

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 4-50, 5-50, 6-100, 7-60, 9-9.5, 13-1, 13-2, 14-3.1,
6 17-9, 18-5, 18A-15, 19-2.1, 19-4, 19-8, 19-12.2, 19-13, 19-15,
7 19A-25.5, 19A-35, 19A-50, 19A-60, 20-2, 20-2.1, 20-2.2,
8 20-2.3, 20-4, 20-8, 20-15, 24-1, 24A-9, 24A-10, 24A-10.1,
9 24A-15, 24A-16, 24B-9, 24B-10, 24B-10.1, 24B-15, 24B-16,
10 24C-9, 24C-13, 24C-15, and 24C-16 and by adding Sections 1-9,
11 1A-35, 19-20, 19A-21, and 20-20 as follows:

12 (10 ILCS 5/1-9 new)

13 Sec. 1-9. Central counting of grace period, early,
14 absentee, and provisional ballots. Notwithstanding any
15 statutory provision to the contrary enacted before the
16 effective date of this amendatory Act of the 94th General
17 Assembly, all grace period ballots, early voting ballots,
18 absentee ballots, and provisional ballots to be counted shall
19 be delivered to and counted at an election authority's central
20 ballot counting location and not in precincts. References in
21 this Code enacted before the effective date of this amendatory
22 Act of the 94th General Assembly to delivery and counting of
23 grace period ballots, early voting ballots, absentee ballots,
24 or provisional ballots to or at a precinct polling place or to
25 the proper polling place shall be construed as references to
26 delivery and counting of those ballots to and at the election
27 authority's central ballot counting location.

28 (10 ILCS 5/1A-35 new)

29 Sec. 1A-35. Early and grace period voting education.
30 Subject to appropriation, the State Board of Elections must
31 develop and implement an educational program to inform the

1 public about early voting and grace period voting. The State
2 Board shall conduct the program beginning August 1, 2006, and
3 until the 2006 general election.

4 (10 ILCS 5/4-50)

5 Sec. 4-50. Grace period. Notwithstanding any other
6 provision of this Code to the contrary, each election authority
7 shall establish procedures for the registration of voters and
8 for change of address during the period from the close of
9 registration for a primary or election and until the 14th day
10 before the primary or election. During this grace period, an
11 unregistered qualified elector may register to vote, and a
12 registered voter may submit a change of address form, in person
13 in the office of the election authority or at a voter
14 registration location specifically designated for this purpose
15 by the election authority. The election authority shall
16 register that individual, or change a registered voter's
17 address, in the same manner as otherwise provided by this
18 Article for registration and change of address.

19 If a voter who registers or changes address during this
20 grace period wishes to vote at the first election or primary
21 occurring after the grace period, he or she must do so by grace
22 period voting, either in person in the office of the election
23 authority or at a location specifically designated for this
24 purpose by the election authority, or by mail, at the
25 discretion of the election authority. Grace period voting shall
26 be in a manner substantially similar to voting under Article
27 19.

28 Within one day after a voter casts a grace period ballot,
29 the election authority shall transmit the voter's name, street
30 address, and precinct, ward, township, and district numbers, as
31 the case may be, to the State Board of Elections, which shall
32 maintain those names and that information in an electronic
33 format on its website, arranged by county and accessible to
34 State and local political committees. The name of each person
35 issued a grace period ballot shall also be placed on the

1 appropriate precinct list of persons to whom absentee and early
2 ballots have been issued, for use as provided in Sections 17-9
3 and 18-5.

4 A person who casts a grace period ballot shall not be
5 permitted to revoke that ballot and vote another ballot with
6 respect to that primary or election. Ballots cast by persons
7 who register or change address during the grace period must be
8 transmitted to and counted at the election authority's central
9 ballot counting location and shall not be transmitted to and
10 counted at precinct polling places. The grace period ballots
11 determined to be valid shall be added to the vote totals for
12 the precincts for which they were cast in the order in which
13 the ballots were opened.

14 (Source: P.A. 93-1082, eff. 7-1-05.)

15 (10 ILCS 5/5-50)

16 Sec. 5-50. Grace period. Notwithstanding any other
17 provision of this Code to the contrary, each election authority
18 shall establish procedures for the registration of voters and
19 for change of address during the period from the close of
20 registration for a primary or election and until the 14th day
21 before the primary or election. During this grace period, an
22 unregistered qualified elector may register to vote, and a
23 registered voter may submit a change of address form, in person
24 in the office of the election authority or at a voter
25 registration location specifically designated for this purpose
26 by the election authority. The election authority shall
27 register that individual, or change a registered voter's
28 address, in the same manner as otherwise provided by this
29 Article for registration and change of address.

30 If a voter who registers or changes address during this
31 grace period wishes to vote at the first election or primary
32 occurring after the grace period, he or she must do so by grace
33 period voting, either in person in the office of the election
34 authority or at a location specifically designated for this
35 purpose by the election authority, or by mail, at the

1 discretion of the election authority. Grace period voting shall
2 be in a manner substantially similar to voting under Article
3 19.

4 Within one day after a voter casts a grace period ballot,
5 the election authority shall transmit the voter's name, street
6 address, and precinct, ward, township, and district numbers, as
7 the case may be, to the State Board of Elections, which shall
8 maintain those names and that information in an electronic
9 format on its website, arranged by county and accessible to
10 State and local political committees. The name of each person
11 issued a grace period ballot shall also be placed on the
12 appropriate precinct list of persons to whom absentee and early
13 ballots have been issued, for use as provided in Sections 17-9
14 and 18-5.

15 A person who casts a grace period ballot shall not be
16 permitted to revoke that ballot and vote another ballot with
17 respect to that primary or election. Ballots cast by persons
18 who register or change address during the grace period must be
19 transmitted to and counted at the election authority's central
20 ballot counting location and shall not be transmitted to and
21 counted at precinct polling places. The grace period ballots
22 determined to be valid shall be added to the vote totals for
23 the precincts for which they were cast in the order in which
24 the ballots were opened.

25 (Source: P.A. 93-1082, eff. 7-1-05.)

26 (10 ILCS 5/6-100)

27 Sec. 6-100. Grace period. Notwithstanding any other
28 provision of this Code to the contrary, each election authority
29 shall establish procedures for the registration of voters and
30 for change of address during the period from the close of
31 registration for a primary or election and until the 14th day
32 before the primary or election. During this grace period, an
33 unregistered qualified elector may register to vote, and a
34 registered voter may submit a change of address form, in person
35 in the office of the election authority or at a voter

1 registration location specifically designated for this purpose
2 by the election authority. The election authority shall
3 register that individual, or change a registered voter's
4 address, in the same manner as otherwise provided by this
5 Article for registration and change of address.

6 If a voter who registers or changes address during this
7 grace period wishes to vote at the first election or primary
8 occurring after the grace period, he or she must do so by grace
9 period voting, either in person in the office of the election
10 authority or at a location specifically designated for this
11 purpose by the election authority, or by mail, at the
12 discretion of the election authority. Grace period voting shall
13 be in a manner substantially similar to voting under Article
14 19.

15 Within one day after a voter casts a grace period ballot,
16 the election authority shall transmit the voter's name, street
17 address, and precinct, ward, township, and district numbers, as
18 the case may be, to the State Board of Elections, which shall
19 maintain those names and that information in an electronic
20 format on its website, arranged by county and accessible to
21 State and local political committees. The name of each person
22 issued a grace period ballot shall also be placed on the
23 appropriate precinct list of persons to whom absentee and early
24 ballots have been issued, for use as provided in Sections 17-9
25 and 18-5.

26 A person who casts a grace period ballot shall not be
27 permitted to revoke that ballot and vote another ballot with
28 respect to that primary or election. Ballots cast by persons
29 who register or change address during the grace period must be
30 transmitted to and counted at the election authority's central
31 ballot counting location and shall not be transmitted to and
32 counted at precinct polling places. The grace period ballots
33 determined to be valid shall be added to the vote totals for
34 the precincts for which they were cast in the order in which
35 the ballots were opened.

