, who may accept the
27 registrations of any qualified resident of the State
28 ~~election jurisdiction.~~

29 The board of election commissioners may appoint as many
30 additional deputy registrars as it considers necessary. The
31 board of election commissioners shall appoint such additional
32 deputy registrars in such manner that the convenience of the
33 public is served, giving due consideration to both population
34 concentration and area. Some of the additional deputy

1 registrars shall be selected so that there are an equal number
 2 from each of the 2 major political parties in the election
 3 jurisdiction. The board of election commissioners, in
 4 appointing an additional deputy registrar, shall make the
 5 appointment from a list of applicants submitted by the Chairman
 6 of the County Central Committee of the applicant's political
 7 party. A Chairman of a County Central Committee shall submit a
 8 list of applicants to the board by November 30 of each year.
 9 The board may require a Chairman of a County Central Committee
 10 to furnish a supplemental list of applicants.

11 Deputy registrars may accept registrations at any time
 12 other than the 27 day period preceding an election. All persons
 13 appointed as deputy registrars shall be registered voters
 14 within the election jurisdiction and shall take and subscribe
 15 to the following oath or affirmation:

16 "I do solemnly swear (or affirm, as the case may be) that I
 17 will support the Constitution of the United States, and the
 18 Constitution of the State of Illinois, and that I will
 19 faithfully discharge the duties of the office of registration
 20 officer to the best of my ability and that I will register no
 21 person nor cause the registration of any person except upon his
 22 personal application before me.

23
 24 (Signature of Registration Officer)"

25 This oath shall be administered and certified to by one of
 26 the commissioners or by the executive director or by some
 27 person designated by the board of election commissioners, and
 28 shall immediately thereafter be filed with the board of
 29 election commissioners. The members of the board of election
 30 commissioners and all persons authorized by them under the
 31 provisions of this Article to take registrations, after
 32 themselves taking and subscribing to the above oath, are
 33 authorized to take or administer such oaths and execute such
 34 affidavits as are required by this Article.

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

13 (b) The board of election commissioners shall be
14 responsible for training all deputy registrars appointed
15 pursuant to subsection (a), at times and locations reasonably
16 convenient for both the board of election commissioners and
17 such appointees. The board of election commissioners shall be
18 responsible for certifying and supervising all deputy
19 registrars appointed pursuant to subsection (a). Deputy
20 registrars appointed under subsection (a) shall be subject to
21 removal for cause.

22 (c) Completed registration materials under the control of
23 deputy registrars appointed pursuant to subsection (a) shall be
24 returned to the appointing ~~proper~~ election authority within 7
25 days, except that completed registration materials received by
26 the deputy registrars during the period between the 35th and
27 28th day preceding an election shall be returned by the deputy
28 registrars to the appointing ~~proper~~ election authority within
29 48 hours after receipt thereof. The completed registration
30 materials received by the deputy registrars on the 28th day
31 preceding an election shall be returned by the deputy
32 registrars within 24 hours after receipt thereof. Unused
33 materials shall be returned by deputy registrars appointed
34 pursuant to paragraph 4 of subsection (a), not later than the

1 next working day following the close of registration.

2 (d) The county clerk or board of election commissioners, as
3 the case may be, must provide any additional forms requested by
4 any deputy registrar regardless of the number of unaccounted
5 registration forms the deputy registrar may have in his or her
6 possession.

7 (e) No deputy registrar shall engage in any electioneering
8 or the promotion of any cause during the performance of his or
9 her duties.

10 (f) The board of election commissioners shall not be
11 criminally or civilly liable for the acts or omissions of any
12 deputy registrar. Such deputy registrars shall not be deemed to
13 be employees of the board of election commissioners.

14 (g) Completed registration materials returned by deputy
15 registrars for persons residing outside the election
16 jurisdiction shall be transmitted by the board of election
17 commissioners within 2 days after receipt to the election
18 authority of the person's election jurisdiction of residence.

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

20 (10 ILCS 5/6-54) (from Ch. 46, par. 6-54)

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

29 "I do solemnly swear that I am the same person now
30 registered in the precinct of the ward, under the
31 name of and that I still reside in said precinct.

32 (Signed)...."

33 If the voter whose name has changed still resides in the

1 same precinct, the voter may vote after making the affidavit at
2 the polling place regardless of when the change of name
3 occurred. In that event, the affidavit shall not state that the
4 voter is required to register; the affidavit shall be treated
5 by the election authority as authorization to cancel the
6 registration under the former name, and the election authority
7 shall register the voter under his or her current name.

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

9 (10 ILCS 5/6-105 new)

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

23 (10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

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

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

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

22 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

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

26 State Central Committee

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

32 Alternative A. At the primary held on the third Tuesday in
33 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.

1 The State central committee shall adopt rules to provide
2 for and govern the procedures to be followed in the election of
3 members of the State central committee.

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

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

1 failure to elect one male and one female to the committee, a
2 vacancy shall be declared to exist in the office of the second
3 member of the State central committee from the district. This
4 vacancy shall be filled by appointment by the congressional
5 committee of the political party, and the person appointed to
6 fill the vacancy shall be a resident of the congressional
7 district and of the sex opposite that of the committeeman or
8 committeewoman elected at the general primary election. Each
9 congressional committee shall make this appointment by voting
10 on the basis set forth in paragraph (e) of this Section.

11 The Chairman of a State central committee composed as
12 provided in this Alternative B must be selected from the
13 committee's members.

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

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

31 Ward, Township and Precinct Committeemen

32 (b) At the primary held on the third Tuesday in March,
33 1972, and every 4 years thereafter, each primary elector in
34 cities having a population of 200,000 or over may vote for one

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

29 Terms of Committeemen. All precinct committeemen elected
30 under the provisions of this Article shall continue as such
31 committeemen until the date of the primary to be held in the
32 second year after their election. Except as otherwise provided
33 in this Section for certain State central committeemen who have
34 2 year terms, all State central committeemen, township

1 committeemen and ward committeemen shall continue as such
2 committeemen until the date of primary to be held in the fourth
3 year after their election. However, a vacancy exists in the
4 office of precinct committeeman when a precinct committeeman
5 ceases to reside in the precinct in which he was elected and
6 such precinct committeeman shall thereafter neither have nor
7 exercise any rights, powers or duties as committeeman in that
8 precinct, even if a successor has not been elected or
9 appointed.

10 (c) The Multi-Township Central Committee shall consist of
11 the precinct committeemen of such party, in the multi-township
12 assessing district formed pursuant to Section 2-10 of the
13 Property Tax Code and shall be organized for the purposes set
14 forth in Section 45-25 of the Township Code. In the
15 organization and proceedings of the Multi-Township Central
16 Committee each precinct committeeman shall have one vote for
17 each ballot voted in his precinct by the primary electors of
18 his party at the primary at which he was elected.

19 County Central Committee

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

1 ward by the primary electors of his party at the primary
2 election for the nomination of candidates for election to the
3 General Assembly immediately preceding the meeting of the
4 county central committee.

5 Cook County Board of Review Election District Committee

6 (d-1) Each board of review election district committee of
7 each political party in Cook County shall consist of the
8 various township committeemen and ward committeemen, if any, of
9 that party in the portions of the county composing the board of
10 review election district. In the organization and proceedings
11 of each of the 3 election district committees, each township
12 committeeman shall have one vote for each ballot voted in his
13 or her township or part of a township, as the case may be, by
14 the primary electors of his or her party at the primary
15 election immediately preceding the meeting of the board of
16 review election district committee; and in the organization and
17 proceedings of each of the 3 election district committees, each
18 ward committeeman shall have one vote for each ballot voted in
19 his or her ward or part of that ward, as the case may be, by the
20 primary electors of his or her party at the primary election
21 immediately preceding the meeting of the board of review
22 election district committee.

23 Congressional Committee

24 (e) The congressional committee of each party in each
25 congressional district shall be composed of the chairmen of the
26 county central committees of the counties composing the
27 congressional district, except that in congressional districts
28 wholly within the territorial limits of one county, or partly
29 within 2 or more counties, but not coterminous with the county
30 lines of all of such counties, the precinct committeemen,
31 township committeemen and ward committeemen, if any, of the
32 party representing the precincts within the limits of the
33 congressional district, shall compose the congressional
34 committee. A State central committeeman in each district shall

1 be a member and the chairman or, when a district has 2 State
2 central committeemen, a co-chairman of the congressional
3 committee, but shall not have the right to vote except in case
4 of a tie.

5 In the organization and proceedings of congressional
6 committees composed of precinct committeemen or township
7 committeemen or ward committeemen, or any combination thereof,
8 each precinct committeeman shall have one vote for each ballot
9 voted in his precinct by the primary electors of his party at
10 the primary at which he was elected, each township committeeman
11 shall have one vote for each ballot voted in his township or
12 part of a township as the case may be by the primary electors
13 of his party at the primary election immediately preceding the
14 meeting of the congressional committee, and each ward
15 committeeman shall have one vote for each ballot voted in each
16 precinct of his ward located in such congressional district by
17 the primary electors of his party at the primary election
18 immediately preceding the meeting of the congressional
19 committee; and in the organization and proceedings of
20 congressional committees composed of the chairmen of the county
21 central committees of the counties within such district, each
22 chairman of such county central committee shall have one vote
23 for each ballot voted in his county by the primary electors of
24 his party at the primary election immediately preceding the
25 meeting of the congressional committee.

26 Judicial District Committee

27 (f) The judicial district committee of each political party
28 in each judicial district shall be composed of the chairman of
29 the county central committees of the counties composing the
30 judicial district.

31 In the organization and proceedings of judicial district
32 committees composed of the chairmen of the county central
33 committees of the counties within such district, each chairman
34 of such county central committee shall have one vote for each

1 ballot voted in his county by the primary electors of his party
2 at the primary election immediately preceding the meeting of
3 the judicial district committee.

4 Circuit Court Committee

5 (g) The circuit court committee of each political party in
6 each judicial circuit outside Cook County shall be composed of
7 the chairmen of the county central committees of the counties
8 composing the judicial circuit.

9 In the organization and proceedings of circuit court
10 committees, each chairman of a county central committee shall
11 have one vote for each ballot voted in his county by the
12 primary electors of his party at the primary election
13 immediately preceding the meeting of the circuit court
14 committee.

15 Judicial Subcircuit Committee

16 (g-1) The judicial subcircuit committee of each political
17 party in each judicial subcircuit in a judicial circuit divided
18 into subcircuits shall be composed of (i) the ward and township
19 committeemen of the townships and wards composing the judicial
20 subcircuit in Cook County and (ii) the precinct committeemen of
21 the precincts composing the judicial subcircuit in any county
22 other than Cook County.

23 In the organization and proceedings of each judicial
24 subcircuit committee, each township committeeman shall have
25 one vote for each ballot voted in his township or part of a
26 township, as the case may be, in the judicial subcircuit by the
27 primary electors of his party at the primary election
28 immediately preceding the meeting of the judicial subcircuit
29 committee; each precinct committeeman shall have one vote for
30 each ballot voted in his precinct or part of a precinct, as the
31 case may be, in the judicial subcircuit by the primary electors
32 of his party at the primary election immediately preceding the
33 meeting of the judicial subcircuit committee; and each ward
34 committeeman shall have one vote for each ballot voted in his

1 ward or part of a ward, as the case may be, in the judicial
2 subcircuit by the primary electors of his party at the primary
3 election immediately preceding the meeting of the judicial
4 subcircuit committee.

5 Municipal Central Committee

6 (h) The municipal central committee of each political party
7 shall be composed of the precinct, township or ward
8 committeemen, as the case may be, of such party representing
9 the precincts or wards, embraced in such city, incorporated
10 town or village. The voting strength of each precinct, township
11 or ward committeeman on the municipal central committee shall
12 be the same as his voting strength on the county central
13 committee.

14 For political parties, other than a statewide political
15 party, established only within a municipality or township, the
16 municipal or township managing committee shall be composed of
17 the party officers of the local established party. The party
18 officers of a local established party shall be as follows: the
19 chairman and secretary of the caucus for those municipalities
20 and townships authorized by statute to nominate candidates by
21 caucus shall serve as party officers for the purpose of filling
22 vacancies in nomination under Section 7-61; for municipalities
23 and townships authorized by statute or ordinance to nominate
24 candidates by petition and primary election, the party officers
25 shall be the party's candidates who are nominated at the
26 primary. If no party primary was held because of the provisions
27 of Section 7-5, vacancies in nomination shall be filled by the
28 party's remaining candidates who shall serve as the party's
29 officers.

30 Powers

31 (i) Each committee and its officers shall have the powers
32 usually exercised by such committees and by the officers
33 thereof, not inconsistent with the provisions of this Article.
34 The several committees herein provided for shall not have power

1 to delegate any of their powers, or functions to any other
2 person, officer or committee, but this shall not be construed
3 to prevent a committee from appointing from its own membership
4 proper and necessary subcommittees.

5 (j) The State central committee of a political party which
6 elects its members by Alternative B under paragraph (a) of this
7 Section shall adopt a plan to give effect to the delegate
8 selection rules of the national political party and file a copy
9 of such plan with the State Board of Elections when approved by
10 a national political party.

11 (k) For the purpose of the designation of a proxy by a
12 Congressional Committee to vote in place of an absent State
13 central committeeman or committeewoman at meetings of the State
14 central committee of a political party which elects its members
15 by Alternative B under paragraph (a) of this Section, the proxy
16 shall be appointed by the vote of the ward and township
17 committeemen, if any, of the wards and townships which lie
18 entirely or partially within the Congressional District from
19 which the absent State central committeeman or committeewoman
20 was elected and the vote of the chairmen of the county central
21 committees of those counties which lie entirely or partially
22 within that Congressional District and in which there are no
23 ward or township committeemen. When voting for such proxy the
24 county chairman, ward committeeman or township committeeman,
25 as the case may be shall have one vote for each ballot voted in
26 his county, ward or township, or portion thereof within the
27 Congressional District, by the primary electors of his party at
28 the primary at which he was elected. However, the absent State
29 central committeeman or committeewoman may designate a proxy
30 when permitted by the rules of a political party which elects
31 its members by Alternative B under paragraph (a) of this
32 Section.

33 Notwithstanding any law to the contrary, a person is
34 ineligible to hold the position of committeeperson in any

1 committee established pursuant to this Section if he or she is
 2 statutorily ineligible to vote in a general election because of
 3 conviction of a felony. When a committeeperson is convicted of
 4 a felony, the position occupied by that committeeperson shall
 5 automatically become vacant.

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

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

9 Sec. 7-10. Form of petition for nomination. The name of no
 10 candidate for nomination, or State central committeeman, or
 11 township committeeman, or precinct committeeman, or ward
 12 committeeman or candidate for delegate or alternate delegate to
 13 national nominating conventions, shall be printed upon the
 14 primary ballot unless a petition for nomination has been filed
 15 in his behalf as provided in this Article in substantially the
 16 following form:

17 We, the undersigned, members of and affiliated with the
 18 party and qualified primary electors of the party, in
 19 the of, in the county of and State of Illinois,
 20 do hereby petition that the following named person or persons
 21 shall be a candidate or candidates of the party for the
 22 nomination for (or in case of committeemen for election to) the
 23 office or offices hereinafter specified, to be voted for at the
 24 primary election to be held on (insert date).

25	Name	Office	Address
26	John Jones	Governor	Belvidere, Ill.
27	Thomas Smith	Attorney General	Oakland, Ill.

28 Name..... Address.....

29 State of Illinois)

30) ss.

31 County of.....)

1 I,, do hereby certify that I reside at No.
 2 street, in the of, county of, and State of
 3, that I am 18 years of age or older, that I am a citizen
 4 of the United States, and that the signatures on this sheet
 5 were signed in my presence, and are genuine, and that to the
 6 best of my knowledge and belief the persons so signing were at
 7 the time of signing the petitions qualified voters of the
 8 party, and that their respective residences are correctly
 9 stated, as above set forth.

10
 11 Subscribed and sworn to before me on (insert date).
 12

13
 14 Each sheet of the petition other than the statement of
 15 candidacy and candidate's statement shall be of uniform size
 16 and shall contain above the space for signatures an appropriate
 17 heading giving the information as to name of candidate or
 18 candidates, in whose behalf such petition is signed; the
 19 office, the political party represented and place of residence;
 20 and the heading of each sheet shall be the same.

21 Such petition shall be signed by qualified primary electors
 22 residing in the political division for which the nomination is
 23 sought in their own proper persons only and opposite the
 24 signature of each signer, his residence address shall be
 25 written or printed. The residence address required to be
 26 written or printed opposite each qualified primary elector's
 27 name shall include the street address or rural route number of
 28 the signer, as the case may be, as well as the signer's county,
 29 and city, village or town, and state. However the county or
 30 city, village or town, and state of residence of the electors
 31 may be printed on the petition forms where all of the electors
 32 signing the petition reside in the same county or city, village
 33 or town, and state. Standard abbreviations may be used in

1 writing the residence address, including street number, if any.
2 At the bottom of each sheet of such petition shall be added a
3 circulator statement signed by a person 18 years of age or
4 older who is a citizen of the United States, stating the street
5 address or rural route number, as the case may be, as well as
6 the county, city, village or town, and state; and certifying
7 that the signatures on that sheet of the petition were signed
8 in his or her presence and certifying that the signatures are
9 genuine; and either (1) indicating the dates on which that
10 sheet was circulated, or (2) indicating the first and last
11 dates on which the sheet was circulated, or (3) certifying that
12 none of the signatures on the sheet were signed more than 90
13 days preceding the last day for the filing of the petition and
14 certifying that to the best of his or her knowledge and belief
15 the persons so signing were at the time of signing the
16 petitions qualified voters of the political party for which a
17 nomination is sought. Such statement shall be sworn to before
18 some officer authorized to administer oaths in this State.

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

22 The person circulating the petition, or the candidate on
23 whose behalf the petition is circulated, may strike any
24 signature from the petition, provided that:

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

27 (2) the person striking the signature shall sign a
28 certification listing the page number and line number of
29 each signature struck from the petition. Such
30 certification shall be filed as a part of the petition.

31 Such sheets before being filed shall be neatly fastened
32 together in book form, by placing the sheets in a pile and
33 fastening them together at one edge in a secure and suitable
34 manner, and the sheets shall then be numbered consecutively.

1 The sheets shall not be fastened by pasting them together end
 2 to end, so as to form a continuous strip or roll. All petition
 3 sheets which are filed with the proper local election
 4 officials, election authorities or the State Board of Elections
 5 shall be the original sheets which have been signed by the
 6 voters and by the circulator thereof, and not photocopies or
 7 duplicates of such sheets. Each petition must include as a part
 8 thereof, a statement of candidacy for each of the candidates
 9 filing, or in whose behalf the petition is filed. This
 10 statement shall set out the address of such candidate, the
 11 office for which he is a candidate, shall state that the
 12 candidate is a qualified primary voter of the party to which
 13 the petition relates and is qualified for the office specified
 14 (in the case of a candidate for State's Attorney it shall state
 15 that the candidate is at the time of filing such statement a
 16 licensed attorney-at-law of this State), shall state that he
 17 has filed (or will file before the close of the petition filing
 18 period) a statement of economic interests as required by the
 19 Illinois Governmental Ethics Act, shall request that the
 20 candidate's name be placed upon the official ballot, and shall
 21 be subscribed and sworn to by such candidate before some
 22 officer authorized to take acknowledgment of deeds in the State
 23 and shall be in substantially the following form:

24 Statement of Candidacy

25	Name	Address	Office	District	Party
26	John Jones	102 Main St.	Governor	Statewide	Republican
27		Belvidere,			
28		Illinois			

29 State of Illinois)

30) ss.

31 County of)

32 I,, being first duly sworn, say that I reside at
 33 Street in the city (or village) of, in the county of,

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

16 Signed

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

19 Signed

20 (Official Character)

21 (Seal, if officer has one.)

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

30 A candidate for the offices listed in this Section must
 31 obtain the number of signatures specified in this Section on
 32 his or her petition for nomination.

33 (a) Statewide office or delegate to a national nominating

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

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

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

1 qualified electors of his or her party in the entire county who
2 cast votes at the last preceding general election divided by
3 the total number of county board districts comprising the
4 county board; provided that in no event shall the number of
5 signatures be less than 25.

6 (d) County office; Cook County only.

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

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

26 (3) If a candidate seeks to run for Cook County Board
27 of Review Commissioner, which is elected from a district
28 pursuant to subsection (c) of Section 5-5 of the Property
29 Tax Code, then the candidate's petition for nomination must
30 contain at least the number of signatures equal to 0.5% of
31 the total number of registered voters in his or her board
32 of review district in the last general election at which a
33 commissioner was regularly scheduled to be elected from
34 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.

1 (g) Sanitary district trustee. If a candidate seeks to run
2 for trustee of a sanitary district in which trustees are not
3 elected from wards, then the candidate's petition for
4 nomination must contain at least the number of signatures equal
5 to 0.5% of the primary electors of his or her party from the
6 sanitary district. If a candidate seeks to run for trustee of a
7 sanitary district in which trustees are elected from wards,
8 then the candidate's petition for nomination must contain at
9 least the number of signatures equal to 0.5% of the primary
10 electors of his or her party in the ward of that sanitary
11 district. In the first primary election following
12 redistricting of sanitary districts elected from wards, a
13 candidate's petition for nomination must contain at least the
14 signatures of 150 qualified primary electors of his or her ward
15 of that sanitary district.

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

32 (i) Precinct, ward, and township committeeperson. If a
33 candidate seeks to run for precinct committeeperson, then the
34 candidate's petition for nomination must contain at least 10

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

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

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

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

12 A "qualified primary elector" of a party may not sign
13 petitions for or be a candidate in the primary of more than one
14 party.

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

18 Petitions of candidates for nomination for offices herein
19 specified, to be filed with the same officer, may contain the
20 names of 2 or more candidates of the same political party for
21 the same or different offices.

22 (Source: P.A. 92-16, eff. 6-28-01; 92-129, eff. 7-20-01;
23 93-574, eff. 8-21-03.)

24 (10 ILCS 5/7-15) (from Ch. 46, par. 7-15)

25 Sec. 7-15. At least 60 days prior to each general and
26 consolidated primary, the election authority shall provide
27 public notice, calculated to reach elderly and handicapped
28 voters, of the availability of registration and voting aids
29 under the Federal Voting Accessibility for the Elderly and
30 Handicapped Act, of the availability of assistance in marking
31 the ballot, ~~and~~ procedures for voting by absentee ballot, and
32 procedures for early voting by personal appearance. At least 20
33 days before the general primary the county clerk of each

1 county, and not more than 30 nor less than 10 days before the
2 consolidated primary the election authority, shall prepare in
3 the manner provided in this Act, a notice of such primary which
4 notice shall state the time and place of holding the primary,
5 the hours during which the polls will be open, the offices for
6 which candidates will be nominated at such primary and the
7 political parties entitled to participate therein,
8 notwithstanding that no candidate of any such political party
9 may be entitled to have his name printed on the primary ballot.
10 Such notice shall also include the list of addresses of
11 precinct polling places for the consolidated primary unless
12 such list is separately published by the election authority not
13 less than 10 days before the consolidated primary.

14 In counties, municipalities, or towns having fewer than
15 500,000 inhabitants notice of the general primary shall be
16 published once in two or more newspapers published in the
17 county, municipality or town, as the case may be, or if there
18 is no such newspaper, then in any two or more newspapers
19 published in the county and having a general circulation
20 throughout the community.