36 (Source: P.A. 93-1082, eff. 7-1-05.)

1 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

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

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

1 Whenever there are two or more persons nominated by the
2 same political party for multiple offices for any board, the
3 name of the candidate of such party receiving the highest
4 number of votes in the primary election as a candidate for such
5 office, as shown by the official election returns of the
6 primary, shall be certified first under the name of such
7 offices, and the names of the remaining candidates of such
8 party for such offices shall follow in the order of the number
9 of votes received by them respectively at the primary election
10 as shown by the official election results.

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

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

1 of the time and place of such lottery. However, a board of
2 election commissioners may elect to place established
3 political party candidates on the general election ballot in
4 the same order determined by the county clerk of the county in
5 which the city under the jurisdiction of such board is located.

6 Each certification shall indicate, where applicable, the
7 following:

8 (1) The political party affiliation of the candidates for
9 the respective offices;

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

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

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

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

20 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
21 revised 8-29-05.)

22 (10 ILCS 5/9-9.5)

23 Sec. 9-9.5. Disclosures in political communications.

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

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

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

15 (b) Any political committee, organized under this Code,
16 that makes an expenditure for a pamphlet, circular, handbill,
17 Internet or telephone communication, radio, television, or
18 print advertisement, or other communication directed at voters
19 and (i) mentioning the name of a candidate in the next upcoming
20 election, without that candidate's permission, and (ii)
21 advocating for or against a public policy position shall ensure
22 that the name of the political committee paying for any part of
23 the communication, including, but not limited to, its
24 preparation and distribution, is identified clearly within the
25 communication. Nothing in this subsection shall require
26 disclosure on any telephone communication using random
27 sampling or other scientific survey methods to gauge public
28 opinion for or against any candidate or question of public
29 policy.

30 (c) A political committee organized under this Code shall
31 not make an expenditure for any unsolicited telephone call to
32 the line of a residential telephone customer in this State
33 using any method to block or otherwise circumvent that
34 customer's use of a caller identification service.

35 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04;
36 94-645, eff. 8-22-05.)

1 (10 ILCS 5/13-1) (from Ch. 46, par. 13-1)

2 Sec. 13-1. In counties not under township organization, the
3 county board of commissioners shall at its meeting in July ~~May~~
4 in each even-numbered year appoint in each election precinct 5
5 capable and discreet persons meeting the qualifications of
6 Section 13-4 to be judges of election. Where neither voting
7 machines nor electronic, mechanical or electric voting systems
8 are used, the county board may, for any precinct with respect
9 to which the board considers such action necessary or desirable
10 in view of the number of voters, and shall for general
11 elections for any precinct containing more than 600 registered
12 voters, appoint in addition to the 5 judges of election a team
13 of 5 tally judges. In such precincts the judges of election
14 shall preside over the election during the hours the polls are
15 open, and the tally judges, with the assistance of the holdover
16 judges designated pursuant to Section 13-6.2, shall count the
17 vote after the closing of the polls. However, the County Board
18 of Commissioners may appoint 3 judges of election to serve in
19 lieu of the 5 judges of election otherwise required by this
20 Section to serve in any emergency referendum, or in any
21 odd-year regular election or in any special primary or special
22 election called for the purpose of filling a vacancy in the
23 office of representative in the United States Congress or to
24 nominate candidates for such purpose. The tally judges shall
25 possess the same qualifications and shall be appointed in the
26 same manner and with the same division between political
27 parties as is provided for judges of election.

28 In addition to such precinct judges, the county board of
29 commissioners shall appoint special panels of 3 judges each,
30 who shall possess the same qualifications and shall be
31 appointed in the same manner and with the same division between
32 political parties as is provided for other judges of election.
33 The number of such panels of judges required shall be
34 determined by regulations of the State Board of Elections which
35 shall base the required numbers of special panels on the number

1 of registered voters in the jurisdiction or the number of
2 absentee ballots voted at recent elections, or any combination
3 of such factors.

4 Such appointment shall be confirmed by the court as
5 provided in Section 13-3 of this Article. No more than 3
6 persons of the same political party shall be appointed judges
7 of the same election precinct or election judge panel. The
8 appointment shall be made in the following manner: The county
9 board of commissioners shall select and approve 3 persons as
10 judges of election in each election precinct from a certified
11 list, furnished by the chairman of the County Central Committee
12 of the first leading political party in such precinct; and the
13 county board of commissioners shall also select and approve 2
14 persons as judges of election in each election precinct from a
15 certified list, furnished by the chairman of the County Central
16 Committee of the second leading political party. However, if
17 only 3 judges of election serve in each election precinct, no
18 more than 2 persons of the same political party shall be judges
19 of election in the same election precinct; and which political
20 party is entitled to 2 judges of election and which political
21 party is entitled to one judge of election shall be determined
22 in the same manner as set forth in the next two preceding
23 sentences with regard to 5 election judges in each precinct.
24 Such certified list shall be filed with the county clerk not
25 less than 10 days before the annual meeting of the county board
26 of commissioners. Such list shall be arranged according to
27 precincts. The chairman of each county central committee shall,
28 insofar as possible, list persons who reside within the
29 precinct in which they are to serve as judges. However, he may,
30 in his sole discretion, submit the names of persons who reside
31 outside the precinct but within the county embracing the
32 precinct in which they are to serve. He must, however, submit
33 the names of at least 2 residents of the precinct for each
34 precinct in which his party is to have 3 judges and must submit
35 the name of at least one resident of the precinct for each
36 precinct in which his party is to have 2 judges. The county

1 board of commissioners shall acknowledge in writing to each
2 county chairman the names of all persons submitted on such
3 certified list and the total number of persons listed thereon.
4 If no such list is filed or such list is incomplete (that is,
5 no names or an insufficient number of names are furnished for
6 certain election precincts), the county board of commissioners
7 shall make or complete such list from the names contained in
8 the supplemental list provided for in Section 13-1.1. The
9 election judges shall hold their office for 2 years from their
10 appointment, and until their successors are duly appointed in
11 the manner provided in this Act. The county board of
12 commissioners shall fill all vacancies in the office of judge
13 of election at any time in the manner provided in this Act.

14 (Source: P.A. 91-352, eff. 1-1-00.)

15 (10 ILCS 5/13-2) (from Ch. 46, par. 13-2)

16 Sec. 13-2. In counties under the township organization the
17 county board shall at its meeting in July ~~May~~ in each
18 even-numbered year except in counties containing a population
19 of 3,000,000 inhabitants or over and except when such judges
20 are appointed by election commissioners, select in each
21 election precinct in the county, 5 capable and discreet persons
22 to be judges of election who shall possess the qualifications
23 required by this Act for such judges. Where neither voting
24 machines nor electronic, mechanical or electric voting systems
25 are used, the county board may, for any precinct with respect
26 to which the board considers such action necessary or desirable
27 in view of the number of voters, and shall for general
28 elections for any precinct containing more than 600 registered
29 voters, appoint in addition to the 5 judges of election a team
30 of 5 tally judges. In such precincts the judges of election
31 shall preside over the election during the hours the polls are
32 open, and the tally judges, with the assistance of the holdover
33 judges designated pursuant to Section 13-6.2, shall count the
34 vote after the closing of the polls. The tally judges shall
35 possess the same qualifications and shall be appointed in the

1 same manner and with the same division between political
2 parties as is provided for judges of election.

3 However, the county board may appoint 3 judges of election
4 to serve in lieu of the 5 judges of election otherwise required
5 by this Section to serve in any emergency referendum, or in any
6 odd-year regular election or in any special primary or special
7 election called for the purpose of filling a vacancy in the
8 office of representative in the United States Congress or to
9 nominate candidates for such purpose.