21 In counties, municipalities, or towns having 500,000 or
22 more inhabitants notice of the general primary shall be
23 published at least 15 days prior to the primary by the same
24 authorities and in the same manner as notice of election for
25 general elections are required to be published in counties,
26 municipalities or towns of 500,000 or more inhabitants under
27 this Act.

28 Notice of the consolidated primary shall be published once
29 in one or more newspapers published in each political
30 subdivision having such primary, and if there is no such
31 newspaper, then published once in a local, community newspaper
32 having general circulation in the subdivision, and also once in
33 a newspaper published in the county wherein the political
34 subdivisions, or portions thereof, having such primary are

1 situated.

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

3 (10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

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

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

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

14 (3) Each organization of citizens within the county or
15 political subdivision, which has among its purposes or
16 interests the investigation or prosecution of election frauds,
17 and which shall have registered its name and address and the
18 names and addresses of its principal officers with the proper
19 election authority at least 40 days before the primary
20 election, shall be entitled to appoint one pollwatcher per
21 precinct. For all primary elections, the pollwatcher must be
22 registered to vote in Illinois.

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

30 (5) In any primary election held to nominate candidates for
31 the offices of a municipality of less than 3,000,000 population
32 that is situated in 2 or more counties, a pollwatcher who is a
33 resident of a county in which any part of the municipality is

1 situated shall be eligible to serve as a pollwatcher in any
2 polling place located within such municipality, provided that
3 such pollwatcher otherwise complies with the respective
4 requirements of subsections (1) through (4) of this Section and
5 is a registered voter whose residence is within Illinois.

6 All pollwatchers shall be required to have proper
7 credentials. Such credentials shall be printed in sufficient
8 quantities, shall be issued by and under the facsimile
9 signature(s) of the election authority and shall be available
10 for distribution at least 2 weeks prior to the election. Such
11 credentials shall be authorized by the real or facsimile
12 signature of the State or local party official or the candidate
13 or the presiding officer of the civic organization or the
14 chairman of the proponent or opponent group, as the case may
15 be.

16 Pollwatcher credentials shall be in substantially the
17 following form:

18 POLLWATCHER CREDENTIALS

19 TO THE JUDGES OF ELECTION:

20 In accordance with the provisions of the Election Code, the
21 undersigned hereby appoints (name of pollwatcher)
22 at (address) in the county of,
23 (township or municipality) of (name),
24 State of Illinois and who is duly registered to vote from this
25 address, to act as a pollwatcher in the precinct of
26 the ward (if applicable) of the
27 (township or municipality) of at the
28 election to be held on (insert date).

29 (Signature of Appointing Authority)
30 TITLE (party official, candidate,
31 civic organization president,
32 proponent or opponent group chairman)

33 Under penalties provided by law pursuant to Section 29-10

1 of the Election Code, the undersigned pollwatcher certifies
 2 that he or she resides at (address) in the
 3 county of, (township or municipality) of
 4 (name), State of Illinois, and is duly registered to
 5 vote in Illinois.

6
 7 (Precinct and/or Ward in (Signature of Pollwatcher)
 8 Which Pollwatcher Resides)

9 Pollwatchers must present their credentials to the Judges
 10 of Election upon entering the polling place. Pollwatcher
 11 credentials properly executed and signed shall be proof of the
 12 qualifications of the pollwatcher authorized thereby. Such
 13 credentials are retained by the Judges and returned to the
 14 Election Authority at the end of the day of election with the
 15 other election materials. Once a pollwatcher has surrendered a
 16 valid credential, he may leave and reenter the polling place
 17 provided that such continuing action does not disrupt the
 18 conduct of the election. Pollwatchers may be substituted during
 19 the course of the day, but established political parties,
 20 candidates, qualified civic organizations and proponents and
 21 opponents of a ballot proposition can have only as many
 22 pollwatchers at any given time as are authorized in this
 23 Article. A substitute must present his signed credential to the
 24 judges of election upon entering the polling place. Election
 25 authorities must provide a sufficient number of credentials to
 26 allow for substitution of pollwatchers. After the polls have
 27 closed, pollwatchers shall be allowed to remain until the
 28 canvass of votes is completed; but may leave and reenter only
 29 in cases of necessity, provided that such action is not so
 30 continuous as to disrupt the canvass of votes.

31 Candidates seeking office in a district or municipality
 32 encompassing 2 or more counties shall be admitted to any and
 33 all polling places throughout such district or municipality

1 without regard to the counties in which such candidates are
 2 registered to vote. Actions of such candidates shall be
 3 governed in each polling place by the same privileges and
 4 limitations that apply to pollwatchers as provided in this
 5 Section. Any such candidate who engages in an activity in a
 6 polling place which could reasonably be construed by a majority
 7 of the judges of election as campaign activity shall be removed
 8 forthwith from such polling place.

9 Candidates seeking office in a district or municipality
 10 encompassing 2 or more counties who desire to be admitted to
 11 polling places on election day in such district or municipality
 12 shall be required to have proper credentials. Such credentials
 13 shall be printed in sufficient quantities, shall be issued by
 14 and under the facsimile signature of the election authority of
 15 the election jurisdiction where the polling place in which the
 16 candidate seeks admittance is located, and shall be available
 17 for distribution at least 2 weeks prior to the election. Such
 18 credentials shall be signed by the candidate.

19 Candidate credentials shall be in substantially the
 20 following form:

21 CANDIDATE CREDENTIALS

22 TO THE JUDGES OF ELECTION:

23 In accordance with the provisions of the Election Code, I
 24 (name of candidate) hereby certify that I am a candidate
 25 for (name of office) and seek admittance to
 26 precinct of the ward (if applicable) of the
 27 (township or municipality) of at the election
 28 to be held on (insert date).

29
30 (Signature of Candidate)	OFFICE FOR WHICH
	CANDIDATE SEEKS
	NOMINATION OR
	ELECTION

1 Pollwatchers shall be permitted to observe all proceedings
2 and view all reasonably requested records relating to the
3 conduct of the election, provided the secrecy of the ballot is
4 not impinged, and to station themselves in a position in the
5 voting room as will enable them to observe the judges making
6 the signature comparison between the voter application and the
7 voter registration record card; provided, however, that such
8 pollwatchers shall not be permitted to station themselves in
9 such close proximity to the judges of election so as to
10 interfere with the orderly conduct of the election and shall
11 not, in any event, be permitted to handle election materials.
12 Pollwatchers may challenge for cause the voting qualifications
13 of a person offering to vote and may call to the attention of
14 the judges of election any incorrect procedure or apparent
15 violations of this Code.

16 If a majority of the judges of election determine that the
17 polling place has become too overcrowded with pollwatchers so
18 as to interfere with the orderly conduct of the election, the
19 judges shall, by lot, limit such pollwatchers to a reasonable
20 number, except that each candidate and each established or new
21 political party shall be permitted to have at least one
22 pollwatcher present.

23 Representatives of an election authority, with regard to an
24 election under its jurisdiction, the State Board of Elections,
25 and law enforcement agencies, including but not limited to a
26 United States Attorney, a State's attorney, the Attorney
27 General, and a State, county, or local police department, in
28 the performance of their official election duties, shall be
29 permitted at all times to enter and remain in the polling
30 place. Upon entering the polling place, such representatives
31 shall display their official credentials or other
32 identification to the judges of election.

33 Uniformed police officers assigned to polling place duty

1 shall follow all lawful instructions of the judges of election.

2 The provisions of this Section shall also apply to
3 supervised casting of absentee ballots as provided in Section
4 19-12.2 of this Act.

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

6 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

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

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

12 2. In the case of nomination of candidates for village
13 offices, by the president of the board of trustees, one member
14 of the board of trustees, and the village clerk.

15 3. In the case of nomination of candidates for township
16 offices, by the town supervisor, the town assessor and the town
17 clerk; in the case of nomination of candidates for incorporated
18 town offices, by the corporate authorities of the incorporated
19 town.

20 3.5. For multi-township assessment districts, by the
21 chairman, clerk, and assessor of the multi-township assessment
22 district.

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

25 5. The officers who are charged by law with the duty of
26 canvassing returns of general elections made to the county
27 clerk, shall also open and canvass the returns of a primary
28 made to such county clerk. Upon the completion of the canvass
29 of the returns by the county canvassing board, said canvassing
30 board shall make a tabulated statement of the returns for each
31 political party separately, stating in appropriate columns and
32 under proper headings, the total number of votes cast in said
33 county for each candidate for nomination by said party,

1 including candidates for President of the United States and for
2 State central committeemen, and for delegates and alternate
3 delegates to National nominating conventions, and for precinct
4 committeemen, township committeemen, and for ward
5 committeemen. Within two (2) days after the completion of said
6 canvass by said canvassing board the county clerk shall mail to
7 the State Board of Elections a certified copy of such tabulated
8 statement of returns. Provided, however, that the number of
9 votes cast for the nomination for offices, the certificates of
10 election for which offices, under this Act or any other laws
11 are issued by the county clerk shall not be included in such
12 certified copy of said tabulated statement of returns, nor
13 shall the returns on the election of precinct, township or ward
14 committeemen be so certified to the State Board of Elections.
15 The said officers shall also determine and set down as to each
16 precinct the number of ballots voted by the primary electors of
17 each party at the primary.

18 6. In the case of the nomination of candidates for offices,
19 including President of the United States and the State central
20 committeemen, and delegates and alternate delegates to
21 National nominating conventions, certified tabulated statement
22 of returns for which are filed with the State Board of
23 Elections, said returns shall be canvassed by the board. And,
24 provided, further, that within 5 days after said returns shall
25 be canvassed by the said Board, the Board shall cause to be
26 published in one daily newspaper of general circulation at the
27 seat of the State government in Springfield a certified
28 statement of the returns filed in its office, showing the total
29 vote cast in the State for each candidate of each political
30 party for President of the United States, and showing the total
31 vote for each candidate of each political party for President
32 of the United States, cast in each of the several congressional
33 districts in the State.

34 7. Where in cities or villages which have a board of

1 election commissioners, the returns of a primary are made to
2 such board of election commissioners, said return shall be
3 canvassed by such board, and, excepting in the case of the
4 nomination for any municipal office, tabulated statements of
5 the returns of such primary shall be made to the county clerk.

6 8. Within 48 hours of the delivery of complete returns of
7 the consolidated primary to the election authority, the
8 election authority shall deliver an original certificate of
9 results to each local election official, with respect to whose
10 political subdivisions nominations were made at such primary,
11 for each precinct in his jurisdiction in which such nominations
12 were on the ballot. Such original certificate of results need
13 not include any offices or nominations for any other political
14 subdivisions. The local election official shall immediately
15 transmit the certificates to the canvassing board for his
16 political subdivisions, which shall open and canvass the
17 returns, make a tabulated statement of the returns for each
18 political party separately, and as nearly as possible, follow
19 the procedures required for the county canvassing board. Such
20 canvass of votes shall be conducted within 21 ~~7~~ days after the
21 close of the consolidated primary.

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

23 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

24 Sec. 7-60. Not less than 67 days before the date of the
25 general election, the State Board of Elections shall certify to
26 the county clerks the names of each of the candidates who have
27 been nominated as shown by the proclamation of the State Board
28 of Elections as a canvassing board or who have been nominated
29 to fill a vacancy in nomination and direct the election
30 authority to place upon the official ballot for the general
31 election the names of such candidates in the same manner and in
32 the same order as shown upon the certification, except as
33 otherwise provided in this Section.

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

25 Whenever there are two or more persons nominated by the
26 same political party for multiple offices for any board, the
27 name of the candidate of such party receiving the highest
28 number of votes in the primary election as a candidate for such
29 office, as shown by the official election returns of the
30 primary, shall be certified first under the name of such
31 offices, and the names of the remaining candidates of such
32 party for such offices shall follow in the order of the number
33 of votes received by them respectively at the primary election
34 as shown by the official election results.

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

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

32 Each certification shall indicate, where applicable, the
33 following:

34 (1) The political party affiliation of the candidates for

1 the respective offices;

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

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

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

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

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

13 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

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

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

25 Any vacancy in nomination under the provisions of this
26 Article 7 occurring on or after the primary and prior to
27 certification of candidates by the certifying board or officer,
28 must be filled prior to the date of certification. Any vacancy
29 in nomination occurring after certification but prior to 15
30 days before the general election shall be filled within 8 days
31 after the event creating the vacancy. The resolution filling
32 the vacancy shall be sent by U. S. mail or personal delivery to
33 the certifying officer or board within 3 days of the action by

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

19 The resolution to fill a vacancy in nomination shall be
20 duly acknowledged before an officer qualified to take
21 acknowledgements of deeds and shall include, upon its face, the
22 following information:

23 (a) the name of the original nominee and the office
24 vacated;

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

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

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

33 The provisions of Section 10-8 through 10-10.1 relating to
34 objections to certificates of nomination and nomination

1 papers, hearings on objections, and judicial review, shall
2 apply to and govern objections to resolutions for filling a
3 vacancy in nomination.

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

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

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

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

33 A candidate seeking election to an office for which
34 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

1 chad are broken in a way that permits unimpeded light to be
2 seen through the card; or

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

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

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

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

20 (10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

21 Sec. 8-8. Form of petition for nomination. The name of no
22 candidate for nomination shall be printed upon the primary
23 ballot unless a petition for nomination shall have been filed
24 in his behalf as provided for in this Section. Each such
25 petition shall include as a part thereof the oath required by
26 Section 7-10.1 of this Act and a statement of candidacy by the
27 candidate filing or in whose behalf the petition is filed. This
28 statement shall set out the address of such candidate, the
29 office for which he is a candidate, shall state that the
30 candidate is a qualified primary voter of the party to which
31 the petition relates, is qualified for the office specified and
32 has filed a statement of economic interests as required by the
33 Illinois Governmental Ethics Act, shall request that the

1 candidate's name be placed upon the official ballot and shall
2 be subscribed and sworn by such candidate before some officer
3 authorized to take acknowledgment of deeds in this State and
4 may be in substantially the following form:

5 State of Illinois)

6) ss.

7 County)

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

18 Signed

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

21 Signed (Official Character)

22 (Seal if officer has one.)

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

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

1 district.

2 All petitions for nomination for the office of
3 Representative in the General Assembly shall be signed by at
4 least 1% or 500 ~~300~~, whichever is greater, of the qualified
5 primary electors of the candidate's party in his or her
6 representative district, except that for the first primary
7 following a redistricting of representative districts such
8 petitions shall be signed by at least 500 ~~300~~ qualified primary
9 electors of the candidate's party in his or her representative
10 district.

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

19 For the purposes of this Section, the number of primary
20 electors shall be determined by taking the total vote cast, in
21 the applicable district, for the candidate for such political
22 party who received the highest number of votes, state-wide, at
23 the last general election in the State at which electors for
24 President of the United States were elected.

25 A "qualified primary elector" of a party may not sign
26 petitions for or be a candidate in the primary of more than one
27 party.

28 In the affidavit at the bottom of each sheet, the petition
29 circulator, who shall be a person 18 years of age or older who
30 is a citizen of the United States, shall state his or her
31 street address or rural route number, as the case may be, as
32 well as his or her county, city, village or town, and state;
33 and shall certify that the signatures on that sheet of the
34 petition were signed in his or her presence; and shall certify

1 that the signatures are genuine; and shall certify that to the
2 best of his or her knowledge and belief the persons so signing
3 were at the time of signing the petition qualified primary
4 voters for which the nomination is sought.

5 In the affidavit at the bottom of each petition sheet, the
6 petition circulator shall either (1) indicate the dates on
7 which he or she circulated that sheet, or (2) indicate the
8 first and last dates on which the sheet was circulated, or (3)
9 certify that none of the signatures on the sheet were signed
10 more than 90 days preceding the last day for the filing of the
11 petition. No petition sheet shall be circulated more than 90
12 days preceding the last day provided in Section 8-9 for the
13 filing of such petition.

14 All petition sheets which are filed with the State Board of
15 Elections shall be the original sheets which have been signed
16 by the voters and by the circulator, and not photocopies or
17 duplicates of such sheets.

18 The person circulating the petition, or the candidate on
19 whose behalf the petition is circulated, may strike any
20 signature from the petition, provided that:

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

23 (2) the person striking the signature shall sign a
24 certification listing the page number and line number of
25 each signature struck from the petition. Such
26 certification shall be filed as a part of the petition.

27 (Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99;
28 92-129, eff. 7-20-01.)

29 (10 ILCS 5/9-1.4) (from Ch. 46, par. 9-1.4)

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

31 (1) a gift, subscription, donation, dues, loan, advance, or
32 deposit of money or anything of value, knowingly received in
33 connection with the nomination for election, or election, of

1 any person to public office, in connection with the election of
2 any person as ward or township committeeman in counties of
3 3,000,000 or more population, or in connection with any
4 question of public policy;

5 (1.5) a gift, subscription, donation, dues, loan, advance,
6 deposit of money, or anything of value that constitutes an
7 electioneering communication regardless of whether the
8 communication is made in concert or cooperation with or at the
9 request, suggestion, or knowledge of a candidate, a candidate's
10 authorized local political committee, a State political
11 committee, a political committee in support of or opposition to
12 a question of public policy, or any of their agents;

13 (2) the purchase of tickets for fund-raising events,
14 including but not limited to dinners, luncheons, cocktail
15 parties, and rallies made in connection with the nomination for
16 election, or election, of any person to public office, in
17 connection with the election of any person as ward or township
18 committeeman in counties of 3,000,000 or more population, or in
19 connection with any question of public policy;

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

21 (4) the services of an employee donated by an employer, in
22 which case the contribution shall be listed in the name of the
23 employer, except that any individual services provided
24 voluntarily and without promise or expectation of compensation
25 from any source shall not be deemed a contribution; but

26 (5) does not include--

27 (a) the use of real or personal property and the cost
28 of invitations, food, and beverages, voluntarily provided
29 by an individual in rendering voluntary personal services
30 on the individual's residential premises for
31 candidate-related activities; provided the value of the
32 service provided does not exceed an aggregate of \$150 in a
33 reporting period;

34 (b) the sale of any food or beverage by a vendor for

1 use in a candidate's campaign at a charge less than the
2 normal comparable charge, if such charge for use in a
3 candidate's campaign is at least equal to the cost of such
4 food or beverage to the vendor.

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

6 (10 ILCS 5/9-1.14)

7 Sec. 9-1.14. Electioneering communication defined.

8 (a) "Electioneering communication" means, for the purposes
9 of this Article, any form of communication, in whatever medium,
10 including but not limited to a newspaper, radio, television, or
11 Internet communication, that (1) refers to a clearly identified
12 candidate or candidates who will appear on the ballot, refers
13 to a clearly identified political party, or refers to a clearly
14 identified question of public policy that will appear on the
15 ballot and (2) is made within (i) 60 days before a general
16 election or consolidated election or (ii) 30 days before a
17 primary election.

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

19 (1) A communication, other than an advertisement,
20 appearing in a news story, commentary, or editorial
21 distributed through the facilities of any legitimate news
22 organization, unless the facilities are owned or
23 controlled by any political party, political committee, or
24 candidate.

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

28 (3) A communication made as part of a non-partisan
29 activity designed to encourage individuals to vote or to
30 register to vote.

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

1 (5) A communication exclusively between a labor
2 organization, as defined under federal or State law, and
3 its members.

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

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

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

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

29 In addition to the civil penalties authorized by this
30 Section, the State Board of Elections or any other affected
31 political committee may apply to the circuit court for a
32 temporary restraining order or a preliminary or permanent
33 injunction against the political committee to cease the

1 expenditure of funds and to cease operations until the
2 statement of organization is filed.

3 For the purpose of this Section, "statewide office" means
4 the Governor, Lieutenant Governor, Secretary of State,
5 Attorney General, State Treasurer, and State Comptroller.

6 The statement of organization shall include -

7 (a) the name and address of the political committee (the
8 name of the political committee must include the name of any
9 sponsoring entity);

10 (b) the scope, area of activity, party affiliation,
11 candidate affiliation and his county of residence, and purposes
12 of the political committee;

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

15 (d) the name, address, and position of the committee's
16 principal officers, including the chairman, treasurer, and
17 officers and members of its finance committee, if any;

18 (e) (Blank);

19 (f) a statement of what specific disposition of residual
20 fund will be made in the event of the dissolution or
21 termination of the committee;

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

25 (h) the amount of funds available for campaign expenditures
26 as of the filing date of the committee's statement of
27 organization.

28 For purposes of this Section, a "sponsoring entity" is (i)
29 any person, political committee, organization, corporation, or
30 association that contributes at least 33% of the total funding
31 of the political committee or (ii) any person or other entity
32 that is registered or is required to register under the
33 Lobbyist Registration Act and contributes at least 33% of the
34 total funding of the political committee; except that a

1 political committee is not a "sponsoring entity" for purposes
2 of this Section if it is a political committee organized by (i)
3 an established political party as defined in Section 10-2, (ii)
4 a partisan caucus of either house of the General Assembly, or
5 (iii) the Speaker or Minority Leader of the House of
6 Representatives or the President or Minority Leader of the
7 Senate, in his or her capacity as a legislative leader of the
8 House of Representatives or Senate and not as a candidate for
9 Representative or Senator.

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

11 (10 ILCS 5/9-7.5)

12 Sec. 9-7.5. Nonprofit organization registration and
13 disclosure.

14 (a) Each nonprofit organization, except for a labor union,
15 ~~(i) registered under the Lobbyist Registration Act or for which~~
16 ~~lobbying is undertaken by persons registered under that Act,~~
17 ~~(ii) that has not established a political committee, and (iii)~~
18 that accepts contributions, makes contributions, or makes
19 expenditures during any 12-month period in an aggregate amount
20 exceeding \$5,000 (I) on behalf of or in opposition to public
21 officials, candidates for public office, or a question of
22 public policy, (II) for electioneering communications, or
23 (III) and (II) for the purpose of influencing legislative,
24 executive, or administrative action as defined in the Lobbyist
25 Registration Act shall register with the State Board of
26 Elections. The Board by rule shall prescribe the registration
27 procedure and form. The registration form shall require the
28 following information:

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

30 (2) The name, address, and position of each custodian
31 of the registrant's financial books, accounts, and
32 records.

33 (3) The name, address, and position of each of the

1 registrant's principal officers.

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

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

7 (2) The amount of funds on hand at the beginning of the
8 reporting period.

9 (3) The full name and address of each person who has
10 made one or more contributions to or for the organization
11 within the reporting period in an aggregate amount or value
12 in excess of \$150, together with the amount and date of the
13 contributions, and if a contributor is an individual who
14 contributed more than \$500, the occupation and employer of
15 the contributor or, if the occupation and employer of the
16 contributor are unknown, a statement that the organization
17 has made a good faith effort to ascertain this information.

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

21 (5) The name and address of each organization and
22 political committee from which the reporting organization
23 received, or to which that organization made, any transfer
24 of funds in an aggregate amount or value in excess of \$150,
25 together with the amounts and dates of the transfers.

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

29 (7) Each loan to or from any person within the
30 reporting period by or to the organization in an aggregate
31 amount or value in excess of \$150, together with the full
32 names and mailing addresses of the lender and endorsers, if
33 any, and the date and amount of the loans, and if a lender
34 or endorser is an individual who loaned or endorsed a loan

1 of more than \$500, the occupation and employer of the
2 individual or, if the occupation and employer of the
3 individual are unknown, a statement that the organization
4 has made a good faith effort to ascertain this information.