10 In addition to such precinct judges, the county board shall
11 appoint special panels of 3 judges each, who shall possess the
12 same qualifications and shall be appointed in the same manner
13 and with the same division between political parties as is
14 provided for other judges of election. The number of such
15 panels of judges required shall be determined by regulations of
16 the State Board of Elections, which shall base the required
17 number of special panels on the number of registered voters in
18 the jurisdiction or the number of absentee ballots voted at
19 recent elections or any combination of such factors.

20 No more than 3 persons of the same political party shall be
21 appointed judges in the same election district or undivided
22 precinct. The election of the judges of election in the various
23 election precincts shall be made in the following manner: The
24 county board shall select and approve 3 of the election judges
25 in each precinct from a certified list furnished by the
26 chairman of the County Central Committee of the first leading
27 political party in such election precinct and shall also select
28 and approve 2 judges of election in each election precinct from
29 a certified list furnished by the chairman of the County
30 Central Committee of the second leading political party in such
31 election precinct. However, if only 3 judges of election serve
32 in each election precinct, no more than 2 persons of the same
33 political party shall be judges of election in the same
34 election precinct; and which political party is entitled to 2
35 judges of election and which political party is entitled to one
36 judge of election shall be determined in the same manner as set

1 forth in the next two preceding sentences with regard to 5
2 election judges in each precinct. The respective County Central
3 Committee chairman shall notify the county board by June 1 of
4 each odd-numbered year immediately preceding the annual
5 meeting of the county board whether or not such certified list
6 will be filed by such chairman. Such list shall be arranged
7 according to precincts. The chairman of each county central
8 committee shall, insofar as possible, list persons who reside
9 within the precinct in which they are to serve as judges.
10 However, he may, in his sole discretion, submit the names of
11 persons who reside outside the precinct but within the county
12 embracing the precinct in which they are to serve. He must,
13 however, submit the names of at least 2 residents of the
14 precinct for each precinct in which his party is to have 3
15 judges and must submit the name of at least one resident of the
16 precinct for each precinct in which his party is to have 2
17 judges. Such certified list, if filed, shall be filed with the
18 county clerk not less than 20 days before the annual meeting of
19 the county board. The county board shall acknowledge in writing
20 to each county chairman the names of all persons submitted on
21 such certified list and the total number of persons listed
22 thereon. If no such list is filed or the list is incomplete
23 (that is, no names or an insufficient number of names are
24 furnished for certain election precincts), the county board
25 shall make or complete such list from the names contained in
26 the supplemental list provided for in Section 13-1.1. Provided,
27 further, that in any case where a township has been or shall be
28 redistricted, in whole or in part, subsequent to one general
29 election for Governor, and prior to the next, the judges of
30 election to be selected for all new or altered precincts shall
31 be selected in that one of the methods above detailed, which
32 shall be applicable according to the facts and circumstances of
33 the particular case, but the majority of such judges for each
34 such precinct shall be selected from the first leading
35 political party, and the minority judges from the second
36 leading political party. Provided, further, that in counties

1 having a population of 1,000,000 inhabitants or over the
2 selection of judges of election shall be made in the same
3 manner in all respects as in other counties, except that the
4 provisions relating to tally judges are inapplicable to such
5 counties and except that the county board shall meet during the
6 month of January for the purpose of making such selection and
7 the chairman of each county central committee shall notify the
8 county board by the preceding October 1 whether or not the
9 certified list will be filed. Such judges of election shall
10 hold their office for 2 years from their appointment and until
11 their successors are duly appointed in the manner provided in
12 this Act. The county board shall fill all vacancies in the
13 office of judges of elections at any time in the manner herein
14 provided.

15 Such selections under this Section shall be confirmed by
16 the circuit court as provided in Section 13-3 of this Article.

17 (Source: P.A. 91-352, eff. 1-1-00.)

18 (10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)

19 Sec. 14-3.1. The board of election commissioners shall,
20 during the month of July ~~May~~ of each even-numbered year, select
21 for each election precinct within the jurisdiction of the board
22 5 persons to be judges of election who shall possess the
23 qualifications required by this Act for such judges. The
24 selection shall be made by a county board of election
25 commissioners in the following manner: the county board of
26 election commissioners shall select and approve 3 persons as
27 judges of election in each election precinct from a certified
28 list furnished by the chairman of the county central committee
29 of the first leading political party in that precinct; the
30 county board of election commissioners also shall select and
31 approve 2 persons as judges of election in each election
32 precinct from a certified list furnished by the chairman of the
33 county central committee of the second leading political party
34 in that precinct. The selection by a municipal board of
35 election commissioners shall be made in the following manner:

1 for each precinct, 3 judges shall be selected from one of the 2
2 leading political parties and the other 2 judges shall be
3 selected from the other leading political party; the parties
4 entitled to 3 and 2 judges, respectively, in the several
5 precincts shall be determined as provided in Section 14-4.
6 However, a Board of Election Commissioners may appoint three
7 judges of election to serve in lieu of the 5 judges of election
8 otherwise required by this Section to serve in any emergency
9 referendum, or in any odd-year regular election or in any
10 special primary or special election called for the purpose of
11 filling a vacancy in the office of representative in the United
12 States Congress or to nominate candidates for such purpose.

13 If only 3 judges of election serve in each election
14 precinct, no more than 2 persons of the same political party
15 shall be judges of election in the same election precinct, and
16 which political party is entitled to 2 judges of election and
17 which political party is entitled to one judge of election
18 shall be determined as set forth in this Section for a county
19 board of election commissioners' selection of 5 election judges
20 in each precinct or in Section 14-4 for a municipal board of
21 election commissioners' selection of election judges in each
22 precinct, whichever is appropriate. In addition to such
23 precinct judges, the board of election commissioners shall
24 appoint special panels of 3 judges each, who shall possess the
25 same qualifications and shall be appointed in the same manner
26 and with the same division between political parties as is
27 provided for other judges of election. The number of such
28 panels of judges required shall be determined by regulation of
29 the State Board of Elections, which shall base the required
30 number of special panels on the number of registered voters in
31 the jurisdiction or the number of absentee ballots voted at
32 recent elections or any combination of such factors. A
33 municipal board of election commissioners shall make the
34 selections of persons qualified under Section 14-1 from
35 certified lists furnished by the chairman of the respective
36 county central committees of the 2 leading political parties.

1 Lists furnished by chairmen of county central committees under
2 this Section shall be arranged according to precincts. The
3 chairman of each county central committee shall, insofar as
4 possible, list persons who reside within the precinct in which
5 they are to serve as judges. However, he may, in his sole
6 discretion, submit the names of persons who reside outside the
7 precinct but within the county embracing the precinct in which
8 they are to serve. He must, however, submit the names of at
9 least 2 residents of the precinct for each precinct in which
10 his party is to have 3 judges and must submit the name of at
11 least one resident of the precinct for each precinct in which
12 his party is to have 2 judges. The board of election
13 commissioners shall no later than March 1 of each even-numbered
14 year notify the chairmen of the respective county central
15 committees of their responsibility to furnish such lists, and
16 each such chairman shall furnish the board of election
17 commissioners with the list for his party on or before May 1 of
18 each even-numbered year. The board of election commissioners
19 shall acknowledge in writing to each county chairman the names
20 of all persons submitted on such certified list and the total
21 number of persons listed thereon. If no such list is furnished
22 or if no names or an insufficient number of names are furnished
23 for certain precincts, the board of election commissioners
24 shall make or complete such list from the names contained in
25 the supplemental list provided for in Section 14-3.2. Judges of
26 election shall hold their office for 2 years from their
27 appointment and until their successors are duly appointed in
28 the manner herein provided. The board of election commissioners
29 shall, subject to the provisions of Section 14-3.2, fill all
30 vacancies in the office of judges of election at any time in
31 the manner herein provided.

32 Such selections under this Section shall be confirmed by
33 the court as provided in Section 14-5.

34 (Source: P.A. 89-471, eff. 6-13-96.)