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

11 (9) Each contribution, rebate, refund, or other
12 receipt in excess of \$150 received by the organization not
13 otherwise listed under items (3) through (8), and if a
14 contributor is an individual who contributed more than
15 \$500, the occupation and employer of the contributor or, if
16 the occupation and employer of the contributor are unknown,
17 a statement that the organization has made a good faith
18 effort to ascertain this information.

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

21 (11) The full name and mailing address of each person
22 to whom expenditures have been made by the organization
23 within the reporting period in an aggregate amount or value
24 in excess of \$150, the amount, date, and purpose of each
25 expenditure, and the question of public policy on behalf of
26 which the expenditure was made.

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

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

34 (14) The full name and mailing address of each person

1 to whom the organization owes debts or obligations in
2 excess of \$150 and the amount of the debts or obligations.

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

4 (c) The reports required under subsection (b) shall be
5 filed at the same times and for the same reporting periods as
6 reports of campaign contributions and semi-annual reports of
7 campaign contributions and expenditures required by this
8 Article of political committees. The reports required under
9 subsection (b) shall be available for public inspection and
10 copying in the same manner as reports filed by political
11 committees. The Board may charge a fee that covers the costs of
12 copying and distribution, if any.

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

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

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

20 (10 ILCS 5/9-9.5)

21 Sec. 9-9.5. Disclosures in political communications. Any
22 political committee, organized under the Election Code, that
23 makes an expenditure for a pamphlet, circular, handbill,
24 Internet or telephone communication, radio, television, or
25 print advertisement, or other communication directed at voters
26 and mentioning the name of a candidate in the next upcoming
27 election shall ensure that the name of the political committee
28 paying for any part of the communication, including, but not
29 limited to, its preparation and distribution, is identified
30 clearly within the communication as the payor. This Section
31 does not apply to items that are too small to contain the
32 required disclosure. Nothing in this Section shall require
33 disclosure on any telephone communication using random

1 sampling or other scientific survey methods to gauge public
2 opinion for or against any candidate or question of public
3 policy.

4 Whenever any vendor or other person provides any of the
5 services listed in this Section, other than any telephone
6 communication using random sampling or other scientific survey
7 methods to gauge public opinion for or against any candidate or
8 question of public policy, the vendor or person shall keep and
9 maintain records showing the name and address of the person who
10 purchased or requested the services and the amount paid for the
11 services. The records required by this Section shall be kept
12 for a period of one year after the date upon which payment was
13 received for the services.

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

15 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

16 Sec. 9-10. Financial reports.

17 (a) The treasurer of every state political committee and
18 the treasurer of every local political committee shall file
19 with the Board, and the treasurer of every local political
20 committee shall file with the county clerk, reports of campaign
21 contributions, and semi-annual reports of campaign
22 contributions and expenditures on forms to be prescribed or
23 approved by the Board. The treasurer of every political
24 committee that acts as both a state political committee and a
25 local political committee shall file a copy of each report with
26 the State Board of Elections and the county clerk. Entities
27 subject to Section 9-7.5 shall file reports required by that
28 Section at times provided in this Section and are subject to
29 the penalties provided in this Section.

30 (b) Reports of campaign contributions shall be filed no
31 later than the 15th day next preceding each election including
32 a primary election in connection with which the political
33 committee has accepted or is accepting contributions or has

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

27 (b-5) Notwithstanding the provisions of subsection (b) and
28 Section 1.25 of the Statute on Statutes, any contribution of
29 more than \$500 received in the interim between the last date of
30 the period covered by the last report filed under subsection
31 (b) prior to the election and the date of the election shall be
32 filed with and must actually be received by the State Board of
33 Elections within 2 business days after receipt of such
34 contribution. The State Board shall allow filings of reports of

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

22 (1) whether in the Board's opinion the violation was
23 committed inadvertently, negligently, knowingly, or
24 intentionally;

25 (2) the number of days the contribution was reported
26 late; and

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

29 (c) In addition to such reports the treasurer of every
30 political committee shall file semi-annual reports of campaign
31 contributions and expenditures no later than July 31st,
32 covering the period from January 1st through June 30th
33 immediately preceding, and no later than January 31st, covering
34 the period from July 1st through December 31st of the preceding

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

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

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

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

30 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

31 Sec. 10-9. The following electoral boards are designated
32 for the purpose of hearing and passing upon the objector's
33 petition described in Section 10-8.

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

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

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

1 being designated who is eligible to serve on the electoral
2 board and has served the greatest number of years as a member
3 of the city council or board of trustees, of whom the mayor or
4 president of the board of trustees shall be the chairman.

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

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

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

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

1 In the event that any member of the appropriate board is a
2 candidate for the office with relation to which the objector's
3 petition is filed, he shall not be eligible to serve on that
4 board and shall not act as a member of the board and his place
5 shall be filled as follows:

6 a. In the county officers electoral board by the county
7 treasurer, and if he or she is ineligible to serve, by the
8 sheriff of the county.

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

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

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

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

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

34 Any vacancies on an electoral board not otherwise filled

1 pursuant to this Section shall be filled by public members
2 appointed by the Chief Judge of the Circuit Court for the
3 county wherein the electoral board hearing is being held upon
4 notification to the Chief Judge of such vacancies. The Chief
5 Judge shall be so notified by a member of the electoral board
6 or the officer or board with whom the objector's petition was
7 filed. In the event that none of the individuals designated by
8 this Section to serve on the electoral board are eligible, the
9 chairman of an electoral board shall be designated by the Chief
10 Judge.

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

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

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

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

29 Notice is hereby given that on (give date), at (give the
30 place of holding the election and the name of the precinct or
31 district) in the county of (name county), an election will be
32 held for (give the title of the several offices to be filled),
33 which election will be open at 6:00 a.m. and continued open

1 until 7:00 p.m. of that day.

2 Dated at on (insert date).

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

4 (10 ILCS 5/Art. 12A heading new)

5 ARTICLE 12A.

6 VOTERS' GUIDES

7 (10 ILCS 5/12A-2 new)

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

10 "Board" means the State Board of Elections.

11 "Internet Guide" refers to information disseminated by the
12 State Board of Elections on a website, pursuant to Section
13 12A-5.

14 "Local election authority" means a county clerk or board of
15 election commissioners.

16 "Public question" or "question" means any question,
17 proposition, or referendum submitted to the voters under
18 Article 28 of this Code.

19 "Statewide candidate" means any candidate who runs for a
20 statewide office, including Governor, Lieutenant Governor,
21 Attorney General, Secretary of State, Treasurer, Comptroller,
22 United States President, or United States Senator.

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

25 (10 ILCS 5/12A-5 new)

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

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

31 (2) Requirements for a citizen to qualify as an

1 elector.

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

4 (4) Contact information for local election
5 authorities.

6 (5) A description of the following offices, when they
7 appear on the ballot, including their term of office, basic
8 duties, and base salary: 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 any office other than the offices listed in
14 this item (5).

15 (6) The names and party affiliations of qualified
16 candidates for the following offices, when these offices
17 appear on the ballot: United States President, United
18 States Senator, United States Representative, Governor,
19 Lieutenant Governor, Attorney General, Secretary of State,
20 Treasurer, Comptroller, Illinois Supreme Court Judge, and
21 Illinois Appellate Court Judge. The Board shall not include
22 information on candidates for any office other than the
23 offices listed in this item (6).

24 (7) Challenged candidates. Where a candidate's right
25 to appear on the general election ballot has been
26 challenged, and any appeal remains pending regarding those
27 challenges, the challenged candidate may appear on the
28 Internet Guide, subject to the other provisions of Section
29 12A-10. In this instance, the Board may note that the
30 candidate's candidacy has been challenged and that he or
31 she may be removed from the ballot prior to election day.
32 If the candidate is removed from the ballot prior to
33 election day, the Board shall remove the candidate's name
34 and other information from the Internet Guide.

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

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

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

10 (11) A mechanism by which electors may determine in
11 which congressional and judicial districts they reside.
12 The Internet Guide shall allow visitors to search for
13 candidates by office (e.g., Governor or United States
14 Senator) and candidate's name.

15 (12) Information concerning how to become an election
16 judge.

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

19 In addition, the Board has the discretion to publish a
20 voters' guide before a general primary election in the manner
21 provided in this Article.

22 (10 ILCS 5/12A-10 new)

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

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

28 (1) No personal statement may exceed a brief biography
29 (name, age, education, and current employment) and an
30 additional 400 words.

31 (2) Personal statements may include contact
32 information for the candidate, including the address and
33 phone number of the campaign headquarters, and the

1 candidate's website.

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

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

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

9 (6) The photograph shall not (i) show the candidate's
10 hands, anything in the candidate's hands, or the candidate
11 wearing a judicial robe, a hat, or a military, police, or
12 fraternal uniform or (ii) include the uniform or insignia
13 of any organization.

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

17 (c) Where a candidate declines to submit a statement, the
18 Board may note that the candidate declined to submit a
19 statement.

20 (d) The candidate must pay \$600 for inclusion of his or her
21 personal statement and photograph, and the Board shall not
22 include photographs or statements from candidates who do not
23 pay the fee. The Board may adopt rules for refunding that fee
24 at the candidate's request, provided that the Board may not
25 include a statement or photograph from a candidate who has
26 requested a refund of a fee. Fees collected pursuant to this
27 subsection shall be deposited into the Voters' Guide Fund, a
28 special fund created in the State treasury. Moneys in the
29 Voters' Guide Fund shall be appropriated solely to the State
30 Board of Elections for use in the implementation and
31 administration of this Article 12A.

32 (e) Anyone other than the candidate submitting a statement
33 or photograph from a candidate must attest that he or she is
34 doing so on behalf and at the direction of the candidate. The

1 Board may assess a civil fine of no more than \$1,000 against a
2 person or entity who falsely submits a statement or photograph
3 not authorized by the candidate.

4 (f) Nothing in this Article makes the author of any
5 statement exempt from any civil or criminal action because of
6 any defamatory statements offered for posting or contained in
7 the Internet Guide. The persons writing, signing, or offering a
8 statement for inclusion in the Internet Guide are deemed to be
9 its authors and publishers, and the Board shall not be liable
10 in any case or action relating to the content of any material
11 submitted by any candidate.

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

16 (h) The Board may set formats for the submission of
17 statements and photographs. The Board may require that
18 statements and photographs are submitted in an electronic
19 format.

20 (i) Fees and fines collected pursuant to subsections (d)
21 and (e), respectively, of this Section shall be deposited into
22 the Voters' Guide Fund, a special fund created in the State
23 treasury. Moneys in the Voters' Guide Fund shall be
24 appropriated solely to the State Board of Elections for use in
25 the implementation and administration of this Article 12A.

26 (10 ILCS 5/12A-15 new)

27 Sec. 12A-15. Language. The Board may translate all of the
28 material it is required to provide for the Internet Guide into
29 other languages as it deems necessary to comply with the
30 federal Voting Rights Act or at its discretion. Visitors to the
31 site shall have the option of viewing the Guide in all
32 languages into which the Guide has been translated. Candidates
33 may, at their option and expense, submit statements in

1 languages other than English. The Board shall not be
2 responsible for translating candidate statements.

3 (10 ILCS 5/12A-35 new)

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

6 (a) If a candidate files a photograph and statement under
7 item (8) of Section 12A-5 in a voters' guide, the Board shall
8 review the photograph and statement to ensure that they comply
9 with the requirements of Section 12A-10. Review by the Board
10 under this Section shall be limited to determining whether the
11 photograph and statement comply with the requirements of
12 Section 12A-10 and may not include any determination relating
13 to the accuracy or truthfulness of the substance or contents of
14 the materials filed.

15 (b) The Board shall review each photograph and statement
16 not later than 3 business days following the deadline for
17 filing a photograph and statement. If the Board determines that
18 the photograph or statement of a candidate must be revised in
19 order to comply with the requirements of Section 12A-10, the
20 Board shall attempt to contact the candidate not later than the
21 5th day after the deadline for filing a photograph and
22 statement. A candidate contacted by the Board under this
23 Section may file a revised photograph or statement no later
24 than the 7th business day following the deadline for filing a
25 photograph and statement.

26 (c) If the Board is required to attempt to contact a
27 candidate under subsection (b) of this Section, the Board shall
28 attempt to contact the candidate by telephone or by using an
29 electronic transmission facsimile machine, if such contact
30 information is provided by the candidate.

31 (d) If the Board is unable to contact a candidate, if the
32 candidate does not file a revised photograph or statement, or
33 if the revised filing under subsection (b) again fails to meet

1 the standards of review set by the Board:

2 (1) If a photograph does not comply with Section
3 12A-10, the Board may modify the photograph. The candidate
4 shall pay the expense of any modification before
5 publication of the photograph in the voters' guide. If the
6 photograph cannot be modified to comply with Section
7 12A-10, the photograph shall not be printed in the guide.

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

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

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

19 (g) The Board may by rule define the term "contact" as used
20 in this Section.

21 (10 ILCS 5/12A-40 new)

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

28 (10 ILCS 5/12A-45 new)

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

1 (10 ILCS 5/12A-50 new)

2 Sec. 12A-50. Order of appearance within the guides. For all
3 guides disseminated by the Board, all information about offices
4 and candidates on the ballot shall be listed together in the
5 same part of the guide or insert. All candidates for one
6 office, together with their statements and photographs if any,
7 shall be listed before information on other offices and
8 candidates is listed. To the extent possible, offices and
9 candidates shall be listed in the same order in which they
10 appear on the ballot.

11 (10 ILCS 5/12A-55 new)

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

17 (10 ILCS 5/13-2.5 new)

18 Sec. 13-2.5. Time off from work to serve as election judge.
19 Any person who is appointed as an election judge under Section
20 13-1 or 13-2 may, after giving his or her employer at least 20
21 days' written notice, be absent from his or her place of work
22 for the purpose of serving as an election judge. An employer
23 may not penalize an employee for that absence other than a
24 deduction in salary for the time the employee was absent from
25 his or her place of employment.

26 This Section does not apply to an employer with fewer than
27 25 employees. An employer with more than 25 employees shall not
28 be required to permit more than 10% of the employees to be
29 absent under this Section on the same election day.

30 (10 ILCS 5/14-4.5 new)

1 Sec. 14-4.5. Time off from work to serve as election judge.
2 Any person who is appointed as an election judge under Section
3 13-1 or 13-2 may, after giving his or her employer at least 20
4 days' written notice, be absent from his or her place of work
5 for the purpose of serving as an election judge. An employer
6 may not penalize an employee for that absence other than a
7 deduction in salary for the time the employee was absent from
8 his or her place of employment.

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

13 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

14 Sec. 17-9. Any person desiring to vote shall give his name
15 and, if required to do so, his residence to the judges of
16 election, one of whom shall thereupon announce the same in a
17 loud and distinct tone of voice, clear, and audible; the judges
18 of elections shall check each application for ballot against
19 the list of voters registered in that precinct to whom absentee
20 or early ballots have been issued for that election, which
21 shall be provided by the election authority and which list
22 shall be available for inspection by pollwatchers. A voter
23 applying to vote in the precinct on election day whose name
24 appears on the list as having been issued an absentee or early
25 ballot shall not be permitted to vote in the precinct ~~unless~~
26 ~~that voter submits to the judges of election, for cancellation~~
27 ~~or revocation, his absentee ballot. In the case that the~~
28 ~~voter's absentee ballot is not present in the polling place, it~~
29 ~~shall be sufficient for any such voter to submit to the judges~~
30 ~~of election in lieu of his absentee ballot, either a portion of~~
31 ~~such ballot if torn or mutilated, an affidavit executed before~~
32 ~~the judges of election specifying that the voter never received~~
33 ~~an absentee ballot, or an affidavit executed before the judges~~

1 ~~of election specifying that the voter desires to cancel or~~
2 ~~revoke any absentee ballot that may have been cast in the~~
3 ~~voter's name.~~ All applicable provisions of Articles 4, 5 or 6
4 shall be complied with and if such name is found on the
5 register of voters by the officer having charge thereof, he
6 shall likewise repeat said name, and the voter shall be allowed
7 to enter within the proximity of the voting booths, as above
8 provided. One of the judges shall give the voter one, and only
9 one of each ballot to be voted at the election, on the back of
10 which ballots such judge shall indorse his initials in such
11 manner that they may be seen when each such ballot is properly
12 folded, and the voter's name shall be immediately checked on
13 the register list. In those election jurisdictions where
14 perforated ballot cards are utilized of the type on which
15 write-in votes can be cast above the perforation, the election
16 authority shall provide a space both above and below the
17 perforation for the judge's initials, and the judge shall
18 endorse his or her initials in both spaces. Whenever a proposal
19 for a constitutional amendment or for the calling of a
20 constitutional convention is to be voted upon at the election,
21 the separate blue ballot or ballots pertaining thereto shall,
22 when being handed to the voter, be placed on top of the other
23 ballots to be voted at the election in such manner that the
24 legend appearing on the back thereof, as prescribed in Section
25 16-6 of this Act, shall be plainly visible to the voter. At all
26 elections, when a registry may be required, if the name of any
27 person so desiring to vote at such election is not found on the
28 register of voters, he or she shall not receive a ballot until
29 he or she shall have complied with the law prescribing the
30 manner and conditions of voting by unregistered voters. If any
31 person desiring to vote at any election shall be challenged, he
32 or she shall not receive a ballot until he or she shall have
33 established his right to vote in the manner provided
34 hereinafter; and if he or she shall be challenged after he has

1 received his ballot, he shall not be permitted to vote until he
2 or she has fully complied with such requirements of the law
3 upon being challenged. Besides the election officer, not more
4 than 2 voters in excess of the whole number of voting booths
5 provided shall be allowed within the proximity of the voting
6 booths at one time. The provisions of this Act, so far as they
7 require the registration of voters as a condition to their
8 being allowed to vote shall not apply to persons otherwise
9 entitled to vote, who are, at the time of the election, or at
10 any time within 60 days prior to such election have been
11 engaged in the military or naval service of the United States,
12 and who appear personally at the polling place on election day
13 and produce to the judges of election satisfactory evidence
14 thereof, but such persons, if otherwise qualified to vote,
15 shall be permitted to vote at such election without previous
16 registration.

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

19 State of Illinois,)

20) ss.

21 County of)

22 Precinct Ward

23 I,, do solemnly swear (or affirm) that I am a citizen
24 of the United States, of the age of 18 years or over, and that
25 within the past 60 days prior to the date of this election at
26 which I am applying to vote, I have been engaged in the
27 (military or naval) service of the United States; and I am
28 qualified to vote under and by virtue of the Constitution and
29 laws of the State of Illinois, and that I am a legally
30 qualified voter of this precinct and ward except that I have,
31 because of such service, been unable to register as a voter;
32 that I now reside at (insert street and number, if any) in
33 this precinct and ward; that I have maintained a legal
34 residence in this precinct and ward for 30 days and in this

1 State 30 days next preceding this election.

2

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

4

5 Judge of Election.

6 The affidavit of any such person shall be supported by the
7 affidavit of a resident and qualified voter of any such
8 precinct and ward, which affidavit shall be in substantially
9 the following form:

10 State of Illinois,)

11) ss.

12 County of)

13 Precinct Ward

14 I,, do solemnly swear (or affirm), that I am a
15 resident of this precinct and ward and entitled to vote at this
16 election; that I am acquainted with (name of the
17 applicant); that I verily believe him to be an actual bona fide
18 resident of this precinct and ward and that I verily believe
19 that he or she has maintained a legal residence therein 30 days
20 and in this State 30 days next preceding this election.

21

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

23

24 Judge of Election.

25 All affidavits made under the provisions of this Section
26 shall be enclosed in a separate envelope securely sealed, and
27 shall be transmitted with the returns of the elections to the
28 county clerk or to the board of election commissioners, who
29 shall preserve the said affidavits for the period of 6 months,
30 during which period such affidavits shall be deemed public
31 records and shall be freely open to examination as such.

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

1 (10 ILCS 5/17-15) (from Ch. 46, par. 17-15)

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

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

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

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

26 (1) Each established political party shall be entitled to
27 appoint two pollwatchers per precinct. Such pollwatchers must
28 be affiliated with the political party for which they are
29 pollwatching. For all elections, the pollwatchers must be
30 registered to vote in Illinois.

31 (2) Each candidate shall be entitled to appoint two
32 pollwatchers per precinct. For all elections, the pollwatchers

1 must be registered to vote in Illinois.

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

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

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

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

1 be.

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

4 POLLWATCHER CREDENTIALS

5 TO THE JUDGES OF ELECTION:

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

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

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

26
27 (Precinct and/or Ward in (Signature of Pollwatcher)
28 Which Pollwatcher Resides)

29 Pollwatchers must present their credentials to the Judges
30 of Election upon entering the polling place. Pollwatcher
31 credentials properly executed and signed shall be proof of the

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

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

30 Candidates seeking office in a district or municipality
31 encompassing 2 or more counties who desire to be admitted to
32 polling places on election day in such district or municipality
33 shall be required to have proper credentials. Such credentials
34 shall be printed in sufficient quantities, shall be issued by

1 and under the facsimile signature of the election authority of
2 the election jurisdiction where the polling place in which the
3 candidate seeks admittance is located, and shall be available
4 for distribution at least 2 weeks prior to the election. Such
5 credentials shall be signed by the candidate.

6 Candidate credentials shall be in substantially the
7 following form:

8 CANDIDATE CREDENTIALS

9 TO THE JUDGES OF ELECTION:

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

16
17 (Signature of Candidate) OFFICE FOR WHICH
18 CANDIDATE SEEKS
19 NOMINATION OR
20 ELECTION

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

1 of a person offering to vote and may call to the attention of
2 the judges of election any incorrect procedure or apparent
3 violations of this Code.

4 If a majority of the judges of election determine that the
5 polling place has become too overcrowded with pollwatchers so
6 as to interfere with the orderly conduct of the election, the
7 judges shall, by lot, limit such pollwatchers to a reasonable
8 number, except that each established or new political party
9 shall be permitted to have at least one pollwatcher present.

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

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

22 The provisions of this Section shall also apply to
23 supervised casting of absentee ballots as provided in Section
24 19-12.2 of this Act.