1 Sec. 17-9. Any person desiring to vote shall give his name
2 and, if required to do so, his residence to the judges of
3 election, one of whom shall thereupon announce the same in a
4 loud and distinct tone of voice, clear, and audible; the judges
5 of elections shall check each application for ballot against
6 the list of voters registered in that precinct to whom grace
7 period, absentee, or early ballots have been issued for that
8 election, which shall be provided by the election authority and
9 which list shall be available for inspection by pollwatchers. A
10 voter applying to vote in the precinct on election day whose
11 name appears on the list as having been issued a grace period,
12 ~~an~~ absentee, or early ballot shall not be permitted to vote in
13 the precinct, except that a voter to whom an absentee ballot
14 was issued may vote in the precinct if the voter submits to the
15 election judges that absentee ballot for cancellation. If the
16 voter is unable to submit the absentee ballot, it shall be
17 sufficient for the voter to submit to the election judges (i) a
18 portion of the absentee ballot if the absentee ballot was torn
19 or mutilated or (ii) an affidavit executed before the election
20 judges specifying that (A) the voter never received an absentee
21 ballot or (B) the voter completed and returned an absentee
22 ballot and was informed that the election authority did not
23 receive that absentee ballot. All applicable provisions of
24 Articles 4, 5 or 6 shall be complied with and if such name is
25 found on the register of voters by the officer having charge
26 thereof, he shall likewise repeat said name, and the voter
27 shall be allowed to enter within the proximity of the voting
28 booths, as above provided. One of the judges shall give the
29 voter one, and only one of each ballot to be voted at the
30 election, on the back of which ballots such judge shall indorse
31 his initials in such manner that they may be seen when each
32 such ballot is properly folded, and the voter's name shall be
33 immediately checked on the register list. In those election
34 jurisdictions where perforated ballot cards are utilized of the
35 type on which write-in votes can be cast above the perforation,
36 the election authority shall provide a space both above and

1 below the perforation for the judge's initials, and the judge
2 shall endorse his or her initials in both spaces. Whenever a
3 proposal for a constitutional amendment or for the calling of a
4 constitutional convention is to be voted upon at the election,
5 the separate blue ballot or ballots pertaining thereto shall,
6 when being handed to the voter, be placed on top of the other
7 ballots to be voted at the election in such manner that the
8 legend appearing on the back thereof, as prescribed in Section
9 16-6 of this Act, shall be plainly visible to the voter. At all
10 elections, when a registry may be required, if the name of any
11 person so desiring to vote at such election is not found on the
12 register of voters, he or she shall not receive a ballot until
13 he or she shall have complied with the law prescribing the
14 manner and conditions of voting by unregistered voters. If any
15 person desiring to vote at any election shall be challenged, he
16 or she shall not receive a ballot until he or she shall have
17 established his right to vote in the manner provided
18 hereinafter; and if he or she shall be challenged after he has
19 received his ballot, he shall not be permitted to vote until he
20 or she has fully complied with such requirements of the law
21 upon being challenged. Besides the election officer, not more
22 than 2 voters in excess of the whole number of voting booths
23 provided shall be allowed within the proximity of the voting
24 booths at one time. The provisions of this Act, so far as they
25 require the registration of voters as a condition to their
26 being allowed to vote shall not apply to persons otherwise
27 entitled to vote, who are, at the time of the election, or at
28 any time within 60 days prior to such election have been
29 engaged in the military or naval service of the United States,
30 and who appear personally at the polling place on election day
31 and produce to the judges of election satisfactory evidence
32 thereof, but such persons, if otherwise qualified to vote,
33 shall be permitted to vote at such election without previous
34 registration.

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

1 State of Illinois,)

2) ss.

3 County of)

4 Precinct Ward

5 I,, do solemnly swear (or affirm) that I am a citizen
6 of the United States, of the age of 18 years or over, and that
7 within the past 60 days prior to the date of this election at
8 which I am applying to vote, I have been engaged in the
9 (military or naval) service of the United States; and I am
10 qualified to vote under and by virtue of the Constitution and
11 laws of the State of Illinois, and that I am a legally
12 qualified voter of this precinct and ward except that I have,
13 because of such service, been unable to register as a voter;
14 that I now reside at (insert street and number, if any) in
15 this precinct and ward; that I have maintained a legal
16 residence in this precinct and ward for 30 days and in this
17 State 30 days next preceding this election.

18

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

20

21 Judge of Election.

22 The affidavit of any such person shall be supported by the
23 affidavit of a resident and qualified voter of any such
24 precinct and ward, which affidavit shall be in substantially
25 the following form:

26 State of Illinois,)

27) ss.

28 County of)

29 Precinct Ward

30 I,, do solemnly swear (or affirm), that I am a
31 resident of this precinct and ward and entitled to vote at this
32 election; that I am acquainted with (name of the
33 applicant); that I verily believe him to be an actual bona fide
34 resident of this precinct and ward and that I verily believe
35 that he or she has maintained a legal residence therein 30 days

1 and in this State 30 days next preceding this election.

2

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

4

5 Judge of Election.

6 All affidavits made under the provisions of this Section
7 shall be enclosed in a separate envelope securely sealed, and
8 shall be transmitted with the returns of the elections to the
9 county clerk or to the board of election commissioners, who
10 shall preserve the said affidavits for the period of 6 months,
11 during which period such affidavits shall be deemed public
12 records and shall be freely open to examination as such.

13 (Source: P.A. 94-645, eff. 8-22-05.)

14 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

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

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

36 I do solemnly swear (or affirm) that I am a resident of

1 this election precinct (or district), and entitled to vote at
2 this election, and that I have been a resident of this State
3 for 30 days last past, and am well acquainted with the person
4 whose vote is now offered; that he is an actual and bona fide
5 resident of this election precinct (or district), and has
6 resided herein 30 days, and as I verily believe, in this State,
7 30 days next preceding this election.

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

35 The voter shall, upon quitting the voting booth, deliver to
36 one of the judges of election all of the ballots, properly

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

31 The judge of election who receives the ballot or ballots
32 from the voter shall announce the residence and name of such
33 voter in a loud voice. The judge shall put the ballot or
34 ballots received from the voter into the ballot box in the
35 presence of the voter and the judges of election, and in plain
36 view of the public. The judges having charge of such registers

1 shall then, in a column prepared thereon, in the same line of,
2 the name of the voter, mark "Voted" or the letter "V".

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

14 (Source: P.A. 94-645, eff. 8-22-05.)

15 (10 ILCS 5/18A-15)

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

17 (a) The county clerk or board of election commissioners
18 shall complete the validation and counting of provisional
19 ballots within 14 calendar days of the day of the election. The
20 county clerk or board of election commissioners shall have 7
21 calendar days from the completion of the validation and
22 counting of provisional ballots to conduct its final canvass.
23 The State Board of Elections shall complete within 31 calendar
24 days of the election or sooner if all the returns are received,
25 its final canvass of the vote for all public offices.

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

29 (1) The provisional voter cast the provisional ballot
30 in the correct precinct based on the address provided by
31 the provisional voter. The provisional voter's affidavit
32 shall serve as a change of address request by that voter
33 for registration purposes for the next ensuing election if
34 it bears an address different from that in the records of
35 the election authority;

1 (2) The affidavit executed by the provisional voter
2 pursuant to subsection (b) (2) of Section 18A-5 contains, at
3 a minimum, the provisional voter's first and last name,
4 house number and street name, and signature or mark; and

5 (3) the provisional voter is a registered voter based
6 on information available to the county clerk or board of
7 election commissioners provided by or obtained from any of
8 the following:

9 i. the provisional voter;

10 ii. an election judge;

11 iii. the statewide voter registration database
12 maintained by the State Board of Elections;

13 iv. the records of the county clerk or board of
14 election commissioners' database; or

15 v. the records of the Secretary of State.