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

26 (10 ILCS 5/17-100 new)

27 Sec. 17-100. 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

1 chad are broken in a way that permits unimpeded light to be
2 seen through the card; or

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

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

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

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

20 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

21 Sec. 18-5. Any person desiring to vote and whose name is
22 found upon the register of voters by the person having charge
23 thereof, shall then be questioned by one of the judges as to
24 his nativity, his term of residence at present address,
25 precinct, State and United States, his age, whether naturalized
26 and if so the date of naturalization papers and court from
27 which secured, and he shall be asked to state his residence
28 when last previously registered and the date of the election
29 for which he then registered. The judges of elections shall
30 check each application for ballot against the list of voters
31 registered in that precinct to whom absentee and early ballots
32 have been issued for that election, which shall be provided by
33 the election authority and which list shall be available for

1 inspection by pollwatchers. A voter applying to vote in the
2 precinct on election day whose name appears on the list as
3 having been issued an absentee or early ballot shall not be
4 permitted to vote in the precinct ~~unless that voter submits to~~
5 ~~the judges of election, for cancellation or revocation, his~~
6 ~~absentee ballot. In the case that the voter's absentee ballot~~
7 ~~is not present in the polling place, it shall be sufficient for~~
8 ~~any such voter to submit to the judges of election in lieu of~~
9 ~~his absentee ballot, either a portion of such ballot if torn or~~
10 ~~mutilated, an affidavit executed before the judges of election~~
11 ~~specifying that the voter never received an absentee ballot, or~~
12 ~~an affidavit executed before the judges of election specifying~~
13 ~~that the voter desires to cancel or revoke any absentee ballot~~
14 ~~that may have been cast in the voter's name.~~ If such person so
15 registered shall be challenged as disqualified, the party
16 challenging shall assign his reasons therefor, and thereupon
17 one of the judges shall administer to him an oath to answer
18 questions, and if he shall take the oath he shall then be
19 questioned by the judge or judges touching such cause of
20 challenge, and touching any other cause of disqualification.
21 And he may also be questioned by the person challenging him in
22 regard to his qualifications and identity. But if a majority of
23 the judges are of the opinion that he is the person so
24 registered and a qualified voter, his vote shall then be
25 received accordingly. But if his vote be rejected by such
26 judges, such person may afterward produce and deliver an
27 affidavit to such judges, subscribed and sworn to by him before
28 one of the judges, in which it shall be stated how long he has
29 resided in such precinct, and state; that he is a citizen of
30 the United States, and is a duly qualified voter in such
31 precinct, and that he is the identical person so registered. In
32 addition to such an affidavit, the person so challenged shall
33 provide to the judges of election proof of residence by
34 producing 2 forms of identification showing the person's

1 current residence address, provided that such identification
2 to the person at his current residence address and postmarked
3 not earlier than 30 days prior to the date of the election, or
4 the person shall procure a witness personally known to the
5 judges of election, and resident in the precinct (or district),
6 or who shall be proved by some legal voter of such precinct or
7 district, known to the judges to be such, who shall take the
8 oath following, viz:

9 I do solemnly swear (or affirm) that I am a resident of
10 this election precinct (or district), and entitled to vote at
11 this election, and that I have been a resident of this State
12 for 30 days last past, and am well acquainted with the person
13 whose vote is now offered; that he is an actual and bona fide
14 resident of this election precinct (or district), and has
15 resided herein 30 days, and as I verily believe, in this State,
16 30 days next preceding this election.

17 The oath in each case may be administered by one of the
18 judges of election, or by any officer, resident in the precinct
19 or district, authorized by law to administer oaths. Also
20 supported by an affidavit by a registered voter residing in
21 such precinct, stating his own residence, and that he knows
22 such person; and that he does reside at the place mentioned and
23 has resided in such precinct and state for the length of time
24 as stated by such person, which shall be subscribed and sworn
25 to in the same way. Whereupon the vote of such person shall be
26 received, and entered as other votes. But such judges, having
27 charge of such registers, shall state in their respective books
28 the facts in such case, and the affidavits, so delivered to the
29 judges, shall be preserved and returned to the office of the
30 commissioners of election. Blank affidavits of the character
31 aforesaid shall be sent out to the judges of all the precincts,
32 and the judges of election shall furnish the same on demand and
33 administer the oaths without criticism. Such oaths, if
34 administered by any other officer than such judge of election,

1 shall not be received. Whenever a proposal for a constitutional
2 amendment or for the calling of a constitutional convention is
3 to be voted upon at the election, the separate blue ballot or
4 ballots pertaining thereto shall be placed on top of the other
5 ballots to be voted at the election in such manner that the
6 legend appearing on the back thereof, as prescribed in Section
7 16-6 of this Act, shall be plainly visible to the voter, and in
8 this fashion the ballots shall be handed to the voter by the
9 judge.

10 The voter shall, upon quitting the voting booth, deliver to
11 one of the judges of election all of the ballots, properly
12 folded, which he received. The judge of election to whom the
13 voter delivers his ballots shall not accept the same unless all
14 of the ballots given to the voter are returned by him. If a
15 voter delivers less than all of the ballots given to him, the
16 judge to whom the same are offered shall advise him in a voice
17 clearly audible to the other judges of election that the voter
18 must return the remainder of the ballots. The statement of the
19 judge to the voter shall clearly express the fact that the
20 voter is not required to vote such remaining ballots but that
21 whether or not he votes them he must fold and deliver them to
22 the judge. In making such statement the judge of election shall
23 not indicate by word, gesture or intonation of voice that the
24 unreturned ballots shall be voted in any particular manner. No
25 new voter shall be permitted to enter the voting booth of a
26 voter who has failed to deliver the total number of ballots
27 received by him until such voter has returned to the voting
28 booth pursuant to the judge's request and again quit the booth
29 with all of the ballots required to be returned by him. Upon
30 receipt of all such ballots the judges of election shall enter
31 the name of the voter, and his number, as above provided in
32 this section, and the judge to whom the ballots are delivered
33 shall immediately put the ballots into the ballot box. If any
34 voter who has failed to deliver all the ballots received by him

1 refuses to return to the voting booth after being advised by
2 the judge of election as herein provided, the judge shall
3 inform the other judges of such refusal, and thereupon the
4 ballot or ballots returned to the judge shall be deposited in
5 the ballot box, the voter shall be permitted to depart from the
6 polling place, and a new voter shall be permitted to enter the
7 voting booth.

8 The judge of election who receives the ballot or ballots
9 from the voter shall announce the residence and name of such
10 voter in a loud voice. The judge shall put the ballot or
11 ballots received from the voter into the ballot box in the
12 presence of the voter and the judges of election, and in plain
13 view of the public. The judges having charge of such registers
14 shall then, in a column prepared thereon, in the same line of,
15 the name of the voter, mark "Voted" or the letter "V".

16 No judge of election shall accept from any voter less than
17 the full number of ballots received by such voter without first
18 advising the voter in the manner above provided of the
19 necessity of returning all of the ballots, nor shall any such
20 judge advise such voter in a manner contrary to that which is
21 herein permitted, or in any other manner violate the provisions
22 of this section; provided, that the acceptance by a judge of
23 election of less than the full number of ballots delivered to a
24 voter who refuses to return to the voting booth after being
25 properly advised by such judge shall not be a violation of this
26 Section.

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

28 (10 ILCS 5/18-100 new)

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

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

33 (1) A chad on the card has at least one corner detached

1 from the card;

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

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

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

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

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

22 (10 ILCS 5/18A-5)

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

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

25 (a) A person who claims to be a registered voter is
26 entitled to cast a provisional ballot under the following
27 circumstances:

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

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

5 (3) A federal or State court order extends the time for
6 closing the polls beyond the time period established by
7 State law and the person votes during the extended time
8 period; or

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

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

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

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

34 (i) an affidavit stating the following:

1 State of Illinois, County of,
 2 Township, Precinct, Ward
 3, I,, do solemnly
 4 swear (or affirm) that: I am a citizen of the United
 5 States; I am 18 years of age or older; I have resided
 6 in this State and in this precinct for 30 days
 7 preceding this election; I have not voted in this
 8 election; I am a duly registered voter in every
 9 respect; and I am eligible to vote in this election.
 10 Signature Printed Name of Voter Printed
 11 Residence Address of Voter City State
 12 Zip Code Telephone Number Date of
 13 Birth and Illinois Driver's License Number
 14 or Last 4 digits of Social Security Number
 15 or State Identification Card Number issued to
 16 you by the Illinois Secretary of State.....

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

18 ~~In order to expedite the verification of your voter~~
 19 ~~registration status, the (insert name of county~~
 20 ~~clerk of board of election commissioners here)~~
 21 ~~requests that you include your phone number and both~~
 22 ~~the last four digits of your social security number and~~
 23 ~~your driver's license number or State Identification~~
 24 ~~Card Number issued to you by the Secretary of State. At~~
 25 ~~minimum, you are required to include either (A) your~~
 26 ~~driver's license number or State Identification Card~~
 27 ~~Number issued to you by the Secretary of State or (B)~~
 28 ~~the last 4 digits of your social security number.~~

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

32 (iii) ~~(iv)~~ An area for the election judge to affix his
 33 or her signature and to set forth any facts that support or
 34 oppose the allegation that the person is not qualified to

1 vote in the precinct in which the person is seeking to
2 vote.

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

7 (3) After the person executes the portion of the written
8 affidavit described in subsection (b) (2) (i) of this Section,
9 the election judge shall complete the portion of the written
10 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

11 (4) The election judge shall give a copy of the completed
12 written affidavit to the person. The election judge shall place
13 the original written affidavit in a self-adhesive clear plastic
14 packing list envelope that must be attached to a separate
15 envelope marked as a "provisional ballot envelope". The
16 election judge shall also place any information provided by the
17 person who casts a provisional ballot in the clear plastic
18 packing list envelope. Each county clerk or board of election
19 commissioners, as the case may be, must design, obtain or
20 procure self-adhesive clear plastic packing list envelopes and
21 provisional ballot envelopes that are suitable for
22 implementing this subsection (b) (4) of this Section.

23 (5) The election judge shall provide the person with a
24 provisional ballot, written instructions for casting a
25 provisional ballot, and the provisional ballot envelope with
26 the clear plastic packing list envelope affixed to it, which
27 contains the person's original written affidavit and, if any,
28 information provided by the provisional voter to support his or
29 her claim that he or she is a duly registered voter. An
30 election judge must also give the person written information
31 that states that any person who casts a provisional ballot
32 shall be able to ascertain, pursuant to guidelines established
33 by the State Board of Elections, whether the provisional vote
34 was counted in the official canvass of votes for that election

1 and, if the provisional vote was not counted, the reason that
2 the vote was not counted.

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

12 Upon the closing of the polls, the securable container shall be
13 sealed with filament tape provided for that purpose, which
14 shall be wrapped around the box lengthwise and crosswise, at
15 least twice each way, and each of the election judges shall
16 sign the seal.

17 (c) Instead of the affidavit form described in subsection
18 (b), the county clerk or board of election commissioners, as
19 the case may be, may design and use a multi-part affidavit form
20 that is imprinted upon or attached to the provisional ballot
21 envelope described in subsection (b). If a county clerk or
22 board of election commissioners elects to design and use its
23 own multi-part affidavit form, then the county clerk or board
24 of election commissioners shall establish a mechanism for
25 accepting any information the provisional voter has supplied to
26 the election judge to support his or her claim that he or she
27 is a duly registered voter. In all other respects, a county
28 clerk or board of election commissioners shall establish
29 procedures consistent with subsection (b).

30 (d) The county clerk or board of election commissioners, as
31 the case may be, shall use the completed affidavit form
32 described in subsection (b) to update the person's voter
33 registration information in the State voter registration
34 database and voter registration database of the county clerk or

1 board of election commissioners, as the case may be. If a
2 person is later determined not to be a registered voter based
3 on Section 18A-15 of this Code, then the affidavit shall be
4 processed by the county clerk or board of election
5 commissioners, as the case may be, as a voter registration
6 application.

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

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

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

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

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

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

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

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

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

31 (1) After first verifying through an examination of the
32 precinct register that the person's address is within the
33 precinct boundaries, an ~~A~~ election judge at the polling

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

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

18 (i) an affidavit stating the following:

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

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

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

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

16 (iii) ~~(iv)~~ An area for the election judge to affix his
17 or her signature and to set forth any facts that support or
18 oppose the allegation that the person is not qualified to
19 vote in the precinct in which the person is seeking to
20 vote.

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

25 (3) After the person executes the portion of the written
26 affidavit described in subsection (b) (2) (i) of this Section,
27 the election judge shall complete the portion of the written
28 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

29 (4) The election judge shall give a copy of the completed
30 written affidavit to the person. The election judge shall place
31 the original written affidavit in a self-adhesive clear plastic
32 packing list envelope that must be attached to a separate
33 envelope marked as a "provisional ballot envelope". The
34 election judge shall also place any information provided by the

1 person who casts a provisional ballot in the clear plastic
2 packing list envelope. Each county clerk or board of election
3 commissioners, as the case may be, must design, obtain or
4 procure self-adhesive clear plastic packing list envelopes and
5 provisional ballot envelopes that are suitable for
6 implementing this subsection (b)(4) of this Section.

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

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

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

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

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

26 (10 ILCS 5/18A-15)

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

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

1 The State Board of Elections shall complete within 31 calendar
2 days of the election or sooner if all the returns are received,
3 its final canvass of the vote for all public offices.

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

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

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

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

23 i. the provisional voter;

24 ii. an election judge;

25 iii. the statewide voter registration database
26 maintained by the State Board of Elections;

27 iv. the records of the county clerk or board of
28 election commissioners' database; or

29 v. the records of the Secretary of State.

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

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

1 be registered to vote. If the provisional voter's signature on
2 his or her provisional ballot request varies from the signature
3 on an otherwise valid registration application solely because
4 of the substitution of initials for the first or middle name,
5 the election authority may not reject the provisional ballot.

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

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

31 (f) If the county clerk or board of election commissioners
32 determines that a provisional ballot is valid under this
33 Section, then the provisional ballot envelope shall be opened.
34 The outside of each provisional ballot envelope shall also be

1 marked to identify the precinct and the date of the election.

2 (g) The provisional ballots determined to be valid shall be
3 added to the vote totals for the precincts from which they were
4 cast in the order in which the ballots were opened. The county
5 clerk or board of election commissioners may, in the
6 alternative, create a separate provisional-voter precinct for
7 the purpose of counting and recording provisional ballots and
8 adding the recorded votes to its official canvass. The
9 validation and counting of provisional ballots shall be subject
10 to the provisions of this Code that apply to pollwatchers. If
11 the provisional ballots are a ballot of a punch card voting
12 system, then the provisional ballot shall be counted in a
13 manner consistent with Article 24A. If the provisional ballots
14 are a ballot of optical scan or other type of approved
15 electronic voting system, then the provisional ballots shall be
16 counted in a manner consistent with Article 24B.

17 (h) As soon as the ballots have been counted, the election
18 judges or election officials shall, in the presence of the
19 county clerk or board of election commissioners, place each of
20 the following items in a separate envelope or bag: (1) all
21 provisional ballots, voted or spoiled; (2) all provisional
22 ballot envelopes of provisional ballots voted or spoiled; and
23 (3) all executed affidavits of the provisional ballots voted or
24 spoiled. All provisional ballot envelopes for provisional
25 voters who have been determined not to be registered to vote
26 shall remain sealed. The county clerk or board of election
27 commissioners shall treat the provisional ballot envelope
28 containing the written affidavit as a voter registration
29 application for that person for the next election and process
30 that application. The election judges or election officials
31 shall then securely seal each envelope or bag, initial the
32 envelope or bag, and plainly mark on the outside of the
33 envelope or bag in ink the precinct in which the provisional
34 ballots were cast. The election judges or election officials

1 shall then place each sealed envelope or bag into a box, secure
2 and seal it in the same manner as described in item (6) of
3 subsection (b) of Section 18A-5. Each election judge or
4 election official shall take and subscribe an oath before the
5 county clerk or board of election commissioners that the
6 election judge or election official securely kept the ballots
7 and papers in the box, did not permit any person to open the
8 box or otherwise touch or tamper with the ballots and papers in
9 the box, and has no knowledge of any other person opening the
10 box. For purposes of this Section, the term "election official"
11 means the county clerk, a member of the board of election
12 commissioners, as the case may be, and their respective
13 employees.

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

15 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

16 Sec. 19-2.1. At the consolidated primary, general primary,
17 consolidated, and general elections, electors entitled to vote
18 by absentee ballot under the provisions of Section 19-1 may
19 vote in person at the office of the municipal clerk, if the
20 elector is a resident of a municipality not having a board of
21 election commissioners, or at the office of the township clerk
22 or, in counties not under township organization, at the office
23 of the road district clerk if the elector is not a resident of
24 a municipality; provided, in each case that the municipal,
25 township or road district clerk, as the case may be, is
26 authorized to conduct in-person absentee voting pursuant to
27 this Section. Absentee voting in such municipal and township
28 clerk's offices under this Section shall be conducted from the
29 22nd day through the day before the election.

30 Municipal and township clerks (or road district clerks) who
31 have regularly scheduled working hours at regularly designated
32 offices other than a place of residence and whose offices are
33 open for business during the same hours as the office of the

1 election authority shall conduct in-person absentee voting for
2 said elections. Municipal and township clerks (or road district
3 clerks) who have no regularly scheduled working hours but who
4 have regularly designated offices other than a place of
5 residence shall conduct in-person absentee voting for said
6 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
7 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
8 Saturdays, but not during such hours as the office of the
9 election authority is closed, unless the clerk files a written
10 waiver with the election authority not later than July 1 of
11 each year stating that he or she is unable to conduct such
12 voting and the reasons therefor. Such clerks who conduct
13 in-person absentee voting may extend their hours for that
14 purpose to include any hours in which the election authority's
15 office is open. Municipal and township clerks (or road district
16 clerks) who have no regularly scheduled office hours and no
17 regularly designated offices other than a place of residence
18 may not conduct in-person absentee voting for said elections.
19 The election authority may devise alternative methods for
20 in-person absentee voting before said elections for those
21 precincts located within the territorial area of a municipality
22 or township (or road district) wherein the clerk of such
23 municipality or township (or road district) has waived or is
24 not entitled to conduct such voting. In addition, electors may
25 vote by absentee ballot under the provisions of Section 19-1 at
26 the office of the election authority having jurisdiction over
27 their residence.

28 In conducting absentee voting under this Section, the
29 respective clerks shall not be required to verify the signature
30 of the absentee voter by comparison with the signature on the
31 official registration record card. However, the clerk shall
32 reasonably ascertain the identity of such applicant, shall
33 verify that each such applicant is a registered voter, and
34 shall verify the precinct in which he or she is registered and

1 the proper ballots of the political subdivisions in which the
2 applicant resides and is entitled to vote, prior to providing
3 any absentee ballot to such applicant. The clerk shall verify
4 the applicant's registration and from the most recent poll list
5 provided by the county clerk, and if the applicant is not
6 listed on that poll list then by telephoning the office of the
7 county clerk.

8 Absentee voting procedures in the office of the municipal,
9 township and road district clerks shall be subject to all of
10 the applicable provisions of this Article 19. Pollwatchers may
11 be appointed to observe in-person absentee voting procedures
12 and view all reasonably requested records relating to the
13 conduct of the election, provided the secrecy of the ballot is
14 not impinged, at the office of the municipal, township or road
15 district clerks' offices where such absentee voting is
16 conducted. Such pollwatchers shall qualify and be appointed in
17 the same manner as provided in Sections 7-34 and 17-23, except
18 each candidate, political party or organization of citizens may
19 appoint only one pollwatcher for each location where in-person
20 absentee voting is conducted. Pollwatchers must be registered
21 to vote in Illinois and possess valid pollwatcher credentials.
22 All requirements in this Article applicable to election
23 authorities shall apply to the respective local clerks, except
24 where inconsistent with this Section.

25 The sealed absentee ballots in their carrier envelope shall
26 be delivered by the respective clerks, or by the election
27 authority on behalf of a clerk if the clerk and the election
28 authority agree, to the proper polling place before the close
29 of the polls on the day of the general primary, consolidated
30 primary, consolidated, or general election.

31 Not more than 23 days before the nonpartisan, general and
32 consolidated elections, the county clerk shall make available
33 to those municipal, township and road district clerks
34 conducting in-person absentee voting within such county, a

1 sufficient number of applications, absentee ballots,
2 envelopes, and printed voting instruction slips for use by
3 absentee voters in the offices of such clerks. The respective
4 clerks shall receipt for all ballots received, shall return all
5 unused or spoiled ballots to the county clerk on the day of the
6 election and shall strictly account for all ballots received.

7 The ballots delivered to the respective clerks shall
8 include absentee ballots for each precinct in the municipality,
9 township or road district, or shall include such separate
10 ballots for each political subdivision conducting an election
11 of officers or a referendum on that election day as will permit
12 any resident of the municipality, township or road district to
13 vote absentee in the office of the proper clerk.

14 The clerks of all municipalities, townships and road
15 districts may distribute applications for absentee ballot for
16 the use of voters who wish to mail such applications to the
17 appropriate election authority. Such applications for absentee
18 ballots shall be made on forms provided by the election
19 authority. Duplication of such forms by the municipal, township
20 or road district clerk is prohibited.

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

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

23 Sec. 19-4. Mailing or delivery of ballots - Time.)
24 Immediately upon the receipt of such application either by
25 mail, not more than 40 days nor less than 5 days prior to such
26 election, or by personal delivery not more than 40 days nor
27 less than one day prior to such election, at the office of such
28 election authority, it shall be the duty of such election
29 authority to examine the records to ascertain whether or not
30 such applicant is lawfully entitled to vote as requested, and
31 if found so to be, to post within one business day thereafter
32 the name, street address, ward and precinct number or township
33 and district number, as the case may be, of such applicant

1 given on a list, the pages of which are to be numbered
2 consecutively to be kept by such election authority for such
3 purpose in a conspicuous, open and public place accessible to
4 the public at the entrance of the office of such election
5 authority, and in such a manner that such list may be viewed
6 without necessity of requesting permission therefor. Within
7 one business day after posting the name and other information
8 of an applicant for an absentee ballot, the election authority
9 shall transmit that name and other posted information to the
10 State Board of Elections, which shall maintain those names and
11 other information in an electronic format on its website,
12 arranged by county and accessible to State and local political
13 committees. ~~and~~ Within 2 business days after posting a name
14 and other information on the list within its office, the
15 election authority shall thereafter to mail, postage prepaid,
16 or deliver in person in such office an official ballot or
17 ballots if more than one are to be voted at said election. Mail
18 delivery of Temporarily Absent Student ballot applications
19 pursuant to Section 19-12.3 shall be by nonforwardable mail.
20 However, for the consolidated election, absentee ballots for
21 certain precincts may be delivered to applicants not less than
22 25 days before the election if so much time is required to have
23 prepared and printed the ballots containing the names of
24 persons nominated for offices at the consolidated primary. The
25 election authority shall enclose with each absentee ballot or
26 application written instructions on how voting assistance
27 shall be provided pursuant to Section 17-14 and a document,
28 written and approved by the State Board of Elections,
29 enumerating the circumstances under which a person is
30 authorized to vote by absentee ballot pursuant to this Article;
31 such document shall also include a statement informing the
32 applicant that if he or she falsifies or is solicited by
33 another to falsify his or her eligibility to cast an absentee
34 ballot, such applicant or other is subject to penalties

1 pursuant to Section 29-10 and Section 29-20 of the Election
2 Code. Each election authority shall maintain a list of the
3 name, street address, ward and precinct, or township and
4 district number, as the case may be, of all applicants who have
5 returned absentee ballots to such authority, and the name of
6 such absent voter shall be added to such list within one
7 business day from receipt of such ballot. If the absentee
8 ballot envelope indicates that the voter was assisted in
9 casting the ballot, the name of the person so assisting shall
10 be included on the list. The list, the pages of which are to be
11 numbered consecutively, shall be kept by each election
12 authority in a conspicuous, open, and public place accessible
13 to the public at the entrance of the office of the election
14 authority and in a manner that the list may be viewed without
15 necessity of requesting permission for viewing.

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

24 Each election authority shall maintain a list for each
25 election of voters to whom it has issued temporarily absent
26 student ballots. The list shall be maintained for each election
27 jurisdiction within which such voters temporarily abide.
28 Immediately after the close of the period during which
29 application may be made by mail for absentee ballots, each
30 election authority shall mail to each other election authority
31 within the State a certified list of all such voters
32 temporarily abiding within the jurisdiction of the other
33 election authority.

34 In the event that the return address of an application for

1 ballot by a physically incapacitated elector is that of a
2 facility licensed or certified under the Nursing Home Care Act,
3 within the jurisdiction of the election authority, and the
4 applicant is a registered voter in the precinct in which such
5 facility is located, the ballots shall be prepared and
6 transmitted to a responsible judge of election no later than 9
7 a.m. on the Saturday, Sunday or Monday immediately preceding
8 the election as designated by the election authority under
9 Section 19-12.2. Such judge shall deliver in person on the
10 designated day the ballot to the applicant on the premises of
11 the facility from which application was made. The election
12 authority shall by mail notify the applicant in such facility
13 that the ballot will be delivered by a judge of election on the
14 designated day.

15 All applications for absentee ballots shall be available at
16 the office of the election authority for public inspection upon
17 request from the time of receipt thereof by the election
18 authority until 30 days after the election, except during the
19 time such applications are kept in the office of the election
20 authority pursuant to Section 19-7, and except during the time
21 such applications are in the possession of the judges of
22 election.

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

24 (10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

25 Sec. 19-10. Pollwatchers may be appointed to observe
26 in-person absentee voting procedures and view all reasonably
27 requested records relating to the conduct of the election,
28 provided the secrecy of the ballot is not impinged, at the
29 office of the election authority as well as at municipal,
30 township or road district clerks' offices where such absentee
31 voting is conducted. Such pollwatchers shall qualify and be
32 appointed in the same manner as provided in Sections 7-34 and
33 17-23, except each candidate, political party or organization

1 of citizens may appoint only one pollwatcher for each location
2 where in-person absentee voting is conducted. Pollwatchers
3 must be registered to vote in Illinois and possess valid
4 pollwatcher credentials.

5 In the polling place on election day, pollwatchers shall be
6 permitted to be present during the casting of the absent
7 voters' ballots and the vote of any absent voter may be
8 challenged for cause the same as if he were present and voted
9 in person, and the judges of the election or a majority thereof
10 shall have power and authority to hear and determine the
11 legality of such ballot; Provided, however, that if a challenge
12 to any absent voter's right to vote is sustained, notice of the
13 same must be given by the judges of election by mail addressed
14 to the voter's place of residence.

15 Where certain absent voters' ballots are counted on the day
16 of the election in the office of the election authority as
17 provided in Section 19-8 of this Act, each political party,
18 candidate and qualified civic organization shall be entitled to
19 have present one pollwatcher for each panel of election judges
20 therein assigned. Such pollwatchers shall be subject to the
21 same provisions as are provided for pollwatchers in Sections
22 7-34 and 17-23 of this Code, and shall be permitted to observe
23 the election judges making the signature comparison between
24 that which is on the ballot envelope and that which is on the
25 permanent voter registration record card taken from the master
26 file.

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

28 (10 ILCS 5/Art. 19A heading new)

29 ARTICLE 19A.

30 EARLY VOTING BY PERSONAL APPEARANCE

31 (10 ILCS 5/19A-5 new)

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

1 (a) If a request is made to vote early by a registered
2 voter in person, the election authority shall issue a ballot
3 for early voting to the voter. The ballot must be voted on the
4 premises of the election authority, except as otherwise
5 provided in this Article, and returned to the election
6 authority.

7 (b) On the dates for early voting prescribed in Section
8 19A-15, each election authority shall provide voting booths,
9 with suitable equipment for voting, on the premises of the
10 election authority and any other early voting polling place for
11 use by registered voters who are issued ballots for early
12 voting in accordance with this Article.

13 (c) The election authority must maintain a list for each
14 election of the voters to whom it has issued early ballots. The
15 list must be maintained for each precinct within the election
16 authority's jurisdiction. Before the opening of the polls on
17 election day, the election authority shall deliver to the
18 judges of election in each precinct the list of registered
19 voters who have voted by early ballot.

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

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

22 (a) An election authority may establish permanent polling
23 places for early voting by personal appearance at locations
24 throughout the election authority's jurisdiction, including
25 but not limited to a municipal clerk's office, a township
26 clerk's office, a road district clerk's office, or a county or
27 local public agency office. Except as otherwise provided in
28 subsection (b), any person entitled to vote early by personal
29 appearance may do so at any polling place established for early
30 voting.

31 (b) If it is impractical for the election authority to
32 provide at each polling place for early voting a ballot in
33 every form required in the election authority's jurisdiction,

1 the election authority may:

2 (1) provide appropriate forms of ballots to the office
3 of the municipal clerk in a municipality not having a board
4 of election commissioners; the township clerk; or in
5 counties not under township organization, the road
6 district clerk; and

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

10 If the early voting polling place does not have the correct
11 ballot form for a person seeking to vote early, the election
12 judge or election official conducting early voting at that
13 polling place shall inform the person of that fact, give the
14 person the appropriate telephone number of the election
15 authority in order to locate an early voting polling place with
16 the correct ballot form for use in that person's assigned
17 precinct, and instruct the person to go to the proper early
18 voting polling place to vote early.

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

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

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

25 (b) A permanent polling place for early voting must remain
26 open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m.
27 to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on
28 Saturdays, Sundays, and holidays.

29 (10 ILCS 5/19A-20 new)

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

31 (a) In addition to permanent polling places for early
32 voting, the election authority may establish temporary branch

1 polling places for early voting.

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

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

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

15 (10 ILCS 5/19A-25 new)

16 Sec. 19A-25. Schedule of locations and times for early
17 voting.

18 (a) The election authority shall publish during the week
19 before the period for early voting and at least once each week
20 during the period for early voting in a newspaper of general
21 circulation in the election authority's jurisdiction a
22 schedule stating:

23 (1) the location of each permanent and temporary
24 polling place for early voting and the precincts served by
25 each location; and

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

28 (b) The election authority shall post a copy of the
29 schedule at any office or other location that is to be used as
30 a polling place for early voting. The schedule must be posted
31 continuously for a period beginning not later than the 5th day
32 before the first day of the period for early voting by personal
33 appearance and ending on the last day of that period.

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

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

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

8 (10 ILCS 5/19A-25.5 new)

9 Sec. 19A-25.5. Voting machines, automatic tabulating
10 equipment, and precinct tabulation optical scan technology
11 voting equipment.

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

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

30 (c) If the election authority has adopted the use of
31 precinct tabulation optical scan technology voting equipment
32 under Article 24B of this Code, and the provisions of that
33 Article are in conflict with the provisions of this Article

1 19A, the provisions of Article 24B shall govern the procedures
2 followed by the election authority, its judges of election, and
3 all employees and agents; provided that early ballots shall not
4 be counted until after the polls are closed on election day.

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

13 (10 ILCS 5/19A-30 new)

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

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

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

26 (10 ILCS 5/19A-35 new)

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

28 (a) Not more than 23 days before the start of early voting,
29 the county clerk shall make available to the election authority
30 conducting early voting by personal appearance a sufficient
31 number of early ballots, envelopes, and printed voting
32 instruction slips for the use of early voters. The election

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

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

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

31 (10 ILCS 5/19A-40 new)

32 Sec. 19A-40. Enclosure of ballots in envelope. It is the
33 duty of the election judge or official to fold the ballot or

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

8 I state that I am a resident of the precinct of the
 9 (1) *township of (2) *City of or (3) *.... ward in
 10 the city of residing at in that city or town in the
 11 county of and State of Illinois, that I have lived at that
 12 address for months last past; that I am lawfully entitled
 13 to vote in that precinct at the election to be held on
 14

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

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

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

22

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

26 In addition to the above, the election authority shall
 27 provide printed slips giving full instructions regarding the
 28 manner of marking and returning the ballot in order that the
 29 same may be counted, and shall furnish one of the printed slips
 30 to each of such applicants at the same time the ballot is
 31 delivered to him or her. The instructions shall include the
 32 following statement: "In signing the certification on the early
 33 ballot envelope, you are attesting that you personally marked
 34 this early ballot in secret. If your are physically unable to

1 mark the ballot, a friend or relative may assist you. Federal
2 and State laws prohibit your employer, your employer's agent,
3 or an officer or agent of your union from assisting physically
4 disabled voters."

5 In addition to the above, if a ballot to be provided to a
6 voter pursuant to this Section contains a public question
7 described in subsection (b) of Section 28-6 and the territory
8 concerning which the question is to be submitted is not
9 described on the ballot due to the space limitations of the
10 ballot, the election authority shall provide a printed copy of
11 a notice of the public question, which shall include a
12 description of the territory in the manner required by Section
13 16-7. The notice shall be furnished to the voter at the same
14 time the ballot is delivered to the voter.

15 (10 ILCS 5/19A-45 new)

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

25 (10 ILCS 5/19A-50 new)

26 Sec. 19A-50. Receipt of ballots. Upon receipt of the
27 voter's ballot, the election judge or official shall enclose
28 the unopened ballot in a large or carrier envelope that shall
29 be securely sealed and endorsed with the name and official
30 title of the election judge or official and the words, "This
31 envelope contains a ballot and must be opened on election day",
32 together with the number and description of the precinct in

1 which the ballot is to be voted, and the election authority
2 shall safely keep the envelope in its office until delivered to
3 the judges of election as provided in Section 19A-35.

4 (10 ILCS 5/19A-55 new)

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

31 In case the signatures do not correspond, or the applicant
32 is not a duly qualified voter in the precinct or the ballot
33 envelope is open or has been opened and resealed, or the voter

1 has voted on election day, the previously cast vote shall not
2 be allowed, but without opening the early voter's envelope the
3 judge of the election shall mark across the face thereof,
4 "Rejected", giving the reason therefor.

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

8 The early voters' envelopes and affidavits and the early
9 voters' envelope with its contents unopened, when the early
10 vote is rejected, shall be retained and preserved in the manner
11 as now provided for the retention and preservation of official
12 ballots rejected at the election.

13 (10 ILCS 5/19A-60 new)

14 Sec. 19A-60. Pollwatchers. Pollwatchers may be appointed
15 to observe early voting by personal appearance at each
16 permanent and temporary polling place where early voting is
17 conducted. The pollwatchers shall qualify and be appointed in
18 the same manner as provided in Sections 7-34 and 17-23, except
19 that each candidate, political party, or organization of
20 citizens may appoint only one pollwatcher for each location
21 where early voting by personal appearance is conducted.
22 Pollwatchers must be residents of the State and possess valid
23 pollwatcher credentials.

24 In the polling place on election day, pollwatchers are
25 permitted to be present during the casting of the early ballots
26 and the vote of an early voter may be challenged for cause the
27 same as if the voter were present and voted on election day.
28 The judges of election or election authority personnel
29 conducting early voting, or a majority of either of these, have
30 the power and authority to hear and determine the legality of
31 the early ballot, provided that if a challenge to any early
32 voter's right to vote is sustained, notice of the challenge
33 must be given by the judges of election or election authority

1 by mail addressed to the voter's place of residence.

2 (10 ILCS 5/19A-65 new)

3 Sec. 19A-65. Death of voter before opening of polls.

4 Whenever due proof is made to the judges of election or
5 election authority personnel counting early ballots that any
6 voter who has marked an early ballot as provided in this
7 Article has died before the opening of the polls on the date of
8 the election, the ballot of the deceased voter shall be
9 returned in the same manner provided for rejected ballots; but
10 the casting of the ballot of a deceased voter shall not
11 invalidate the election.

12 (10 ILCS 5/19A-70 new)

13 Sec. 19A-70. Advertising or campaigning in proximity of
14 polling place; penalty. During the period prescribed in Section
15 19A-15 for early voting by personal appearance, no advertising
16 pertaining to any candidate or proposition to be voted on may
17 be displayed in or within 100 feet of any polling place used by
18 voters under this Article. No person may engage in
19 electioneering in or within 100 feet of any polling place used
20 by voters under this Article. The provisions of Section 17-29
21 with respect to establishment of a campaign free zone apply to
22 polling places under this Article.

23 Any person who violates this Section may be punished for
24 contempt of court.

25 (10 ILCS 5/19A-75 new)

26 Sec. 19A-75. Early voting in jurisdictions using Direct
27 Recording Electronic Voting Systems under Article 24C.
28 Election authorities that have adopted for use Direct Recording
29 Electronic Voting Systems under Article 24C may either use
30 those voting systems to conduct early voting or, so long as at
31 least one Direct Recording Electronic Voting System device is

1 available at each early voting polling place, use whatever
2 method the election authority uses for absentee balloting
3 conducted by mail; provided that no early ballots are counted
4 before the polls close on election day.

5 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

6 Sec. 20-4. Immediately upon the receipt of the official
7 postcard or an application as provided in Section 20-3 within
8 the times heretofore prescribed, the election authority shall
9 ascertain whether or not such applicant is legally entitled to
10 vote as requested. If the election authority ascertains that
11 the applicant is lawfully entitled to vote, it shall enter the
12 name, street address, ward and precinct number of such
13 applicant on a list to be posted in his or its office in a place
14 accessible to the public. Within one business day after posting
15 the name and other information of an applicant for a ballot,
16 the election authority shall transmit that name and posted
17 information to the State Board of Elections, which shall
18 maintain the names and other information in an electronic
19 format on its website, arranged by county and accessible to
20 State and local political committees. As soon as the official
21 ballot is prepared the election authority shall immediately
22 deliver the same to the applicant in person or by mail, in the
23 manner prescribed in Section 20-5.

24 If any such election authority receives a second or
25 additional application which it believes is from the same
26 person, he or it shall submit it to the chief judge of the
27 circuit court or any judge of that court designated by the
28 chief judge. If the chief judge or his designate determines
29 that the application submitted to him is a second or additional
30 one, he shall so notify the election authority who shall
31 disregard the second or additional application.

32 The election authority shall maintain a list for each
33 election of the voters to whom it has issued absentee ballots.

1 The list shall be maintained for each precinct within the
2 jurisdiction of the election authority. Prior to the opening of
3 the polls on election day, the election authority shall deliver
4 to the judges of election in each precinct the list of
5 registered voters in that precinct to whom absentee ballots
6 have been issued.

7 (Source: P.A. 81-0155; 81-0953; 81-1509.)

8 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

9 Sec. 22-1. Abstracts of votes. Within 21 days after the
10 close of the election at which candidates for offices
11 hereinafter named in this Section are voted upon, the county
12 clerks of the respective counties, with the assistance of the
13 chairmen of the county central committees of the Republican and
14 Democratic parties of the county, shall open the returns and
15 make abstracts of the votes on a separate sheet for each of the
16 following:

17 A. For Governor and Lieutenant Governor;

18 B. For State officers;

19 C. For presidential electors;

20 D. For United States Senators and Representatives to
21 Congress;

22 E. For judges of the Supreme Court;

23 F. For judges of the Appellate Court;

24 G. For judges of the circuit court;

25 H. For Senators and Representatives to the General
26 Assembly;

27 I. For State's Attorneys elected from 2 or more counties;

28 J. For amendments to the Constitution, and for other
29 propositions submitted to the electors of the entire State;

30 K. For county officers and for propositions submitted to
31 the electors of the county only;

32 L. For Regional Superintendent of Schools;

33 M. For trustees of Sanitary Districts; and

1 N. For Trustee of a Regional Board of School Trustees.

2 Each sheet shall report the returns by precinct or ward.

3 Multiple originals of each of the sheets shall be prepared
4 and one of each shall be turned over to the chairman of the
5 county central committee of each of the then existing
6 established political parties, as defined in Section 10-2, or
7 his duly authorized representative immediately after the
8 completion of the entries on the sheets and before the totals
9 have been compiled.

10 The foregoing abstracts shall be preserved by the county
11 clerk in his office.

12 Whenever any county chairman is also county clerk or
13 whenever any county chairman is unable to serve as a member of
14 such canvassing board the vice-chairman or secretary of his
15 county central committee, in that order, shall serve in his
16 place as member of such canvassing board; provided, that if
17 none of these persons is able to serve, the county chairman may
18 appoint a member of his county central committee to serve as a
19 member of such canvassing board.

20 The powers and duties of the county canvassing board are
21 limited to those specified in this Section. In no event shall
22 such canvassing board open any package in which the ballots
23 have been wrapped or any envelope containing "defective" or
24 "objected to" ballots, or in any manner undertake to examine
25 the ballots used in the election, except as provided in Section
26 22-9.1 or when directed by a court in an election contest. Nor
27 shall such canvassing board call in the precinct judges of
28 election or any other persons to open or recount the ballots.

29 No person who is shown by the canvassing board's
30 proclamation to have been elected at the consolidated election
31 or general election as a write-in candidate shall take office
32 unless that person has first filed with the certifying office
33 or board a statement of candidacy pursuant to Section 7-10 or
34 Section 10-5, a statement pursuant to Section 7-10.1, and a

1 receipt for filing a statement of economic interests in
2 relation to the unit of government to which he or she has been
3 elected. For officers elected at the consolidated election, the
4 certifying officer shall notify the election authority of the
5 receipt of those documents, and the county clerk shall issue
6 the certification of election under the provisions of Section
7 22-18.

8 (Source: P.A. 93-847, eff. 7-30-04.)

9 (10 ILCS 5/22-5) (from Ch. 46, par. 22-5)

10 Sec. 22-5. Immediately after the completion of the
11 abstracts of votes by precinct or ward, the county clerk shall
12 make 2 correct copies of the abstracts of votes for Governor,
13 Lieutenant Governor, Secretary of State, State Comptroller,
14 Treasurer, Attorney General, both of which said copies he shall
15 envelope and seal up, and endorse upon the envelopes in
16 substance, "Abstracts of votes for State Officers from
17 County"; and shall seal up a copy of each of the abstracts of
18 votes for other officers and amendments to the Constitution and
19 other propositions voted on, and endorse the same so as to show
20 the contents of the package, and address the same to the State
21 Board of Elections. The several packages shall then be placed
22 in one envelope and addressed to the State Board of Elections.
23 The county clerk shall send the sealed envelope addressed to
24 the State Board of Elections via overnight mail so it arrives
25 at the address the following calendar day.

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

27 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

28 Sec. 22-7. Canvass of votes; declaration and proclamation
29 of result. The State Board of Elections, shall proceed within
30 31 days after the election, and sooner if all the returns are
31 received, to canvass the votes given for United States Senators
32 and Representatives to Congress, State executive officers,

1 judges of the Supreme Court, judges of the Appellate Court,
2 judges of the Circuit Court, Senators, Representatives to the
3 General Assembly, State's Attorneys and Regional
4 Superintendents of Schools elected from 2 or more counties,
5 respectively, and the persons having the highest number of
6 votes for the respective offices shall be declared duly
7 elected, but if it appears that more than the number of persons
8 to be elected have the highest and an equal number of votes for
9 the same office, the electoral board shall decide by lot which
10 of such persons shall be elected; and to each person duly
11 elected, the Governor shall give a certificate of election or
12 commission, as the case may require, and shall cause
13 proclamation to be made of the result of the canvass, and they
14 shall at the same time and in the same manner, canvass the vote
15 cast upon amendments to the Constitution, and upon other
16 propositions submitted to the electors of the entire State; and
17 the Governor shall cause to be made such proclamation of the
18 result of the canvass as the statutes elsewhere provide. The
19 State Board of Elections shall transmit to the State
20 Comptroller a list of the persons elected to the various
21 offices. The State Board of Elections shall also transmit to
22 the Supreme Court the names of persons elected to judgeships in
23 adversary elections and the names of judges who fail to win
24 retention in office.

25 No person who is shown by the canvassing board's
26 proclamation to have been elected at the consolidated election
27 or general election as a write-in candidate shall take office
28 unless that person has first filed with the certifying office
29 or board a statement of candidacy pursuant to Section 7-10 or
30 Section 10-5, a statement pursuant to Section 7-10.1, and a
31 receipt for filing a statement of economic interests in
32 relation to the unit of government to which he or she has been
33 elected. For officers elected at the consolidated election, the
34 certifying officer shall notify the election authority of the

1 receipt of those documents, and the county clerk shall issue
2 the certification of election under the provisions of Section
3 22-18.

4 (Source: P.A. 93-847, eff. 7-30-04.)

5 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

6 Sec. 22-8. In municipalities operating under Article 6 of
7 this Act, within 21 days after the close of such election, a
8 judge of the circuit court, with the assistance of the city
9 attorney and the board of election commissioners, who are
10 hereby declared a canvassing board for such city, shall open
11 all returns left respectively, with the election
12 commissioners, the county clerk, and city comptroller, and
13 shall make abstracts or statements of the votes in the
14 following manner, as the case may require, viz: All votes for
15 Governor and Lieutenant Governor on one sheet; all votes for
16 other State officers on another sheet; all votes for
17 presidential electors on another sheet; all votes for United
18 States Senators and Representatives to Congress on another
19 sheet; all votes for judges of the Supreme Court on another
20 sheet; all votes for judges of the Appellate Court on another
21 sheet; all votes for Judges of the Circuit Court on another
22 sheet; all votes for Senators and Representatives to the
23 General Assembly on another sheet; all votes for State's
24 Attorneys where elected from 2 or more counties on another
25 sheet; all votes for County Officers on another sheet; all
26 votes for City Officers on another sheet; all votes for Town
27 Officers on another sheet; and all votes for any other office
28 on a separate and appropriate sheet; all votes for any
29 proposition, which may be submitted to a vote of the people, on
30 another sheet, and all votes against any proposition, submitted
31 to a vote of the people, on another sheet.

32 Each sheet shall report the returns by precinct or ward.

33 Multiple originals of each of the sheets shall be prepared

1 and one of each shall be turned over to the chairman of the
2 county central committee of each of the then existing
3 established political parties, as defined in Section 10-2, or
4 his duly authorized representative immediately after the
5 completion of the entries on the sheets and before the totals
6 have been compiled.

7 (Source: P.A. 93-847, eff. 7-30-04.)

8 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

9 Sec. 22-9. It shall be the duty of such Board of Canvassers
10 to canvass, and add up and declare the result of every election
11 hereafter held within the boundaries of such city, village or
12 incorporated town, operating under Article 6 of this Act, and
13 the judge of the circuit court shall thereupon enter of record
14 such abstract and result by precinct or ward, and a certified
15 copy of such record shall thereupon be filed with the County
16 Clerk of the county; and such abstracts or results shall be
17 treated, by the County Clerk in all respects, as if made by the
18 Canvassing Board now provided by the foregoing sections of this
19 law, and he shall transmit the same to the State Board of
20 Elections, or other proper officer, as required hereinabove.
21 The county clerk or board of election commissioners, as the
22 case may be, shall send the abstract by precinct or ward and
23 result in a sealed envelope addressed to the State Board of
24 Elections via overnight mail so it arrives at the address the
25 following calendar day. And such abstracts or results so
26 entered and declared by such judge, and a certified copy
27 thereof, shall be treated everywhere within the state, and by
28 all public officers, with the same binding force and effect as
29 the abstract of votes now authorized by the foregoing
30 provisions of this Act.

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

32 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

1 Sec. 22-15. The county clerk or board of election
2 commissioners shall, upon request, and by mail if so requested,
3 furnish free of charge to any candidate for State office,
4 including State Senator and Representative in the General
5 Assembly, and any candidate for congressional office, whose
6 name appeared upon the ballot within the jurisdiction of the
7 county clerk or board of election commissioners, a copy of the
8 abstract of votes by precinct or ward for all candidates for
9 the office for which such person was a candidate. Such abstract
10 shall be furnished no later than 2 days after the receipt of
11 the request or 8 days after the completing of the canvass,
12 whichever is later.

13 Within one calendar day following the canvass and
14 proclamation of each general primary election and general
15 election, each election authority shall transmit to the
16 principal office of the State Board of Elections copies of the
17 abstracts of votes by precinct or ward ~~for the above named~~
18 ~~offices and~~ for the offices of ward, township, and precinct
19 committeeman via overnight mail so that the abstract of votes
20 arrives at the address the following calendar day. Each
21 election authority shall also transmit to the principal office
22 of the State Board of Elections copies of current precinct poll
23 lists.