16 (c) With respect to subsection (b) (3) of this Section, the
17 county clerk or board of election commissioners shall
18 investigate and record whether or not the specified information
19 is available from each of the 5 identified sources. If the
20 information is available from one or more of the identified
21 sources, then the county clerk or board of election
22 commissioners shall seek to obtain the information from each of
23 those sources until satisfied, with information from at least
24 one of those sources, that the provisional voter is registered
25 and entitled to vote. The county clerk or board of election
26 commissioners shall use any information it obtains as the basis
27 for determining the voter registration status of the
28 provisional voter. If a conflict exists among the information
29 available to the county clerk or board of election
30 commissioners as to the registration status of the provisional
31 voter, then the county clerk or board of election commissioners
32 shall make a determination based on the totality of the
33 circumstances. In a case where the above information equally
34 supports or opposes the registration status of the voter, the
35 county clerk or board of election commissioners shall decide in
36 favor of the provisional voter as being duly registered to

1 vote. If the statewide voter registration database maintained
2 by the State Board of Elections indicates that the provisional
3 voter is registered to vote, but the county clerk's or board of
4 election commissioners' voter registration database indicates
5 that the provisional voter is not registered to vote, then the
6 information found in the statewide voter registration database
7 shall control the matter and the provisional voter shall be
8 deemed to be registered to vote. If the records of the county
9 clerk or board of election commissioners indicates that the
10 provisional voter is registered to vote, but the statewide
11 voter registration database maintained by the State Board of
12 Elections indicates that the provisional voter is not
13 registered to vote, then the information found in the records
14 of the county clerk or board of election commissioners shall
15 control the matter and the provisional voter shall be deemed to
16 be registered to vote. If the provisional voter's signature on
17 his or her provisional ballot request varies from the signature
18 on an otherwise valid registration application solely because
19 of the substitution of initials for the first or middle name,
20 the election authority may not reject the provisional ballot.

21 (d) In validating the registration status of a person
22 casting a provisional ballot, the county clerk or board of
23 election commissioners shall not require a provisional voter to
24 complete any form other than the affidavit executed by the
25 provisional voter under subsection (b) (2) of Section 18A-5. In
26 addition, the county clerk or board of election commissioners
27 shall not require all provisional voters or any particular
28 class or group of provisional voters to appear personally
29 before the county clerk or board of election commissioners or
30 as a matter of policy require provisional voters to submit
31 additional information to verify or otherwise support the
32 information already submitted by the provisional voter. The
33 provisional voter may, within 2 calendar days after the
34 election, submit additional information to the county clerk or
35 board of election commissioners. This information must be
36 received by the county clerk or board of election commissioners

1 within the 2-calendar-day period.

2 (e) If the county clerk or board of election commissioners
3 determines that subsection (b) (1), (b) (2), or (b) (3) does not
4 apply, then the provisional ballot is not valid and may not be
5 counted. The provisional ballot envelope containing the ballot
6 cast by the provisional voter may not be opened. The county
7 clerk or board of election commissioners shall write on the
8 provisional ballot envelope the following: "Provisional ballot
9 determined invalid."

10 (f) If the county clerk or board of election commissioners
11 determines that a provisional ballot is valid under this
12 Section, then the provisional ballot envelope shall be opened.
13 The outside of each provisional ballot envelope shall also be
14 marked to identify the precinct and the date of the election.

15 (g) Provisional ballots determined to be valid shall be
16 counted at the election authority's central ballot counting
17 location and shall not be counted in precincts. The provisional
18 ballots determined to be valid shall be added to the vote
19 totals for the precincts from which they were cast in the order
20 in which the ballots were opened. ~~The county clerk or board of~~
21 ~~election commissioners may, in the alternative, create a~~
22 ~~separate provisional voter precinct for the purpose of~~
23 ~~counting and recording provisional ballots and adding the~~
24 ~~recorded votes to its official canvass.~~ The validation and
25 counting of provisional ballots shall be subject to the
26 provisions of this Code that apply to pollwatchers. If the
27 provisional ballots are a ballot of a punch card voting system,
28 then the provisional ballot shall be counted in a manner
29 consistent with Article 24A. If the provisional ballots are a
30 ballot of optical scan or other type of approved electronic
31 voting system, then the provisional ballots shall be counted in
32 a manner consistent with Article 24B.

33 (h) As soon as the ballots have been counted, the election
34 judges or election officials shall, in the presence of the
35 county clerk or board of election commissioners, place each of
36 the following items in a separate envelope or bag: (1) all

1 provisional ballots, voted or spoiled; (2) all provisional
2 ballot envelopes of provisional ballots voted or spoiled; and
3 (3) all executed affidavits of the provisional ballots voted or
4 spoiled. All provisional ballot envelopes for provisional
5 voters who have been determined not to be registered to vote
6 shall remain sealed. The county clerk or board of election
7 commissioners shall treat the provisional ballot envelope
8 containing the written affidavit as a voter registration
9 application for that person for the next election and process
10 that application. The election judges or election officials
11 shall then securely seal each envelope or bag, initial the
12 envelope or bag, and plainly mark on the outside of the
13 envelope or bag in ink the precinct in which the provisional
14 ballots were cast. The election judges or election officials
15 shall then place each sealed envelope or bag into a box, secure
16 and seal it in the same manner as described in item (6) of
17 subsection (b) of Section 18A-5. Each election judge or
18 election official shall take and subscribe an oath before the
19 county clerk or board of election commissioners that the
20 election judge or election official securely kept the ballots
21 and papers in the box, did not permit any person to open the
22 box or otherwise touch or tamper with the ballots and papers in
23 the box, and has no knowledge of any other person opening the
24 box. For purposes of this Section, the term "election official"
25 means the county clerk, a member of the board of election
26 commissioners, as the case may be, and their respective
27 employees.

28 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

29 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

30 Sec. 19-2.1. At the consolidated primary, general primary,
31 consolidated, and general elections, electors entitled to vote
32 by absentee ballot under the provisions of Section 19-1 may
33 vote in person at the office of the municipal clerk, if the
34 elector is a resident of a municipality not having a board of
35 election commissioners, or at the office of the township clerk

1 or, in counties not under township organization, at the office
2 of the road district clerk if the elector is not a resident of
3 a municipality; provided, in each case that the municipal,
4 township or road district clerk, as the case may be, is
5 authorized to conduct in-person absentee voting pursuant to
6 this Section. Absentee voting in such municipal and township
7 clerk's offices under this Section shall be conducted from the
8 22nd day through the day before the election.

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

1 vote by absentee ballot under the provisions of Section 19-1 at
2 the office of the election authority having jurisdiction over
3 their residence. Unless specifically authorized by the
4 election authority, municipal, township, and road district
5 clerks shall not conduct in-person absentee voting. No less
6 than 45 days before the date of an election, the election
7 authority shall notify the municipal, township, and road
8 district clerks within its jurisdiction if they are to conduct
9 in-person absentee voting. Election authorities, however, may
10 conduct in-person absentee voting in one or more designated
11 appropriate public buildings from the fourth day before the
12 election through the day before the election.

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

27 Absentee voting procedures in the office of the municipal,
28 township and road district clerks shall be subject to all of
29 the applicable provisions of this Article 19. Pollwatchers may
30 be appointed to observe in-person absentee voting procedures
31 and view all reasonably requested records relating to the
32 conduct of the election, provided the secrecy of the ballot is
33 not impinged, at the office of the municipal, township or road
34 district clerks' offices where such absentee voting is
35 conducted. Such pollwatchers shall qualify and be appointed in
36 the same manner as provided in Sections 7-34 and 17-23, except

1 each candidate, political party or organization of citizens may
2 appoint only one pollwatcher for each location where in-person
3 absentee voting is conducted. Pollwatchers must be registered
4 to vote in Illinois and possess valid pollwatcher credentials.
5 All requirements in this Article applicable to election
6 authorities shall apply to the respective local clerks, except
7 where inconsistent with this Section.

8 The sealed absentee ballots in their carrier envelope shall
9 be delivered by the respective clerks, or by the election
10 authority on behalf of a clerk if the clerk and the election
11 authority agree, to the election authority's central ballot
12 counting location ~~proper polling place~~ before the close of the
13 polls on the day of the general primary, consolidated primary,
14 consolidated, or general election.

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

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

32 The clerks of all municipalities, townships and road
33 districts may distribute applications for absentee ballot for
34 the use of voters who wish to mail such applications to the
35 appropriate election authority. Such applications for absentee
36 ballots shall be made on forms provided by the election

1 authority. Duplication of such forms by the municipal, township
2 or road district clerk is prohibited.

3 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

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

5 Sec. 19-4. Mailing or delivery of ballots - Time.)

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

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

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

1 to the judges of election in each precinct the list of
2 registered voters in that precinct to whom absentee ballots
3 have been issued by mail.

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

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

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

1 (Source: P.A. 94-645, eff. 8-22-05.)

2 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

3 Sec. 19-8. Time and place of counting ballots.

4 (a) (Blank.) ~~Each absent voter's ballot returned to an~~
5 ~~election authority, by any means authorized by this Article,~~
6 ~~and received by that election authority in time to be delivered~~
7 ~~to the polling place of the precinct where the elector resides~~
8 ~~and to be counted by the judges of election at that polling~~
9 ~~place shall be handled in accordance with this subsection. If~~
10 ~~an absent voter's ballot is received prior to the delivery of~~
11 ~~the official ballots to the judges of election of the precinct~~
12 ~~where the elector resides, then the absent voter's ballot~~
13 ~~envelope and application, sealed in the carrier envelope, shall~~
14 ~~be enclosed in the same package with the official ballots and~~
15 ~~delivered to the judges of that precinct. If the official~~
16 ~~ballots for that precinct have already been delivered to the~~
17 ~~judges of election when the election authority receives the~~
18 ~~absent voter's ballot, then the authority shall immediately~~
19 ~~enclose the envelope containing the absent voter's ballot,~~
20 ~~together with the voter's application, in a larger or carrier~~
21 ~~envelope which shall be securely sealed and addressed on the~~
22 ~~face to the judges of election, giving the name or number of~~
23 ~~precinct, street and number of polling place, city or town in~~
24 ~~which the absent voter is a qualified elector, and the words~~
25 ~~"This envelope contains an absent voter's ballot and must be~~
26 ~~opened only on election day at the polls immediately after the~~
27 ~~polls are closed". The election authority shall mail the~~
28 ~~ballot, postage prepaid, to the judges of election, or if more~~
29 ~~convenient, the election authority may deliver the absent~~
30 ~~voter's ballot to the judges of election in person or by duly~~
31 ~~deputized agent, the authority to secure a receipt for delivery~~
32 ~~of the ballot or ballots. An absent voter's ballot delivered in~~
33 ~~error to the wrong precinct polling place shall be returned to~~
34 ~~the election authority and counted as provided in subsection~~
35 ~~(b).~~

1 (b) Each absent voter's ballot returned to an election
2 authority, by any means authorized by this Article, and
3 received by that election authority before the closing of the
4 polls on election day ~~but too late to be delivered to and~~
5 ~~counted at the proper precinct polling place~~ shall be endorsed
6 by the receiving election authority with the day and hour of
7 receipt and shall be counted in the central ballot counting
8 location ~~office~~ of the election authority on the day of the
9 election after 7:00 p.m., except as provided in subsections (g)
10 and (g-5).

11 (c) Each absent voter's ballot that is mailed to an
12 election authority and postmarked by the midnight preceding the
13 opening of the polls on election day, but that is received by
14 the election authority after the polls close on election day
15 and before the close of the period for counting provisional
16 ballots cast at that election, shall be endorsed by the
17 receiving authority with the day and hour of receipt and shall
18 be counted at the central ballot counting location ~~office~~ of
19 the election authority during the period for counting
20 provisional ballots.

21 (d) Special write-in absentee voter's blank ballots
22 returned to an election authority, by any means authorized by
23 this Article, and received by the election authority at any
24 time before the closing of the polls on election day shall be
25 endorsed by the receiving election authority with the day and
26 hour of receipt and shall be counted at the central ballot
27 counting location ~~office~~ of the election authority during the
28 same period provided for counting absent voters' ballots under
29 subsections ~~subsection~~ (b), (g), and (g-5). Special write-in
30 absentee voter's blank ballots that are mailed to an election
31 authority and postmarked by the midnight preceding the opening
32 of the polls on election day, but that are received by the
33 election authority after the polls close on election day and
34 before the closing of the period for counting provisional
35 ballots cast at that election, shall be endorsed by the
36 receiving authority with the day and hour of receipt and shall

1 be counted at the central ballot counting location ~~office~~ of
2 the election authority during the same periods provided for
3 counting absent voters' ballots under subsection (c).

4 (e) Except as otherwise provided in this Section, absent
5 voters' ballots and special write-in absentee voter's blank
6 ballots received by the election authority after the closing of
7 the polls on an election day shall be endorsed by the election
8 authority receiving them with the day and hour of receipt and
9 shall be safely kept unopened by the election authority for the
10 period of time required for the preservation of ballots used at
11 the election, and shall then, without being opened, be
12 destroyed in like manner as the used ballots of that election.

13 (f) Counting required under this Section to begin on
14 election day after the closing of the polls shall commence no
15 later than 8:00 p.m. and shall be conducted by a panel or
16 panels of election judges appointed in the manner provided by
17 law. The counting shall continue until all absent voters'
18 ballots and special write-in absentee voter's blank ballots
19 required to be counted on election day have been counted.

20 (g) The procedures set forth in ~~Section 19-9 of this Act~~
21 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots
22 counted under this Section. In addition, within 2 days after an
23 absentee ballot, other than an in-person absentee ballot, is
24 received, but in all cases before the close of the period for
25 counting provisional ballots, the election judge or official
26 shall compare the voter's signature on the certification
27 envelope of that absentee ballot with the signature of the
28 voter on file in the office of the election authority. If the
29 election judge or official determines that the 2 signatures
30 match, and that the absentee voter is otherwise qualified to
31 cast an absentee ballot, the election authority shall cast and
32 count the ballot on election day or the day the ballot is
33 determined to be valid, whichever is later, adding the results
34 to the precinct in which the voter is registered. If the
35 election judge or official determines that the signatures do
36 not match, or that the absentee voter is not qualified to cast

1 an absentee ballot, then without opening the certification
2 envelope, the judge or official shall mark across the face of
3 the certification envelope the word "Rejected" and shall not
4 cast or count the ballot.

5 In addition to the voter's signatures not matching, an
6 absentee ballot may be rejected by the election judge or
7 official:

8 (1) if the ballot envelope is open or has been opened
9 and resealed;

10 (2) if the voter has already cast an early or grace
11 period ballot;

12 (3) if the voter voted in person on election day or the
13 voter is not a duly registered voter in the precinct; or

14 (4) on any other basis set forth in this Code.

15 If the election judge or official determines that any of
16 these reasons apply, the judge or official shall mark across
17 the face of the certification envelope the word "Rejected" and
18 shall not cast or count the ballot. , including comparing the
19 signature on the ballot envelope with the signature of the
20 voter on the permanent voter registration record card taken
21 from the master file; except that votes shall be recorded
22 without regard to precinct designation, except for precinct
23 offices.