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

25 (10 ILCS 5/22-15.1) (from Ch. 46, par. 22-15.1)

26 Sec. 22-15.1. (a) Within 60 days following the canvass of
27 the general election within each election jurisdiction, the
28 election authority shall prepare, in typewritten or legible
29 computer-generated form, a report of the abstracts of votes by
30 precinct for all offices and questions of public policy in
31 connection with which votes were cast within the election
32 jurisdiction at the general election. The report shall include
33 the total number of ballots cast within each precinct or ward

1 and the total number of registered voters within each precinct
2 or ward. The election authority shall provide a copy of the
3 report to the chairman of the county central committee of each
4 established political party in the county within which the
5 election jurisdiction is contained, and shall make a reasonable
6 number of copies of the report available for distribution to
7 the public.

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

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

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

22 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

23 Sec. 22-17. (a) Except as provided in subsection (b), the
24 canvass of votes cast at the ~~nonpartisan and~~ consolidated
25 election ~~elections~~ shall be conducted by the following
26 canvassing boards within 21 days after the close of such
27 elections:

28 1. For city offices, by the mayor, the city attorney
29 and the city clerk.

30 2. For village and incorporated town offices, by the
31 president of the board of trustees, one member of the board
32 of trustees, and the village or incorporated town clerk.

33 3. For township offices, by the township supervisor,

1 the eligible town trustee elected in the township who has
2 the longest term of continuous service as town trustee, and
3 the township clerk.

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

6 5. For school district or community college district
7 offices, by the school or community college district board.

8 6. For special district elected offices, by the board
9 of the special district.

10 7. For multi-county educational service region
11 offices, by the regional board of school trustees.

12 8. For township trustee of schools or land
13 commissioner, by the township trustees of schools or land
14 commissioners.

15 9. For park district offices, by the president of the
16 park board, one member of the board of park commissioners
17 and the secretary of the park district.

18 10. For multi-township assessment districts, by the
19 chairman, clerk, and assessor of the multi-township
20 assessment district.

21 (b) The city canvassing board provided in Section 22-8
22 shall canvass the votes cast at the ~~nonpartisan~~ and
23 consolidated election ~~elections~~ for offices of any political
24 subdivision entirely within the jurisdiction of a municipal
25 board of election commissioners.

26 (c) The canvass of votes cast upon any public questions
27 submitted to the voters of any political subdivision, or any
28 precinct or combination of precincts within a political
29 subdivision, at any regular election or at any emergency
30 referendum election, including votes cast by voters outside of
31 the political subdivision where the question is for annexation
32 thereto, shall be canvassed by the same board provided for in
33 this Section for the canvass of votes of the officers of such
34 political subdivision. However, referenda conducted throughout

1 a county and referenda of sanitary districts whose officers are
2 elected at general elections shall be canvassed by the county
3 canvassing board. The votes cast on a public question for the
4 formation of a political subdivision shall be canvassed by the
5 circuit court that ordered the question submitted, or by such
6 officers of the court as may be appointed for such purpose,
7 except where in the formation or reorganization of a school
8 district or districts the regional superintendent of schools is
9 designated by law as the canvassing official.

10 (c-5) No person who is shown by the canvassing board's
11 proclamation to have been elected at the consolidated election
12 or general election as a write-in candidate shall take office
13 unless that person has first filed with the certifying office
14 or board a statement of candidacy pursuant to Section 7-10 or
15 Section 10-5, a statement pursuant to Section 7-10.1, and a
16 receipt for filing a statement of economic interests in
17 relation to the unit of government to which he or she has been
18 elected. For officers elected at the consolidated election, the
19 certifying officer shall notify the election authority of the
20 receipt of those documents, and the county clerk shall issue
21 the certification of election under the provisions of Section
22 22-18.

23 (d) The canvass of votes for offices of political
24 subdivisions cast at special elections to fill vacancies held
25 on the day of any regular election shall be conducted by the
26 canvassing board which is responsible for canvassing the votes
27 at the regularly scheduled election for such office.

28 (e) Abstracts of votes prepared pursuant to canvasses under
29 this Section shall report returns by precinct or ward.

30 (Source: P.A. 93-847, eff. 7-30-04.)

31 (10 ILCS 5/23-15.1)

32 Sec. 23-15.1. Production of ballot counting code and
33 attendance of witnesses. All voting-system vendors shall,

1 within 90 days after the adoption of rules or upon application
2 for voting-system approval, place in escrow all computer code
3 for its voting system with the State Board of Elections. The
4 State Board of Elections shall promulgate rules to implement
5 this Section. For purposes of this Section, the term "computer
6 code" includes, but is not limited to, ballot counting source
7 code, table structures, modules, program narratives, and other
8 human readable computer instructions used to count ballots. Any
9 computer code submitted by vendors to the State Board of
10 Elections shall be considered strictly confidential and the
11 intellectual property of the vendors and shall not be subject
12 to public disclosure under the Freedom of Information Act.

13 The State Board of Elections shall determine which software
14 components of a voting system it deems necessary to enable the
15 review and verification of the computer. The State Board of
16 Elections shall secure and maintain all proprietary computer
17 codes in strict confidence and shall make a computer code
18 available to authorized persons in connection with an election
19 contest or pursuant to any State or federal court order.

20 In an election contest, each party to the contest may
21 designate one or more persons who are authorized to receive the
22 computer code of the relevant voting systems. The person or
23 persons authorized to receive the relevant computer code shall
24 enter into a confidentiality agreement with the State Board of
25 Elections and must exercise the highest degree of reasonable
26 care to maintain the confidentiality of all proprietary
27 information.

28 The State Board of Elections shall promulgate rules to
29 provide for the security, review, and verification of computer
30 codes. Verification includes, but is not limited to,
31 determining that the computer code corresponds to computer
32 instructions actually in use to count ballots. The State Board
33 of Elections shall hire, contract with, or otherwise provide
34 sufficiently qualified resources, both human and capital, to

1 conduct the reviews with the greatest possible expectation of
2 thoroughness, completeness, and effectiveness. The resources
3 shall be independent of and have no business, personal,
4 professional, or other affiliation with any of the system
5 vendors currently or prospectively supplying voting systems to
6 any county in the State of Illinois. Nothing in this Section
7 shall impair the obligation of any contract between a
8 voting-systems vendor and an election authority that provides
9 access to computer code that is equal to or greater than that
10 provided by this Section.

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

12 (10 ILCS 5/23-50 new)

13 Sec. 23-50. Definition of a vote. For the purpose of any
14 recount of votes under this Code, a vote is defined as provided
15 in Sections 7-100, 17-100, 18-100, 24A-22, 24B-9.1, or 24C-10,
16 depending upon the type of voting equipment or system used to
17 cast the vote.

18 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

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

24 (a) Two ballot boxes shall be provided for each polling
25 place. The first ballot box is for the depositing of votes cast
26 on the electronic voting system; and the second ballot box is
27 for all votes cast on paper ballots, including absentee paper
28 and early paper ballots and any other paper ballots required to
29 be voted other than on the electronic voting system. Ballots,
30 except absentee and early ballots for candidates and
31 propositions which are listed on the electronic voting system,
32 deposited in the second ballot box shall be counted, tallied,

1 and returned as is elsewhere provided in "The Election Code,"
2 as amended, for the counting and handling of paper ballots.
3 Immediately after the closing of the polls the absentee and
4 early ballots delivered to the precinct judges of election by
5 the election official in charge of the election shall be
6 examined to determine that such ballots comply with Sections
7 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and
8 are entitled to be deposited in the ballot box provided
9 therefor; those entitled to be deposited in this ballot box
10 shall be initialed by the precinct judges of election and
11 deposited therein. Those not entitled to be deposited in this
12 ballot box shall be marked "Rejected" and disposed of as
13 provided in Sections 19-9, 19A-55, and 20-9. The precinct
14 judges of election shall then open the second ballot box and
15 examine all paper absentee and early ballots which are in the
16 ballot box to determine whether the absentee and early ballots
17 bear the initials of a precinct judge of election. If any
18 absentee or early ballot is not so initialed, it shall be
19 marked on the back "Defective," initialed as to such label by
20 all judges immediately under such word "Defective," and not
21 counted, but placed in the envelope provided for that purpose
22 labeled "Defective Ballots Envelope." The judges of election,
23 consisting in each case of at least one judge of election of
24 each of the two major political parties, shall examine the
25 paper absentee and early ballots which were in such ballot box
26 and properly initialed so as to determine whether the same
27 contain write-in votes. Write-in votes, not causing an overvote
28 for an office otherwise voted for on the paper absentee or
29 early ballot, and otherwise properly voted, shall be counted,
30 tallied and recorded on the tally sheet provided for such
31 record. A write-in vote causing an overvote for an office shall
32 not be counted for that office, but the precinct judges shall
33 mark such paper or early absentee ballot "Objected To" on the
34 back thereof and write on its back the manner in which such

1 ballot is counted and initial the same. An overvote for one
2 office shall invalidate only the vote or count of that
3 particular office. After counting, tallying and recording the
4 write-in votes on absentee and early ballots, the judges of
5 election, consisting in each case of at least one judge of
6 election of each of the two major political parties, shall make
7 a true duplicate ballot of the remaining valid votes on each
8 paper absentee or early ballot which was in the ballot box and
9 properly initialed, by using the electronic voting system used
10 in the precinct and one of the marking devices of the precinct
11 so as to transfer the remaining valid votes of the voter on the
12 paper absentee ballot to an official ballot or a ballot card of
13 that kind used in the precinct at that election. The original
14 paper absentee or early ballot shall be clearly labeled
15 "Absentee Ballot" or "Early Ballot", as the case may be, and
16 the ballot card so produced "Duplicate Absentee Ballot" or
17 "Duplicate Early Ballot", as the case may be, and each shall
18 bear the same serial number which shall be placed thereon by
19 the judges of election, commencing with number 1 and continuing
20 consecutively for the ballots of that kind in that precinct.
21 The judges of election shall initial the "Duplicate Absentee
22 Ballot" and "Duplicate Early Ballot" ballots or ballot cards
23 and shall place them in the first ballot box provided for
24 return of the ballots to be counted at the central counting
25 location in lieu of the paper absentee and early ballots. The
26 paper absentee and early ballots shall be placed in an envelope
27 provided for that purpose labeled "Duplicate Ballots."

28 As soon as the absentee and early ballots have been
29 deposited in the first ballot box, the judges of election shall
30 make out a slip indicating the number of persons who voted in
31 the precinct at the election. Such slip shall be signed by all
32 the judges of election and shall be inserted by them in the
33 first ballot box. The judges of election shall thereupon
34 immediately lock the first ballot box; provided, that if such

1 box is not of a type which may be securely locked, such box
2 shall be sealed with filament tape provided for such purpose
3 which shall be wrapped around the box lengthwise and crosswise,
4 at least twice each way, and in such manner that the seal
5 completely covers the slot in the ballot box, and each of the
6 judges shall sign such seal. Thereupon two of the judges of
7 election, of different political parties, shall forthwith and
8 by the most direct route transport both ballot boxes to the
9 counting location designated by the county clerk or board of
10 election commissioners.

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

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

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

1 tabulate the write-in vote; or

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

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

9 Immediately after the closing of the polls the absentee and
10 early ballots delivered to the precinct judges of election by
11 the election official in charge of the election shall be
12 examined to determine that such ballots comply with Sections
13 19-9, 19A-55, and 20-9 of "The Election Code," as amended, and
14 are entitled to be deposited in the ballot box; those entitled
15 to be deposited in the ballot box shall be initialed by the
16 precinct judges of election and deposited in the ballot box.
17 Those not entitled to be deposited in the ballot box shall be
18 marked "Rejected" and disposed of as provided in said Sections
19 19-9, 19A-55, and 20-9. The precinct judges of election then
20 shall open the ballot box and canvass the votes polled to
21 determine that the number of ballots therein agree with the
22 number of voters voting as shown by the applications for ballot
23 or if the same do not agree the judges of election shall make
24 such ballots agree with the applications for ballot in the
25 manner provided by Section 17-18 of "The Election Code." The
26 judges of election shall then examine all paper absentee and
27 early ballots, ballot cards and ballot card envelopes which are
28 in the ballot box to determine whether the paper ballots,
29 ballot cards and ballot card envelopes bear the initials of a
30 precinct judge of election. If any paper ballot, ballot card or
31 ballot card envelope is not initialed, it shall be marked on
32 the back "Defective," initialed as to such label by all judges
33 immediately under such word "Defective," and not counted, but
34 placed in the envelope provided for that purpose labeled

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

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

8 When an electronic voting system is used which utilizes a
9 ballot card, before separating the remaining ballot cards from
10 their respective covering envelopes, the judges of election
11 shall examine the ballot card envelopes for write-in votes.
12 When the voter has voted a write-in vote, the judges of
13 election shall compare the write-in vote with the votes on the
14 ballot card to determine whether such write-in results in an
15 overvote for any office. In case of an overvote for any office,
16 the judges of election, consisting in each case of at least one
17 judge of election of each of the two major political parties,
18 shall make a true duplicate ballot of all votes on such ballot
19 card except for the office which is overvoted, by using the
20 ballot label booklet of the precinct and one of the marking
21 devices of the precinct so as to transfer all votes of the
22 voter except for the office overvoted, to an official ballot
23 card of that kind used in the precinct at that election. The
24 original ballot card and envelope upon which there is an
25 overvote shall be clearly labeled "Overvoted Ballot", and each
26 shall bear the same serial number which shall be placed thereon
27 by the judges of election, commencing with number 1 and
28 continuing consecutively for the ballots of that kind in that
29 precinct. The judges of election shall initial the "Duplicate
30 Overvoted Ballot" ballot cards and shall place them in the box
31 for return of the ballots. The "Overvoted Ballot" ballots and
32 their envelopes shall be placed in the "Duplicate Ballots"
33 envelope. Envelopes bearing write-in votes marked in the place
34 designated therefor and bearing the initials of a precinct

1 judge of election and not resulting in an overvote and
2 otherwise complying with the election laws as to marking shall
3 be counted, tallied, and their votes recorded on a tally sheet
4 provided by the election official in charge of the election.
5 The ballot cards and ballot card envelopes shall be separated
6 and all except any defective or overvoted shall be placed
7 separately in the box for return of the ballots, along with all
8 "Duplicate Absentee Ballots", "Duplicate Early Ballots", and
9 "Duplicate Overvoted Ballots." The judges of election shall
10 examine the ballots and ballot cards to determine if any is
11 damaged or defective so that it cannot be counted by the
12 automatic tabulating equipment. If any ballot or ballot card is
13 damaged or defective so that it cannot properly be counted by
14 the automatic tabulating equipment, the judges of election,
15 consisting in each case of at least one judge of election of
16 each of the two major political parties, shall make a true
17 duplicate ballot of all votes on such ballot card by using the
18 ballot label booklet of the precinct and one of the marking
19 devices of the precinct. The original ballot or ballot card and
20 envelope shall be clearly labeled "Damaged Ballot" and the
21 ballot or ballot card so produced "Duplicate Damaged Ballot,"
22 and each shall bear the same number which shall be placed
23 thereon by the judges of election, commencing with number 1 and
24 continuing consecutively for the ballots of that kind in the
25 precinct. The judges of election shall initial the "Duplicate
26 Damaged Ballot" ballot or ballot cards, and shall place them in
27 the box for return of the ballots. The "Damaged Ballot" ballots
28 or ballot cards and their envelopes shall be placed in the
29 "Duplicated Ballots" envelope. A slip indicating the number of
30 voters voting in person, number of absentee votes deposited in
31 the ballot box, and the total number of voters of the precinct
32 who voted at the election shall be made out, signed by all
33 judges of election, and inserted in the box for return of the
34 ballots. The tally sheets recording the write-in votes shall be

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

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

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

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

22 (c) A single ballot box, for the deposit of all votes cast,
23 shall be used. Immediately after the closing of the polls the
24 judges of election shall examine the absentee and early ballots
25 received by the precinct judges of election from the election
26 authority of voters in that precinct to determine that they
27 comply with the provisions of Sections 19-9, 19A-55, 20-8, and
28 20-9 of the Election Code, as amended, and are entitled to be
29 deposited in the ballot box; those entitled to be deposited in
30 the ballot box shall be initialed by the precinct judges and
31 deposited in the ballot box. Those not entitled to be deposited
32 in the ballot box, in accordance with Sections 19-9, 19A-55,
33 20-8, and 20-9 of the Election Code, as amended, shall be
34 marked "Rejected" and preserved in the manner provided in The

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

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

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

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

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

17 (2) Regardless of which procedure described in subsection
18 (1) of this Section is used, the judges of election designated
19 to transport the ballots, properly signed and sealed as
20 provided herein, shall ensure that the ballots are delivered to
21 the central counting station no later than 12 hours after the
22 polls close. At the central counting station a team of tally
23 judges designated by the election official in charge of the
24 election shall examine the ballots so transported and shall not
25 accept ballots for tabulating which are not signed and sealed
26 as provided in subsection (1) of this Section until the judges
27 transporting the same make and sign the necessary corrections.
28 Upon acceptance of the ballots by a team of tally judges at the
29 central counting station, the election judges transporting the
30 same shall take a receipt signed by the election official in
31 charge of the election and stamped with the date and time of
32 acceptance. The election judges whose duty it is to transport
33 any ballots shall, in the event such ballots cannot be found
34 when needed, on proper request, produce the receipt which they

1 are to take as above provided.

2 (Source: P.A. 83-1362.)

3 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

7 Immediately after the closing of the polls, the absentee
8 and early ballots delivered to the precinct judges of election
9 by the election authority shall be examined to determine that
10 such ballots comply with Sections 19-9 and 20-9 of this Act and
11 are entitled to be deposited in the ballot box; those entitled
12 to be deposited in the ballot box shall be initialed by the
13 precinct judges of election and deposited in the ballot box.
14 Those not entitled to be deposited in the ballot box shall be
15 marked "Rejected" and disposed of as provided in said Sections
16 19-9, 19A-55, and 20-9.

17 The precinct judges of election shall open the ballot box
18 and count the number of ballots therein to determine if such
19 number agrees with the number of voters voting as shown by the
20 applications for ballot or, if the same do not agree, the
21 judges of election shall make such ballots agree with the
22 applications for ballot in the manner provided by Section 17-18
23 of this Act. The judges of election shall then examine all
24 ballot cards and ballot card envelopes which are in the ballot
25 box to determine whether the ballot cards and ballot card
26 envelopes contain the initials of a precinct judge of election.
27 If any ballot card or ballot card envelope is not initialed, it
28 shall be marked on the back "Defective", initialed as to such
29 label by all judges immediately under the word "Defective" and
30 not counted. The judges of election shall place an initialed
31 blank official ballot card in the place of the defective ballot
32 card, so that the count of the ballot cards to be counted on
33 the automatic tabulating equipment will be the same, and each

1 "Defective Ballot" card and "Replacement" card shall contain
2 the same serial number which shall be placed thereon by the
3 judges of election, commencing with number 1 and continuing
4 consecutively for the ballots of that kind in that precinct.
5 The original "Defective" card shall be placed in the "Defective
6 Ballot Envelope" provided for that purpose.

7 When an electronic voting system is used which utilizes a
8 ballot card, before separating the remaining ballot cards from
9 their respective covering envelopes, the judges of election
10 shall examine the ballot card envelopes for write-in votes.
11 When the voter has cast a write-in vote, the judges of election
12 shall compare the write-in vote with the votes on the ballot
13 card to determine whether such write-in results in an overvote
14 for any office. In case of an overvote for any office, the
15 judges of election, consisting in each case of at least one
16 judge of election of each of the 2 major political parties,
17 shall make a true duplicate ballot of all votes on such ballot
18 card except for the office which is overvoted, by using the
19 ballot label booklet of the precinct and one of the marking
20 devices of the precinct so as to transfer all votes of the
21 voter, except for the office overvoted, to a duplicate card.
22 The original ballot card and envelope upon which there is an
23 overvote shall be clearly labeled "Overvoted Ballot", and each
24 such "Overvoted Ballot" as well as its "Replacement" shall
25 contain the same serial number which shall be placed thereon by
26 the judges of election, commencing with number 1 and continuing
27 consecutively for the ballots of that kind in that precinct.
28 The "Overvoted Ballot" card and ballot envelope shall be placed
29 in an envelope provided for that purpose labeled "Duplicate
30 Ballot" envelope, and the judges of election shall initial the
31 "Replacement" ballot cards and shall place them with the other
32 ballot cards to be counted on the automatic tabulating
33 equipment. Envelopes containing write-in votes marked in the
34 place designated therefor and containing the initials of a

1 precinct judge of election and not resulting in an overvote and
2 otherwise complying with the election laws as to marking shall
3 be counted and tallied and their votes recorded on a tally
4 sheet provided by the election authority.

5 The ballot cards and ballot card envelopes shall be
6 separated in preparation for counting by the automatic
7 tabulating equipment provided for that purpose by the election
8 authority.

9 Before the ballots are entered into the automatic
10 tabulating equipment, a precinct identification card provided
11 by the election authority shall be entered into the device to
12 ensure that the totals are all zeroes in the count column on
13 the printing unit. A precinct judge of election shall then
14 count the ballots by entering each ballot card into the
15 automatic tabulating equipment, and if any ballot or ballot
16 card is damaged or defective so that it cannot properly be
17 counted by the automatic tabulating equipment, the judges of
18 election, consisting in each case of at least one judge of
19 election of each of the 2 major political parties, shall make a
20 true duplicate ballot of all votes on such ballot card by using
21 the ballot label booklet of the precinct and one of the marking
22 devices of the precinct. The original ballot or ballot card and
23 envelope shall be clearly labeled "Damaged Ballot" and the
24 ballot or ballot card so produced shall be clearly labeled
25 "Duplicate Damaged Ballot", and each shall contain the same
26 serial 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 the precinct. The
29 judges of election shall initial the "Duplicate Damaged Ballot"
30 ballot or ballot cards and shall enter the duplicate damaged
31 cards into the automatic tabulating equipment. The "Damaged
32 Ballot" cards shall be placed in the "Duplicated Ballots"
33 envelope; after all ballot cards have been successfully read,
34 the judges of election shall check to make certain that the

1 last number printed by the printing unit is the same as the
2 number of voters making application for ballot in that
3 precinct. The number shall be listed on the "Statement of
4 Ballots" form provided by the election authority.

5 The totals for all candidates and propositions shall be
6 tabulated; 4 sets shall be attached to the 4 sets of
7 "Certificate of Results" provided by the election authority;
8 one set shall be posted in a conspicuous place inside the
9 polling place; and every effort shall be made by the judges of
10 election to provide a set for each authorized pollwatcher or
11 other official authorized to be present in the polling place to
12 observe the counting of ballots; but in no case shall the
13 number of sets to be made available to pollwatchers be fewer
14 than 4, chosen by lot by the judges of election. In addition,
15 sufficient time shall be provided by the judges of election to
16 the pollwatchers to allow them to copy information from the set
17 which has been posted.

18 The judges of election shall count all unused ballot cards
19 and enter the number on the "Statement of Ballots". All
20 "Spoiled", "Defective" and "Duplicated" ballot cards shall be
21 counted and the number entered on the "Statement of Ballots".

22 The precinct judges of election shall select a bi-partisan
23 team of 2 judges, who shall immediately return the ballots in a
24 sealed container, along with all other election materials as
25 instructed by the election authority; provided, however, that
26 such container must first be sealed by the election judges with
27 filament tape provided for such purpose which shall be wrapped
28 around the container lengthwise and crosswise, at least twice
29 each way, in such manner that the ballots cannot be removed
30 from such container without breaking the seal and filament tape
31 and disturbing any signatures affixed by the election judges to
32 the container. The election authority shall keep the office of
33 the election authority, or any receiving stations designated by
34 such authority, open for at least 12 consecutive hours after

1 the polls close or until the ballots from all precincts with
2 in-precinct counting equipment within the jurisdiction of the
3 election authority have been returned to the election
4 authority. Ballots returned to the office of the election
5 authority which are not signed and sealed as required by law
6 shall not be accepted by the election authority until the
7 judges returning the same make and sign the necessary
8 corrections. Upon acceptance of the ballots by the election
9 authority, the judges returning the same shall take a receipt
10 signed by the election authority and stamped with the time and
11 date of such return. The election judges whose duty it is to
12 return any ballots as herein provided shall, in the event such
13 ballots cannot be found when needed, on proper request, produce
14 the receipt which they are to take as above provided.

15 (Source: P.A. 83-1362.)

16 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

17 Sec. 24A-15.1. Except as herein provided, discovery
18 recounts and election contests shall be conducted as otherwise
19 provided for in "The Election Code", as amended. The automatic
20 tabulating equipment shall be tested prior to the discovery
21 recount or election contest as provided in Section 24A-9, and
22 then the official ballots or ballot cards shall be recounted on
23 the automatic tabulating equipment. In addition, (1) the ballot
24 or ballot cards shall be checked for the presence or absence of
25 judges' initials and other distinguishing marks, and (2) the
26 ballots marked "Rejected", "Defective", "Objected to", ~~and~~
27 "Absentee Ballot", and "Early Ballot" shall be examined to
28 determine the propriety of the such labels, and (3) the
29 "Duplicate Absentee Ballots", "Duplicate Early Ballots",
30 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"
31 shall be compared with their respective originals to determine
32 the correctness of the duplicates.

33 Any person who has filed a petition for discovery recount

1 may request that a redundant count be conducted in those
2 precincts in which the discovery recount is being conducted.
3 The additional costs of such a redundant count shall be borne
4 by the requesting party.

5 The log of the computer operator and all materials retained
6 by the election authority in relation to vote tabulation and
7 canvass shall be made available for any discovery recount or
8 election contest.

9 (Source: P.A. 82-1014.)

10 (10 ILCS 5/24A-22)

11 Sec. 24A-22. Definition of a vote.

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

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

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

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

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

28 (c) For purposes of this Section, a "chad" is that portion
29 of a ballot card that a voter punches or perforates with a
30 stylus or other designated marking device to manifest his or
31 her vote for a particular ballot position on a ballot card as
32 defined in subsection (a). ~~Chads shall be removed from ballot~~
33 ~~cards prior to their processing and tabulation in election~~

1 ~~jurisdictions that utilize a ballot card as a means of~~
2 ~~recording votes at an election. Election jurisdictions that~~
3 ~~utilize a mechanical means or device for chad removal as a~~
4 ~~component of their tabulation shall use that means or device~~
5 ~~for chad removal.~~

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

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

11 (10 ILCS 5/24B-10)

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

14 (a) In an election jurisdiction which has adopted an
15 electronic Precinct Tabulation Optical Scan Technology voting
16 system, the election official in charge of the election shall
17 select one of the 3 following procedures for receiving,
18 counting, tallying, and return of the ballots:

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

1 by the election official in charge of the election shall be
2 examined to determine that the ballots comply with Sections
3 19-9, 19A-55, and 20-9 of this Code and are entitled to be
4 inserted into the counting equipment and deposited into the
5 ballot box provided; those entitled to be deposited in this
6 ballot box shall be initialed by the precinct judges of
7 election and deposited. Those not entitled to be deposited
8 in this ballot box shall be marked "Rejected" and disposed
9 of as provided in Sections 19-9, 19A-55, and 20-9. The
10 precinct judges of election shall then open the second
11 ballot box and examine all paper absentee and early ballots
12 which are in the ballot box to determine whether the
13 absentee or early ballots bear the initials of a precinct
14 judge of election. If any absentee or early ballot is not
15 so initialed, it shall be marked on the back "Defective",
16 initialed as to the label by all judges immediately under
17 the word "Defective", and not counted, but placed in the
18 envelope provided for that purpose labeled "Defective
19 Ballots Envelope". The judges of election, consisting in
20 each case of at least one judge of election of each of the
21 2 major political parties, shall examine the paper absentee
22 and early ballots which were in such ballot box and
23 properly initialed to determine whether the same contain
24 write-in votes. Write-in votes, not causing an overvote for
25 an office otherwise voted for on the paper absentee or
26 early ballot, and otherwise properly voted, shall be
27 counted, tallied and recorded on the tally sheet provided
28 for the record. A write-in vote causing an overvote for an
29 office shall not be counted for that office, but the
30 precinct judges shall mark such paper absentee or early
31 ballot "Objected To" on the back and write on its back the
32 manner in which the ballot is counted and initial the same.
33 An overvote for one office shall invalidate only the vote
34 or count of that particular office. After counting,

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

29 As soon as the absentee and early ballots have been
30 deposited in the first ballot box, the judges of election
31 shall make out a slip indicating the number of persons who
32 voted in the precinct at the election. The slip shall be
33 signed by all the judges of election and shall be inserted
34 by them in the first ballot box. The judges of election

1 shall thereupon immediately lock the first ballot box;
2 provided, that if the box is not of a type which may be
3 securely locked, the box shall be sealed with filament tape
4 provided for the purpose that shall be wrapped around the
5 box lengthwise and crosswise, at least twice each way, and
6 in a manner that the seal completely covers the slot in the
7 ballot box, and each of the judges shall sign the seal. Two
8 of the judges of election, of different political parties,
9 shall by the most direct route transport both ballot boxes
10 to the counting location designated by the county clerk or
11 board of election commissioners.

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

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

1 ballots.

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

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

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

13 Immediately after the closing of the polls the absentee
14 and early ballots delivered to the precinct judges of
15 election by the election official in charge of the election
16 shall be examined to determine that such ballots comply
17 with Sections 19-9, 19A-55, and 20-9 of this Code and are
18 entitled to be deposited in the ballot box; those entitled
19 to be deposited in the ballot box shall be initialed by the
20 precinct judges of election and deposited in the ballot
21 box. Those not entitled to be deposited in the ballot box
22 shall be marked "Rejected" and disposed of as provided in
23 Sections 19-9, 19A-55, and 20-9. The precinct judges of
24 election then shall open the ballot box and canvass the
25 votes polled to determine that the number of ballots agree
26 with the number of voters voting as shown by the
27 applications for ballot, or if the same do not agree the
28 judges of election shall make such ballots agree with the
29 applications for ballot in the manner provided by Section
30 17-18 of this Code. The judges of election shall then
31 examine all paper absentee and early ballots and ballot
32 envelopes which are in the ballot box to determine whether
33 the ballots and ballot envelopes bear the initials of a
34 precinct judge of election. If any ballot or ballot

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

1 "Duplicate Absentee Ballot" or "Duplicate Early Ballot", as
2 the case may be, and each shall bear the same serial number
3 which shall be placed thereon by the judges of election,
4 commencing with number 1 and continuing consecutively for
5 the ballots of that kind in that precinct. The judges of
6 election shall initial the "Duplicate Absentee Ballot" and
7 "Duplicate Early Ballot" ballots and shall place them in
8 the box for return of the ballots with all other ballots to
9 be counted at the central counting location in lieu of the
10 paper absentee and early ballots. The paper absentee
11 ballots shall be placed in an envelope provided for that
12 purpose labeled "Duplicate Ballots".

13 In case of an overvote for any office, the judges of
14 election, consisting in each case of at least one judge of
15 election of each of the 2 major political parties, shall
16 make a true duplicate ballot of all votes on the ballot
17 except for the office which is overvoted, by using the
18 ballot of the precinct and one of the marking devices, or
19 equivalent ballot, of the precinct to transfer all votes of
20 the voter except for the office overvoted, to an official
21 ballot of that kind used in the precinct at that election.
22 The original ballot upon which there is an overvote shall
23 be clearly labeled "Overvoted Ballot", and each shall bear
24 the same serial number which shall be placed thereon by the
25 judges of election, beginning with number 1 and continuing
26 consecutively for the ballots of that kind in that
27 precinct. The judges of election shall initial the
28 "Duplicate Overvoted Ballot" ballots and shall place them
29 in the box for return of the ballots. The "Overvoted
30 Ballot" ballots shall be placed in the "Duplicate Ballots"
31 envelope. The ballots except any defective or overvoted
32 ballot shall be placed separately in the box for return of
33 the ballots, along with all "Duplicate Absentee Ballots",
34 "Duplicate Early Ballots", and "Duplicate Overvoted

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

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

34 The "Defective Ballots" envelope, and "Duplicated

1 Ballots" envelope each shall be securely sealed and the
2 flap or end of each envelope signed by the precinct judges
3 of election and returned to the central counting location
4 with the box for return of the ballots, enclosed ballots
5 and returns.

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

17 (3) A single ballot box, for the deposit of all votes
18 cast, shall be used. Immediately after the closing of the
19 polls the judges of election shall examine the absentee and
20 early ballots received by the precinct judges of election
21 from the election authority of voters in that precinct to
22 determine that they comply with the provisions of Sections
23 19-9, 19A-55, 20-8, and 20-9 of this Code and are entitled
24 to be deposited in the ballot box; those entitled to be
25 deposited in the ballot box shall be initialed by the
26 precinct judges and deposited in the ballot box. Those not
27 entitled to be deposited in the ballot box, in accordance
28 with Sections 19-9, 19A-55, 20-8, and 20-9 of this Code
29 shall be marked "Rejected" and preserved in the manner
30 provided in this Code for the retention and preservation of
31 official ballots rejected at such election. Immediately
32 upon the completion of the absentee and early balloting,
33 the precinct judges of election shall securely lock the
34 ballot box; provided that if such box is not of a type

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

1 designated for the purpose by the election official in
2 charge of the election from recommendations by the
3 appropriate political party organizations.

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

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

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

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

1 are to take as above provided.

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

3 (10 ILCS 5/24B-10.1)

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

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

24 Immediately after the closing of the polls, the absentee or
25 early ballots delivered to the precinct judges of election by
26 the election authority shall be examined to determine that the
27 ballots comply with Sections 19-9, 19A-55, and 20-9 of this
28 Code and are entitled to be scanned by the Precinct Tabulation
29 Optical Scan Technology equipment and then deposited in the
30 ballot box; those entitled to be scanned and deposited in the
31 ballot box shall be initialed by the precinct judges of
32 election and then scanned and deposited in the ballot box.
33 Those not entitled to be deposited in the ballot box shall be

1 marked "Rejected" and disposed of as provided in said Sections
2 19-9, 19A-55, and 20-9.

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

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

1 equipment to all zeros and re-entering of ballots to be counted
2 may occur at the precinct polling place, the office of the
3 election authority, or any receiving station designated by the
4 election authority. The election authority shall designate the
5 place for resetting and re-entering or re-scanning.

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

32 If any ballot is damaged or defective, or if any ballot
33 contains a Voting Defect, so that it cannot properly be counted
34 by the automatic tabulating equipment, the voter or the judges

1 of election, consisting in each case of at least one judge of
2 election of each of the 2 major political parties, shall make a
3 true duplicate ballot of all votes on such ballot by using the
4 ballot of the precinct and one of the marking devices of the
5 precinct, or equivalent. If a damaged ballot, the original
6 ballot shall be clearly labeled "Damaged Ballot" and the ballot
7 so produced shall be clearly labeled "Damaged Ballot" and the
8 ballot so produced shall be clearly labeled "Duplicate Damaged
9 Ballot", and each shall contain the same serial number which
10 shall be placed by the judges of election, beginning with
11 number 1 and continuing consecutively for the ballots of that
12 kind in the precinct. The judges of election shall initial the
13 "Duplicate Damaged Ballot" ballot and shall enter or otherwise
14 scan the duplicate damaged ballot into the automatic tabulating
15 equipment. The "Damaged Ballots" shall be placed in the
16 "Duplicated Ballots" envelope; after all ballots have been
17 successfully read, the judges of election shall check to make
18 certain that the Precinct Tabulation Optical Scan Technology
19 equipment readout agrees with the number of voters making
20 application for ballot in that precinct. The number shall be
21 listed on the "Statement of Ballots" form provided by the
22 election authority.

23 The totals for all candidates and propositions shall be
24 tabulated; and 4 copies of a "Certificate of Results" shall be
25 generated by the automatic tabulating equipment; one copy shall
26 be posted in a conspicuous place inside the polling place; and
27 every effort shall be made by the judges of election to provide
28 a copy for each authorized pollwatcher or other official
29 authorized to be present in the polling place to observe the
30 counting of ballots; but in no case shall the number of copies
31 to be made available to pollwatchers be fewer than 4, chosen by
32 lot by the judges of election. In addition, sufficient time
33 shall be provided by the judges of election to the pollwatchers
34 to allow them to copy information from the copy which has been

1 posted.

2 The judges of election shall count all unused ballots and
3 enter the number on the "Statement of Ballots". All "Spoiled",
4 "Defective" and "Duplicated" ballots shall be counted and the
5 number entered on the "Statement of Ballots".

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

1 (10 ILCS 5/24C-2)

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

3 "Audit trail" or "audit capacity" means a continuous trail
4 of evidence linking individual transactions related to the
5 casting of a vote, the vote count and the summary record of
6 vote totals, but which shall not allow for the identification
7 of the voter. It shall permit verification of the accuracy of
8 the count and detection and correction of problems and shall
9 provide a record of each step taken in: defining and producing
10 ballots and generating related software for specific
11 elections; installing ballots and software; testing system
12 readiness; casting and tabulating ballots; and producing
13 images of votes cast and reports of vote totals. The record
14 shall incorporate system status and error messages generated
15 during election processing, including a log of machine
16 activities and routine and unusual intervention by authorized
17 and unauthorized individuals. Also part of an audit trail is
18 the documentation of such items as ballots delivered and
19 collected, administrative procedures for system security,
20 pre-election testing of voting systems, and maintenance
21 performed on voting equipment. All test plans, test results,
22 documentation, and other records used to plan, execute, and
23 record the results of the testing and verification, including
24 all material prepared or used by independent testing
25 authorities or other third parties, shall be made part of the
26 public record and shall be freely available via the Internet
27 and paper copy to anyone. "Audit trail" or "audit capacity" ~~It~~
28 also means that the voting system is capable of producing and
29 shall produce immediately after a ballot is cast a permanent
30 paper record of each ballot cast that shall be available as an
31 official record for any recount, redundant count, or
32 verification or retabulation of the vote count conducted with
33 respect to any election in which the voting system is used.

34 "Ballot" means an electronic audio or video display or any

1 other medium, including paper, used to record a voter's choices
2 for the candidates of their preference and for or against
3 public questions.

4 "Ballot configuration" means the particular combination of
5 political subdivision or district ballots including, for each
6 political subdivision or district, the particular combination
7 of offices, candidate names and public questions as it appears
8 for each group of voters who may cast the same ballot.

9 "Ballot image" means a corresponding representation in
10 electronic or paper form of the mark or vote position of a
11 ballot.

12 "Ballot label" or "ballot screen" means the display of
13 material containing the names of offices and candidates and
14 public questions to be voted on.

15 "Central counting" means the counting of ballots in one or
16 more locations selected by the election authority for the
17 processing or counting, or both, of ballots. A location for
18 central counting shall be within the territorial jurisdiction
19 of the election authority unless there is no suitable
20 tabulating equipment available within his territorial
21 jurisdiction. However, in any event a counting location shall
22 be within this State.

23 "Computer", "automatic tabulating equipment" or
24 "equipment" includes apparatus necessary to automatically
25 examine and count votes as designated on ballots, and data
26 processing machines which can be used for counting ballots and
27 tabulating results.

28 "Computer operator" means any person or persons designated
29 by the election authority to operate the automatic tabulating
30 equipment during any portion of the vote tallying process in an
31 election, but shall not include judges of election operating
32 vote tabulating equipment in the precinct.

33 "Computer program" or "program" means the set of operating
34 instructions for the automatic tabulating equipment that

1 examines, records, displays, counts, tabulates, canvasses, or
2 ~~and~~ prints votes recorded by a voter on a ballot or that
3 displays any and all information, graphics, or other visual or
4 audio information or images used in presenting voting
5 information, instructions, or voter choices.

6 "Direct recording electronic voting system", "voting
7 system" or "system" means the total combination of mechanical,
8 electromechanical or electronic equipment, programs and
9 practices used to define ballots, cast and count votes, report
10 or display election results, maintain or produce any audit
11 trail information, identify all system components, test the
12 system during development, maintenance and operation, maintain
13 records of system errors and defects, determine specific system
14 changes to be made to a system after initial qualification, and
15 make available any materials to the voter such as notices,
16 instructions, forms or paper ballots.

17 "Edit listing" means a computer generated listing of the
18 names of each candidate and public question as they appear in
19 the program for each precinct.

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

24 "Marking device" means any device approved by the State
25 Board of Elections for marking a ballot so as to enable the
26 ballot to be recorded, counted and tabulated by automatic
27 tabulating equipment.

28 "Permanent paper record" means a paper record upon which
29 shall be printed in human readable form the votes cast for each
30 candidate and for or against each public question on each
31 ballot recorded in the voting system. Each permanent paper
32 record shall be printed by the voting device upon activation of
33 the marking device by the voter and shall contain a unique,
34 randomly assigned identifying number that shall correspond to

1 the number randomly assigned by the voting system to each
2 ballot as it is electronically recorded.

3 "Redundant count" means a verification of the original
4 computer count of ballots by another count using compatible
5 equipment or other means as part of a discovery recount,
6 including a count of the permanent paper record of each ballot
7 cast by using compatible equipment, different equipment
8 approved by the State Board of Elections for that purpose, or
9 by hand.

10 "Separate ballot" means a separate page or display screen
11 of the ballot that is clearly defined and distinguishable from
12 other portions of the ballot.

13 "Voting device" or "voting machine" means an apparatus that
14 contains the ballot label or ballot screen and allows the voter
15 to record his or her vote.

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

17 (10 ILCS 5/24C-12)

18 Sec. 24C-12. Procedures for Counting and Tallying of
19 Ballots.

20 In an election jurisdiction where a Direct Recording
21 Electronic Voting System is used, the following procedures for
22 counting and tallying the ballots shall apply:

23 Before the opening of the polls, the judges of elections
24 shall assemble the voting equipment and devices and turn the
25 equipment on. The judges shall, if necessary, take steps to
26 activate the voting devices and counting equipment by inserting
27 into the equipment and voting devices appropriate data cards
28 containing passwords and data codes that will select the proper
29 ballot formats selected for that polling place and that will
30 prevent inadvertent or unauthorized activation of the
31 poll-opening function. Before voting begins and before ballots
32 are entered into the voting devices, the judges of election
33 shall cause to be printed a record of the following: the

1 election's identification data, the device's unit
2 identification, the ballot's format identification, the
3 contents of each active candidate register by office and of
4 each active public question register showing that they contain
5 all zero votes, all ballot fields that can be used to invoke
6 special voting options, and other information needed to ensure
7 the readiness of the equipment and to accommodate
8 administrative reporting requirements. The judges must also
9 check to be sure that the totals are all zeros in the counting
10 columns and in the public counter affixed to the voting
11 devices.

12 After the judges have determined that a person is qualified
13 to vote, a voting device with the proper ballot to which the
14 voter is entitled shall be enabled to be used by the voter. The
15 ballot may then be cast by the voter by marking by appropriate
16 means the designated area of the ballot for the casting of a
17 vote for any candidate or for or against any public question.
18 The voter shall be able to vote for any and all candidates and
19 public measures appearing on the ballot in any legal number and
20 combination and the voter shall be able to delete, change or
21 correct his or her selections before the ballot is cast. The
22 voter shall be able to select candidates whose names do not
23 appear upon the ballot for any office by entering
24 electronically as many names of candidates as the voter is
25 entitled to select for each office.

26 Upon completing his or her selection of candidates or
27 public questions, the voter shall signify that voting has been
28 completed by activating the appropriate button, switch or
29 active area of the ballot screen associated with end of voting.
30 Upon activation, the voting system shall record an image of the
31 completed ballot, increment the proper ballot position
32 registers, and shall signify to the voter that the ballot has
33 been cast. Upon activation, the voting system shall also print
34 a permanent paper record of each ballot cast as defined in

1 Section 24C-2 of this Code. This permanent paper record shall
2 (i) be printed in a clear, readily readable format that can be
3 easily reviewed by the voter for completeness and accuracy and
4 (ii) either be self-contained within the voting device or ~~shall~~
5 be deposited by the voter into a secure ballot box. No
6 permanent paper record shall be removed from the polling place
7 except by election officials as authorized by this Article. All
8 permanent paper records shall be preserved and secured by
9 election officials in the same manner as paper ballots and
10 shall be available as an official record for any recount,
11 redundant count, or verification or retabulation of the vote
12 count conducted with respect to any election in which the
13 voting system is used. The voter shall exit the voting station
14 and the voting system shall prevent any further attempt to vote
15 until it has been properly re-activated. If a voting device has
16 been enabled for voting but the voter leaves the polling place
17 without casting a ballot, 2 judges of election, one from each
18 of the 2 major political parties, shall spoil the ballot.

19 Throughout the election day and before the closing of the
20 polls, no person may check any vote totals for any candidate or
21 public question on the voting or counting equipment. Such
22 equipment shall be programmed so that no person may reset the
23 equipment for reentry of ballots unless provided the proper
24 code from an authorized representative of the election
25 authority.

26 The precinct judges of election shall check the public
27 register to determine whether the number of ballots counted by
28 the voting equipment agrees with the number of voters voting as
29 shown by the applications for ballot. If the same do not agree,
30 the judges of election shall immediately contact the offices of
31 the election authority in charge of the election for further
32 instructions. If the number of ballots counted by the voting
33 equipment agrees with the number of voters voting as shown by
34 the application for ballot, the number shall be listed on the

1 "Statement of Ballots" form provided by the election authority.

2 The totals for all candidates and propositions shall be
3 tabulated; and 4 copies of a "Certificate of Results" shall be
4 printed by the automatic tabulating equipment; one copy shall
5 be posted in a conspicuous place inside the polling place; and
6 every effort shall be made by the judges of election to provide
7 a copy for each authorized pollwatcher or other official
8 authorized to be present in the polling place to observe the
9 counting of ballots; but in no case shall the number of copies
10 to be made available to pollwatchers be fewer than 4, chosen by
11 lot by the judges of election. In addition, sufficient time
12 shall be provided by the judges of election to the pollwatchers
13 to allow them to copy information from the copy which has been
14 posted.

15 If instructed by the election authority, the judges of
16 election shall cause the tabulated returns to be transmitted
17 electronically to the offices of the election authority via
18 modem or other electronic medium.