24 (g-5) If an absentee ballot, other than an in-person
25 absentee ballot, is rejected by the election judge or official
26 for any reason, the election authority shall, within 2 days
27 after the rejection but in all cases before the close of the
28 period for counting provisional ballots, notify the absentee
29 voter that his or her ballot was rejected. The notice shall
30 inform the voter of the reason or reasons the ballot was
31 rejected and shall state that the voter may appear before the
32 election authority, on or before the 14th day after the
33 election, to show cause as to why the ballot should not be
34 rejected. The voter may present evidence to the election
35 authority supporting his or her contention that the ballot
36 should be counted. The election authority shall appoint a panel

1 of 3 election judges to review the contested ballot,
2 application, and certification envelope, as well as any
3 evidence submitted by the absentee voter. No more than 2
4 election judges on the reviewing panel shall be of the same
5 political party. The reviewing panel of election judges shall
6 make a final determination as to the validity of the contested
7 absentee ballot. The judges' determination shall not be
8 reviewable either administratively or judicially.

9 An absentee ballot subject to this subsection that is
10 determined to be valid shall be counted before the close of the
11 period for counting provisional ballots.

12 (g-10) All absentee ballots determined to be valid shall be
13 added to the vote totals for the precincts for which they were
14 cast in the order in which the ballots were opened.

15 (h) ~~Each~~ ~~where ballots are counted in the office of the~~
16 ~~election authority as provided in this Section, each~~ political
17 party, candidate, and qualified civic organization shall be
18 entitled to have present one pollwatcher for each panel of
19 election judges therein assigned.

20 (Source: P.A. 94-557, eff. 8-12-05.)

21 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

22 Sec. 19-12.2. Voting by physically incapacitated electors
23 who have made proper application to the election authority not
24 later than 5 days before the regular primary and general
25 election of 1980 and before each election thereafter shall be
26 conducted on the premises of facilities licensed or certified
27 pursuant to the Nursing Home Care Act for the sole benefit of
28 residents of such facilities. Such voting shall be conducted
29 during any continuous period sufficient to allow all applicants
30 to cast their ballots between the hours of 9 a.m. and 7 p.m.
31 either on the Friday, Saturday, Sunday or Monday immediately
32 preceding the regular election. This absentee voting on one of
33 said days designated by the election authority shall be
34 supervised by two election judges who must be selected by the
35 election authority in the following order of priority: (1) from

1 the panel of judges appointed for the precinct in which such
2 facility is located, or from a panel of judges appointed for
3 any other precinct within the jurisdiction of the election
4 authority in the same ward or township, as the case may be, in
5 which the facility is located or, only in the case where a
6 judge or judges from the precinct, township or ward are
7 unavailable to serve, (3) from a panel of judges appointed for
8 any other precinct within the jurisdiction of the election
9 authority. The two judges shall be from different political
10 parties. Not less than 30 days before each regular election,
11 the election authority shall have arranged with the chief
12 administrative officer of each facility in his or its election
13 jurisdiction a mutually convenient time period on the Friday,
14 Saturday, Sunday or Monday immediately preceding the election
15 for such voting on the premises of the facility and shall post
16 in a prominent place in his or its office a notice of the
17 agreed day and time period for conducting such voting at each
18 facility; provided that the election authority shall not later
19 than noon on the Thursday before the election also post the
20 names and addresses of those facilities from which no
21 applications were received and in which no supervised absentee
22 voting will be conducted. All provisions of this Code
23 applicable to pollwatchers shall be applicable herein. To the
24 maximum extent feasible, voting booths or screens shall be
25 provided to insure the privacy of the voter. Voting procedures
26 shall be as described in Article 17 of this Code, except that
27 ballots shall be treated as absentee ballots and shall not be
28 counted until the close of the polls on the following day.
29 After the last voter has concluded voting, the judges shall
30 seal the ballots in an envelope and affix their signatures
31 across the flap of the envelope. Immediately thereafter, the
32 judges shall bring the sealed envelope to the office of the
33 election authority who shall deliver such ballots to the
34 election authority's central ballot counting location ~~proper~~
35 ~~precinct polling places~~ prior to the closing of the polls on
36 the day of election. ~~Provided, that the election authority may~~

1 ~~arrange for the judges who conduct such voting on the Monday~~
2 ~~before the election to deliver the sealed envelope directly to~~
3 ~~the proper precinct polling place on the day of election and~~
4 ~~shall announce such procedure in the 30 day notice heretofore~~
5 ~~prescribed.~~ The judges of election shall also report to the
6 election authority the name of any applicant in the facility
7 who, due to unforeseen circumstance or condition or because of
8 a religious holiday, was unable to vote. In this event, the
9 election authority may appoint a qualified person from his or
10 its staff to deliver the ballot to such applicant on the day of
11 election. This staff person shall follow the same procedures
12 prescribed for judges conducting absentee voting in such
13 facilities and ~~, but~~ shall return the ballot to the central
14 ballot counting location ~~proper precinct polling place~~ before
15 the polls close. However, if the facility from which the
16 application was made is also used as a regular precinct polling
17 place for that voter, voting procedures heretofore prescribed
18 may be implemented by 2 of the election judges of opposite
19 party affiliation assigned to that polling place during the
20 hours of voting on the day of the election. Judges of election
21 shall be compensated not less than \$25.00 for conducting
22 absentee voting in such facilities.

23 Not less than 120 days before each regular election, the
24 Department of Public Health shall certify to the State Board of
25 Elections a list of the facilities licensed or certified
26 pursuant to the Nursing Home Care Act, and shall indicate the
27 approved bed capacity and the name of the chief administrative
28 officer of each such facility, and the State Board of Elections
29 shall certify the same to the appropriate election authority
30 within 20 days thereafter.

31 (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

32 (10 ILCS 5/19-13) (from Ch. 46, par. 19-13)

33 Sec. 19-13. Any qualified voter who has been admitted to a
34 hospital, nursing home, or rehabilitation center due to an
35 illness or physical injury not more than 5 days before an

1 election shall be entitled to personal delivery of an absentee
2 ballot in the hospital, nursing home, or rehabilitation center
3 subject to the following conditions:

4 (1) The voter completes the Application for Physically
5 Incapacitated Elector as provided in Section 19-3, stating as
6 reasons therein that he is a patient in (name
7 of hospital/home/center), located at,
8 (address of hospital/home/center),
9 (county, city/village), was admitted for
10 (nature of illness or physical injury), on
11 (date of admission), and does not expect to be
12 released from the hospital/home/center on or before the day of
13 election.

14 (2) The voter's physician completes a Certificate of
15 Attending Physician in a form substantially as follows:

16 CERTIFICATE OF ATTENDING PHYSICIAN

17 I state that I am a physician, duly licensed to practice in
18 the State of; that is a patient in
19 (name of hospital/home/center), located at
20 (address of hospital/home/center),
21 (county, city/village); that such individual
22 was admitted for (nature of illness or physical
23 injury), on (date of admission); and that I have
24 examined such individual in the State in which I am licensed to
25 practice medicine and do not expect such individual to be
26 released from the hospital/home/center on or before the day of
27 election.

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

32 (Signature)

33 (Date licensed)

34 (3) Any person who is registered to vote in the same
35 precinct as the admitted voter or any legal relative of the
36 admitted voter may present such voter's absentee ballot

1 application, completed as prescribed in paragraph 1,
2 accompanied by the physician's certificate, completed as
3 prescribed in paragraph 2, to the election authority. Such
4 precinct voter or relative shall execute and sign an affidavit
5 furnished by the election authority attesting that he is a
6 registered voter in the same precinct as the admitted voter or
7 that he is a legal relative of the admitted voter and stating
8 the nature of the relationship. Such precinct voter or relative
9 shall further attest that he has been authorized by the
10 admitted voter to obtain his absentee ballot from the election
11 authority and deliver such ballot to him in the hospital, home,
12 or center.

13 Upon receipt of the admitted voter's application,
14 physician's certificate, and the affidavit of the precinct
15 voter or the relative, the election authority shall examine the
16 registration records to determine if the applicant is qualified
17 to vote and, if found to be qualified, shall provide the
18 precinct voter or the relative the absentee ballot for delivery
19 to the applicant in the hospital, home, or center.