19 The precinct judges of election shall select a bi-partisan
20 team of 2 judges, who shall immediately return the ballots in a
21 sealed container, along with all other election materials and
22 equipment as instructed by the election authority; provided,
23 however, that such container must first be sealed by the
24 election judges with filament tape or other approved sealing
25 devices provided for the purpose in a manner that the ballots
26 cannot be removed from the container without breaking the seal
27 or filament tape and disturbing any signatures affixed by the
28 election judges to the container. The election authority shall
29 keep the office of the election authority, or any receiving
30 stations designated by the authority, open for at least 12
31 consecutive hours after the polls close or until the ballots
32 and election material and equipment from all precincts within
33 the jurisdiction of the election authority have been returned
34 to the election authority. Ballots and election materials and

1 equipment returned to the office of the election authority
2 which are not signed and sealed as required by law shall not be
3 accepted by the election authority until the judges returning
4 the ballots make and sign the necessary corrections. Upon
5 acceptance of the ballots and election materials and equipment
6 by the election authority, the judges returning the ballots
7 shall take a receipt signed by the election authority and
8 stamped with the time and date of the return. The election
9 judges whose duty it is to return any ballots and election
10 materials and equipment as provided shall, in the event the
11 ballots, materials or equipment cannot be found when needed, on
12 proper request, produce the receipt which they are to take as
13 above provided.

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

15 (10 ILCS 5/24C-13)

16 Sec. 24C-13. Absentee ballots; Early voting ballots;
17 Proceedings at Location for Central Counting; Employees;
18 Approval of List.

19 (a) All jurisdictions using Direct Recording Electronic
20 Voting Systems shall use paper ballots or paper ballot sheets
21 approved for use under Articles 16, 24A or 24B of this Code
22 when conducting absentee voting except that Direct Recording
23 Electronic Voting Systems may be used for in-person absentee
24 voting conducted pursuant to Section 19-2.1 of this Code. All
25 absentee ballots shall be counted at the office of the election
26 authority. The provisions of Section 24A-9, 24B-9 and 24C-9 of
27 this Code shall apply to the testing and notice requirements
28 for central count tabulation equipment, including comparing
29 the signature on the ballot envelope with the signature of the
30 voter on the permanent voter registration record card taken
31 from the master file. Absentee ballots other than absentee
32 ballots voted in person pursuant to Section 19-2.1 of this Code
33 shall be examined and processed pursuant to Sections 19-9 and

1 20-9 of this Code. Vote results shall be recorded by precinct
2 and shall be added to the vote results for the precinct in
3 which the absent voter was eligible to vote prior to completion
4 of the official canvass.

5 (a-5) Early voting ballots cast in accordance with Article
6 19A shall be counted in precincts as provided in that Article.
7 Early votes cast through the use of Direct Recording Electronic
8 Voting System devices shall be counted using the procedures of
9 this Article. Early votes cast by a method other than the use
10 of Direct Recording Electronic Voting System devices shall be
11 counted using the procedures of this Code for that method.

12 (b) All proceedings at the location for central counting
13 shall be under the direction of the county clerk or board of
14 election commissioners. Except for any specially trained
15 technicians required for the operation of the Direct Recording
16 Electronic Voting System, the employees at the counting station
17 shall be equally divided between members of the 2 leading
18 political parties and all duties performed by the employees
19 shall be by teams consisting of an equal number of members of
20 each political party. Thirty days before an election the county
21 clerk or board of election commissioners shall submit to the
22 chairman of each political party, for his or her approval or
23 disapproval, a list of persons of his or her party proposed to
24 be employed. If a chairman fails to notify the election
25 authority of his or her disapproval of any proposed employee
26 within a period of 10 days thereafter the list shall be deemed
27 approved.

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

29 (10 ILCS 5/24C-15)

30 Sec. 24C-15. Official Return of Precinct; Check of Totals;
31 Audit. The precinct return printed by the Direct Recording
32 Electronic Voting System tabulating equipment shall include
33 the number of ballots cast and votes cast for each candidate

1 and public question and shall constitute the official return of
2 each precinct. In addition to the precinct return, the election
3 authority shall provide the number of applications for ballots
4 in each precinct, the total number of ballots and absentee
5 ballots counted in each precinct for each political subdivision
6 and district and the number of registered voters in each
7 precinct. However, the election authority shall check the
8 totals shown by the precinct return and, if there is an obvious
9 discrepancy regarding the total number of votes cast in any
10 precinct, shall have the ballots for that precinct audited to
11 correct the return. The procedures for this audit shall apply
12 prior to and after the proclamation is completed; however,
13 after the proclamation of results, the election authority must
14 obtain a court order to unseal voted ballots or voting devices
15 except for election contests and discovery recounts. The
16 certificate of results, which has been prepared and signed by
17 the judges of election in the polling place after the ballots
18 have been tabulated, shall be the document used for the canvass
19 of votes for such precinct. Whenever a discrepancy exists
20 during the canvass of votes between the unofficial results and
21 the certificate of results, or whenever a discrepancy exists
22 during the canvass of votes between the certificate of results
23 and the set of totals reflected on the certificate of results,
24 the ballots for that precinct shall be audited to correct the
25 return.

26 Prior to the proclamation, the election authority shall
27 test the voting devices and equipment in 5% ~~1%~~ of the precincts
28 within the election jurisdiction. The precincts to be tested
29 shall be selected after election day on a random basis by the
30 election authority, so that every precinct in the election
31 jurisdiction has an equal mathematical chance of being
32 selected. The State Board of Elections shall design a standard
33 and scientific random method of selecting the precincts that
34 are to be tested, and the election authority shall be required

1 to use that method. The State Board of Elections, the State's
2 Attorney and other appropriate law enforcement agencies, the
3 county chairman of each established political party and
4 qualified civic organizations shall be given prior written
5 notice of the time and place of the random selection procedure
6 and may be represented at the procedure.

7 The test shall be conducted by counting the votes marked on
8 the permanent paper record of each ballot cast in the tested
9 precinct printed by the voting system at the time that each
10 ballot was cast and comparing the results of this count with
11 the results shown by the certificate of results prepared by the
12 Direct Recording Electronic Voting System in the test precinct.
13 The election authority shall test count these votes either by
14 hand or by using an automatic tabulating device other than a
15 Direct Recording Electronic voting device that has been
16 approved by the State Board of Elections for that purpose and
17 tested before use to ensure accuracy. The election authority
18 shall print the results of each test count. If any error is
19 detected, the cause shall be determined and corrected, and an
20 errorless count shall be made prior to the official canvass and
21 proclamation of election results. If an errorless count cannot
22 be conducted and there continues to be difference in vote
23 results between the certificate of results produced by the
24 Direct Recording Electronic Voting System and the count of the
25 permanent paper records or if an error was detected and
26 corrected, the election authority shall immediately prepare
27 and forward to the appropriate canvassing board a written
28 report explaining the results of the test and any errors
29 encountered and the report shall be made available for public
30 inspection.

31 The State Board of Elections, the State's Attorney and
32 other appropriate law enforcement agencies, the county
33 chairman of each established political party and qualified
34 civic organizations shall be given prior written notice of the

1 time and place of the test and may be represented at the test.

2 The results of this post-election test shall be treated in
3 the same manner and have the same effect as the results of the
4 discovery procedures set forth in Section 22-9.1 of this Code.

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

6 Section 10. The State Finance Act is amended by adding
7 Section 5.700 and by changing Section 8h as follows:

8 (30 ILCS 105/5.700 new)

9 Sec. 5.700. The Voters' Guide Fund.

10 (30 ILCS 105/8h)

11 Sec. 8h. Transfers to General Revenue Fund.

12 (a) Except as provided in subsection (b), notwithstanding
13 any other State law to the contrary, the Governor may, through
14 June 30, 2007, from time to time direct the State Treasurer and
15 Comptroller to transfer a specified sum from any fund held by
16 the State Treasurer to the General Revenue Fund in order to
17 help defray the State's operating costs for the fiscal year.
18 The total transfer under this Section from any fund in any
19 fiscal year shall not exceed the lesser of (i) 8% of the
20 revenues to be deposited into the fund during that fiscal year
21 or (ii) an amount that leaves a remaining fund balance of 25%
22 of the July 1 fund balance of that fiscal year. In fiscal year
23 2005 only, prior to calculating the July 1, 2004 final
24 balances, the Governor may calculate and direct the State
25 Treasurer with the Comptroller to transfer additional amounts
26 determined by applying the formula authorized in Public Act
27 93-839 to the funds balances on July 1, 2003. No transfer may
28 be made from a fund under this Section that would have the
29 effect of reducing the available balance in the fund to an
30 amount less than the amount remaining unexpended and unreserved
31 from the total appropriation from that fund estimated to be

1 expended for that fiscal year. This Section does not apply to
2 any funds that are restricted by federal law to a specific use,
3 to any funds in the Motor Fuel Tax Fund, the Hospital Provider
4 Fund, the Medicaid Provider Relief Fund, ~~or~~ the Reviewing Court
5 Alternative Dispute Resolution Fund, or the Voters' Guide Fund,
6 or to any funds to which subsection (f) of Section 20-40 of the
7 Nursing and Advanced Practice Nursing Act applies.
8 Notwithstanding any other provision of this Section, for fiscal
9 year 2004, the total transfer under this Section from the Road
10 Fund or the State Construction Account Fund shall not exceed
11 the lesser of (i) 5% of the revenues to be deposited into the
12 fund during that fiscal year or (ii) 25% of the beginning
13 balance in the fund. For fiscal year 2005 through fiscal year
14 2007, no amounts may be transferred under this Section from the
15 Road Fund, the State Construction Account Fund, the Criminal
16 Justice Information Systems Trust Fund, the Wireless Service
17 Emergency Fund, or the Mandatory Arbitration Fund.

18 In determining the available balance in a fund, the
19 Governor may include receipts, transfers into the fund, and
20 other resources anticipated to be available in the fund in that
21 fiscal year.

22 The State Treasurer and Comptroller shall transfer the
23 amounts designated under this Section as soon as may be
24 practicable after receiving the direction to transfer from the
25 Governor.

26 (b) This Section does not apply to any fund established
27 under the Community Senior Services and Resources Act.

28 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
29 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
30 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
31 1-15-05.)".

32 Section 15. The Illinois Municipal Code is amended by
33 changing Sections 3.1-10-50 and 5-5-1 as follows:

1 (65 ILCS 5/3.1-10-50)

2 Sec. 3.1-10-50. Vacancies.

3 (a) A municipal officer may resign from office. A vacancy
4 occurs in an office by reason of resignation, failure to elect
5 or qualify (in which case the incumbent shall remain in office
6 until the vacancy is filled), death, permanent physical or
7 mental disability rendering the person incapable of performing
8 the duties of his or her office, conviction of a disqualifying
9 crime, abandonment of office, removal from office, or removal
10 of residence from the municipality or, in the case of aldermen
11 of a ward or trustees of a district, removal of residence from
12 the ward or district, as the case may be. An admission of guilt
13 of a criminal offense that would, upon conviction, disqualify
14 the municipal officer from holding that office, in the form of
15 a written agreement with State or federal prosecutors to plead
16 guilty to a felony, bribery, perjury, or other infamous crime
17 under State or federal law, shall constitute a resignation from
18 that office, effective at the time the plea agreement is made.
19 For purposes of this Section, a conviction for an offense that
20 disqualifies the municipal officer from holding that office
21 shall occur on the date of the return of a guilty verdict or,
22 in the case of a trial by the court, the entry of a finding of
23 guilt.

24 (b) If a vacancy occurs in an elective municipal office
25 with a 4-year term and there remains an unexpired portion of
26 the term of at least 28 months, and the vacancy occurs at least
27 130 days before the general municipal election next scheduled
28 under the general election law, the vacancy shall be filled for
29 the remainder of the term at that general municipal election.
30 Whenever an election is held for this purpose, the municipal
31 clerk shall certify the office to be filled and the candidates
32 for the office to the proper election authorities as provided
33 in the general election law. If the vacancy is in the office of

1 mayor, the city council shall elect one of their members acting
2 mayor; if the vacancy is in the office of president, the
3 vacancy shall be filled by the appointment by the trustees of
4 an acting president from the members of the board of trustees.
5 In villages with a population of less than 5,000, if each of
6 the members of the board of trustees either declines the
7 appointment as acting president or is not approved for the
8 appointment by a majority vote of the trustees presently
9 holding office, then the board of trustees may appoint as
10 acting president any other village resident who is qualified to
11 hold municipal office. The acting mayor or acting president
12 shall perform the duties and possess all the rights and powers
13 of the mayor or president until a successor to fill the vacancy
14 has been elected and has qualified. If the vacancy is in any
15 other elective municipal office, then until the office is
16 filled by election, the mayor or president shall appoint a
17 qualified person to the office subject to the advice and
18 consent of the city council or trustees.

19 (c) In a 2 year term, or if the vacancy occurs later than
20 the time provided in subsection (b) in a 4 year term, a vacancy
21 in the office of mayor shall be filled by the corporate
22 authorities electing one of their members acting mayor; if the
23 vacancy is in the office of president, the vacancy shall be
24 filled by the appointment by the trustees of an acting
25 president from the members of the board of trustees. In
26 villages with a population of less than 5,000, if each of the
27 members of the board of trustees either declines the
28 appointment as acting president or is not approved for the
29 appointment by a majority vote of the trustees presently
30 holding office, then the board of trustees may appoint as
31 acting president any other village resident who is qualified to
32 hold municipal office. The acting mayor or acting president
33 shall perform the duties and possess all the rights and powers
34 of the mayor or president until a mayor or president is elected

1 at the next general municipal election and has qualified. A
2 vacancy in any elective office other than mayor or president
3 shall be filled by appointment by the mayor or president, with
4 the advice and consent of the corporate authorities.

5 (d) This subsection applies on and after January 1, 2006.
6 The election of an acting mayor or acting president in a
7 municipality with a population under 500,000 does not create a
8 vacancy in the original office of the person on the city
9 council or as a trustee, as the case may be, unless the person
10 resigns from the original office following election as acting
11 mayor or acting president. If the person resigns from the
12 original office following election as acting mayor or acting
13 president, then the original office must be filled pursuant to
14 the terms of this Section and the acting mayor or acting
15 president shall exercise the powers of the mayor or president
16 and shall vote and have veto power in the manner provided by
17 law for a mayor or president. If the person does not resign
18 from the original office following election as acting mayor or
19 acting president, then the acting mayor or acting president
20 shall exercise the powers of the mayor or president but shall
21 be entitled to vote only in the manner provided for as the
22 holder of the original office and shall not have the power to
23 veto. If the person does not resign from the original office
24 following election as acting mayor or acting president, and if
25 that person's original term of office has not expired when a
26 mayor or president is elected and has qualified for office, the
27 acting mayor or acting president shall return to the original
28 office for the remainder of the term thereof.

29 (e) ~~(d)~~ Municipal officers appointed or elected under this
30 Section shall hold office until their successors are elected
31 and have qualified.

32 (f) ~~(e)~~ An appointment to fill a vacancy in the office of
33 alderman shall be made within 60 days after the vacancy occurs.
34 The requirement that an appointment be made within 60 days is

1 an exclusive power and function of the State and is a denial
2 and limitation under Article VII, Section 6, subsection (h) of
3 the Illinois Constitution of the power of a home rule
4 municipality to require that an appointment be made within a
5 different period after the vacancy occurs.

6 (Source: P.A. 90-429, eff. 8-15-97; 90-707, eff. 8-7-98;
7 91-357, eff. 7-29-99.)

8 (65 ILCS 5/5-5-1) (from Ch. 24, par. 5-5-1)

9 Sec. 5-5-1. Petition for abandonment of managerial form;
10 referendum; succeeding elections of officers and aldermen or
11 trustees.

12 (a) A city or village that has operated for 4 years or more
13 under the managerial form of municipal government may abandon
14 that organization as provided in this Section. For the purposes
15 of this Article, the operation of the managerial form of
16 municipal government shall be deemed to begin on the date of
17 the appointment of the first manager in the city or village.
18 When a petition for abandonment signed by electors of the
19 municipality equal in number to at least 10% of the number of
20 votes cast for candidates for mayor at the preceding general
21 quadrennial municipal election is filed with the circuit court
22 for the county in which that city or village is located, the
23 court shall set a date not less than 10 nor more than 30 days
24 thereafter for a hearing on the sufficiency of the petition.
25 Notice of the filing of the petition and of the date of the
26 hearing shall be given in writing to the city or village clerk
27 and to the mayor or village president at least 7 days before
28 the date of the hearing. If the petition is found sufficient,
29 the court shall enter an order directing that the proposition
30 be submitted at an election other than a primary election for
31 the municipality. The clerk of the court shall certify the
32 proposition to the proper election authorities for submission.
33 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

1 the adoption of a plan under this Article 5, with the same ward
2 or district boundaries in cities or villages that immediately
3 before the adoption of this Article 5 had wards or districts,
4 unless the municipal boundaries have been changed. If there has
5 been such a change, the council or village board shall so alter
6 the former ward or district boundaries so as to conform as
7 nearly as possible to the former division. If the plan
8 authorized by this Article 5 is abandoned, the next general
9 municipal election for officers shall be held at the time
10 specified in Section 3.1-10-75 or 3.1-25-15 for that election.
11 The aldermen or trustees elected at that election shall, if the
12 city or village was operating under Article 3 at the time of
13 adoption of this Article 5 and had at that time staggered 4
14 year terms of office for the aldermen or trustees, choose by
15 lot which shall serve initial 2 year terms as provided by
16 Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in
17 the case of election of those officers at the first election
18 after a municipality is incorporated.

19 (f) The proposition to abandon the managerial form of
20 municipal government shall not be submitted in any city or
21 village oftener than once in 46 ~~12~~ months.

22 (Source: P.A. 93-847, eff. 7-30-04.)

23 Section 20. The Revised Cities and Villages Act of 1941 is
24 amended by changing Section 21-28 as follows:

25 (65 ILCS 20/21-28) (from Ch. 24, par. 21-28)

26 Sec. 21-28. Nomination by petition.

27 (a) All nominations for alderman of any ward in the city
28 shall be by petition. All petitions for nominations of
29 candidates shall be signed by such a number of legal voters of
30 the ward as will aggregate not less than two per cent of all
31 the votes cast for alderman in such ward at the last preceding
32 general election. For the election following the redistricting

1 of wards petitions for nominations of candidates shall be
2 signed by the number of legal voters of the ward as will
3 aggregate not less than 2% of the total number of votes cast
4 for mayor at the last preceding municipal election divided by
5 the number of wards.

6 (b) All nominations for mayor, city clerk, and city
7 treasurer in the city shall be by petition. Each petition for
8 nomination of a candidate must be signed by at least 12,500
9 legal voters of the city.

10 (c) All such petitions, and procedure with respect thereto,
11 shall conform in other respects to the provisions of the
12 election and ballot laws then in force in the city of Chicago
13 concerning the nomination of independent candidates for public
14 office by petition. The method of nomination herein provided is
15 exclusive of and replaces all other methods heretofore provided
16 by law.

17 (Source: P.A. 81-1535.)

18 Section 25. The Illinois Highway Code is amended by
19 changing Section 6-116 as follows:

20 (605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

21 Sec. 6-116. Except as otherwise provided in this Section
22 with respect to highway commissioners of township and
23 consolidated township road districts, at the election provided
24 by the general election law in 1985 and every 4 years
25 thereafter in all counties, other than counties in which a
26 county unit road district has been established and other than
27 in Cook County, the highway commissioner of each road district
28 and the district clerk of each road district having an elected
29 clerk, shall be elected to hold office for a term of 4 years,
30 and until his successor is elected and qualified. The highway
31 commissioner of each road district and the district clerk of
32 each road district elected in 1979 shall hold office for an

1 additional 2 years and until his successor is elected and has
2 qualified.

3 In each township and consolidated township road district
4 outside Cook County, highway commissioners shall be elected at
5 the election provided for such commissioners by the general
6 election law in 1981 and every 4 years thereafter to hold
7 office for a term of 4 years and until his successor is elected
8 and qualified. The highway commissioner of each road district
9 in Cook County shall be elected at the election provided for
10 said commissioner by the general election law in 1981 and every
11 4 years thereafter for a term of 4 years, and until his
12 successor is elected and qualified.

13 Each highway commissioner shall enter upon the duties of
14 his office on the third ~~first~~ Monday in May after his election.

15 In road districts comprised of a single township, the
16 highway commissioner shall be elected at the election provided
17 for said commissioner by the general election law. All
18 elections as are provided in this Section shall be conducted in
19 accordance with the general election law.

20 (Source: P.A. 83-108.)

21 Section 30. The Illinois Vehicle Code is amended by
22 changing Section 2-105 as follows:

23 (625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

24 Sec. 2-105. Offices of Secretary of State. The Secretary of
25 State shall maintain offices in the State capital and in such
26 other places in the State as he may deem necessary to properly
27 carry out the powers and duties vested in him.

28 The Secretary of State may construct and equip one or more
29 buildings in the State of Illinois outside of the County of
30 Sangamon as he deems necessary to properly carry out the powers
31 and duties vested in him. The Secretary of State may, on behalf
32 of the State of Illinois, acquire public or private property

1 needed therefor by lease, purchase or eminent domain. The care,
2 custody and control of such sites and buildings constructed
3 thereon shall be vested in the Secretary of State. Expenditures
4 for the construction and equipping of any of such buildings
5 upon premises owned by another public entity shall not be
6 subject to the provisions of any State law requiring that the
7 State be vested with absolute fee title to the premises. The
8 exercise of the authority vested in the Secretary of State by
9 this Section is subject to the appropriation of the necessary
10 funds.

11 Pursuant to Sections 4-6.2, 5-16.2, and 6-50.2 of The
12 Election Code, the Secretary of State shall make driver
13 services facilities available for use as temporary places of
14 registration. Registration within the offices shall be in the
15 most public, orderly and convenient portions thereof, and
16 Section 4-3, 5-3, and 11-4 of The Election Code relative to the
17 attendance of police officers during the conduct of
18 registration shall apply. Registration under this Section
19 shall be made in the manner provided by Sections 4-8, 4-10,
20 5-7, 5-9, 6-34, 6-35, and 6-37 of The Election Code.

21 Within 30 days after the effective date of this amendatory
22 Act of 1990, and no later than November 1 of each even-numbered
23 year thereafter, the Secretary of State, to the extent
24 practicable, shall designate to each election authority in the
25 State a reasonable number of employees at each driver services
26 facility registered to vote within the jurisdiction of such
27 election authority and within adjacent election jurisdictions
28 for appointment as deputy registrars by the election authority
29 located within the election jurisdiction where the employees
30 maintain their residences. Such designation shall be in writing
31 and certified by the Secretary of State.

32 Each person applying at a driver services facility for a
33 driver's license or permit, a corrected driver's license or
34 permit, an Illinois identification card or a corrected Illinois

1 identification card shall be notified that the person may
2 register at such station to vote in the State election
3 ~~jurisdiction in which the station is located or in an election~~
4 ~~jurisdiction adjacent to the location of the station~~ and may
5 also transfer his voter registration at such station to a
6 different ~~an~~ address in the State election jurisdiction within
7 ~~which the station is located or to an address in an adjacent~~
8 ~~election jurisdiction~~. Such notification may be made in writing
9 or verbally issued by an employee or the Secretary of State.

10 The Secretary of State shall promulgate such rules as may
11 be necessary for the efficient execution of his duties and the
12 duties of his employees under this amendatory Act of 1990.

13 (Source: P.A. 90-89, eff. 1-1-98.)

14 Section 90. The State Mandates Act is amended by adding
15 Section 8.29 as follows:

16 (30 ILCS 805/8.29 new)

17 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 94th General Assembly.

21 Section 95. Severability. The provisions of this
22 amendatory Act of the 94th General Assembly are severable under
23 Section 1.31 of the Statute on Statutes.

24 Section 97. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text
26 that is not yet or no longer in effect (for example, a Section
27 represented by multiple versions), the use of that text does
28 not accelerate or delay the taking effect of (i) the changes
29 made by this Act or (ii) provisions derived from any other
30 Public Act.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.".