20 Upon receipt of the absentee ballot, the admitted voter
21 shall mark the ballot in secret and subscribe to the
22 certifications on the absentee ballot return envelope. After
23 depositing the ballot in the return envelope and securely
24 sealing the envelope, such voter shall give the envelope to the
25 precinct voter or the relative who shall deliver it to the
26 election authority in sufficient time for the ballot to be
27 delivered by the election authority to the election authority's
28 central ballot counting location ~~proper precinct polling place~~
29 before 7 p.m. on election day.

30 Upon receipt of the admitted voter's absentee ballot, the
31 ballot shall be counted in the manner prescribed in this
32 Article Section 19-9.

33 (Source: P.A. 94-18, eff. 6-14-05.)

34 (10 ILCS 5/19-15)

35 Sec. 19-15. Precinct tabulation optical scan technology

1 voting equipment.

2 If the election authority has adopted the use of Precinct
3 Tabulation Optical Scan Technology voting equipment pursuant
4 to Article 24B of this Code, and the provisions of the Article
5 are in conflict with the provisions of this Article 19, the
6 provisions of Article 24B shall govern the procedures followed
7 by the election authority, its judges of elections, and all
8 employees and agents, provided that absentee ballots are
9 counted at the election authority's central ballot counting
10 location. In following the provisions of Article 24B, the
11 election authority is authorized to develop and implement
12 procedures to fully utilize Precinct Tabulation Optical Scan
13 Technology voting equipment, at the central ballot counting
14 location, authorized by the State Board of Elections as long as
15 the procedure is not in conflict with either Article 24B or the
16 administrative rules of the State Board of Elections.

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

18 (10 ILCS 5/19-20 new)

19 Sec. 19-20. Report on absentee ballots. This Section
20 applies to absentee ballots other than in-person absentee
21 ballots.

22 On or before the 21st day after an election, each election
23 authority shall transmit to the State Board of Elections the
24 following information with respect to that election:

25 (1) The number, by precinct, of absentee ballots
26 requested, provided, and counted.

27 (2) The number of rejected absentee ballots.

28 (3) The number of voters seeking review of rejected
29 absentee ballots pursuant to subsection (g-5) of Section
30 19-8.

31 (4) The number of absentee ballots counted following
32 review pursuant to subsection (g-5) of Section 19-8.

33 On or before the 28th day after an election, the State Board of
34 Elections shall compile the information received under this
35 Section with respect to that election and make that information

1 available to the public.

2 (10 ILCS 5/19A-21 new)

3 Sec. 19A-21. Use of local public buildings for early voting
4 polling places. Upon request by an election authority, a unit
5 of local government (as defined in Section 1 of Article VII of
6 the Illinois Constitution, which does not include school
7 districts) shall make the unit's public buildings within the
8 election authority's jurisdiction available as permanent or
9 temporary early voting polling places without charge.
10 Availability of a building shall include reasonably necessary
11 time before and after the period early voting is conducted at
12 that building.

13 A unit of local government making its public building
14 available as a permanent or temporary early voting polling
15 place shall ensure that any portion of the building made
16 available is accessible to handicapped and elderly voters.

17 (10 ILCS 5/19A-25.5)

18 Sec. 19A-25.5. Voting machines, automatic tabulating
19 equipment, and precinct tabulation optical scan technology
20 voting equipment.

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

31 (b) If the election authority has adopted the use of
32 automatic tabulating equipment under Article 24A of this Code,
33 and the provisions of that Article are in conflict with the
34 provisions of this Article 19A, the provisions of Article 24A

1 shall govern the procedures followed by the election authority,
2 its judges of election, and all employees and agents; provided
3 that early ballots shall be counted at the election authority's
4 central ballot counting location and shall not be counted until
5 after the polls are closed on election day.

6 (c) If the election authority has adopted the use of
7 ~~precinct~~ tabulation optical scan technology voting equipment
8 under Article 24B of this Code, and the provisions of that
9 Article are in conflict with the provisions of this Article
10 19A, the provisions of Article 24B shall govern the procedures
11 followed by the election authority, its judges of election, and
12 all employees and agents; provided that early ballots shall be
13 counted at the election authority's central ballot counting
14 location and shall not be counted until after the polls are
15 closed on election day.

16 (d) If the election authority has adopted the use of Direct
17 Recording Electronic Voting Systems under Article 24C of this
18 Code, and the provisions of that Article are in conflict with
19 the provisions of this Article 19A, the provisions of Article
20 24C shall govern the procedures followed by the election
21 authority, its judges of election, and all employees and
22 agents; provided that early ballots shall be counted at the
23 election authority's central ballot counting location and
24 shall not be counted until after the polls are closed on
25 election day.

26 (Source: P.A. 94-645, eff. 8-22-05.)

27 (10 ILCS 5/19A-35)

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

29 (a) Not more than 23 days before the start of the election
30 ~~early voting~~, the county clerk shall make available to the
31 election official ~~authority~~ conducting early voting by
32 personal appearance a sufficient number of early ballots,
33 envelopes, and printed voting instruction slips for the use of
34 early voters. The election official ~~authority~~ shall receipt for
35 all ballots received and shall return unused or spoiled ballots

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

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

26 (b-5) A person requesting an early voting ballot to whom an
27 absentee ballot was issued may vote early if the person submits
28 that absentee ballot to the judges of election or official
29 conducting early voting for cancellation. If the voter is
30 unable to submit the absentee ballot, it shall be sufficient
31 for the voter to submit to the judges or official (i) a portion
32 of the absentee ballot if the absentee ballot was torn or
33 mutilated or (ii) an affidavit executed before the judges or
34 official specifying that (A) the voter never received an
35 absentee ballot or (B) the voter completed and returned an
36 absentee ballot and was informed that the election authority

1 did not receive that absentee ballot.

2 (b-10) Within one day after a voter casts an early voting
3 ballot, the election authority shall transmit the voter's name,
4 street address, and precinct, ward, township, and district
5 numbers, as the case may be, to the State Board of Elections,
6 which shall maintain those names and that information in an
7 electronic format on its website, arranged by county and
8 accessible to State and local political committees.

9 (b-15) This subsection applies to early voting polling
10 places using optical scan technology voting equipment subject
11 to Article 24B. Immediately after voting an early ballot, the
12 voter shall be instructed whether the voting equipment accepted
13 or rejected the ballot. A voter whose early voting ballot is
14 not accepted by the voting equipment may, upon surrendering the
15 ballot, request and vote another early voting ballot. The
16 voter's ballot that was not accepted shall be initialed by the
17 election judge or official conducting the early voting and
18 handled as provided in Article 24B.

19 (c) The sealed early ballots in their carrier envelope
20 shall be delivered by the election authority to the central
21 ballot counting location ~~proper polling place~~ before the close
22 of the polls on the day of the election.

23 (Source: P.A. 94-645, eff. 8-22-05.)

24 (10 ILCS 5/19A-50)

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

1 shall be added to the vote totals for the precincts for which
2 they were cast in the order in which the ballots were opened.

3 (Source: P.A. 94-645, eff. 8-22-05.)

4 (10 ILCS 5/19A-60)

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

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

32 ~~In the polling place on election day, pollwatchers are~~
33 ~~permitted to be present during the casting of the early ballots~~
34 ~~and the vote of an early voter may be challenged for cause the~~
35 ~~same as if the voter were present and voted on election day.~~

1 The judges of election or election authority personnel
2 conducting early voting, or a majority of either of these, have
3 the power and authority to hear and determine the legality of
4 ~~an the early voting ballot., provided that if a challenge to~~
5 ~~any early voter's right to vote is sustained, notice of the~~
6 ~~challenge must be given by the judges of election or election~~
7 ~~authority by mail addressed to the voter's place of residence.~~

8 (Source: P.A. 94-645, eff. 8-22-05.)

9 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

10 Sec. 20-2. Any member of the United States Service,
11 otherwise qualified to vote, who expects in the course of his
12 duties to be absent from the county in which he resides on the
13 day of holding any election may make application for an
14 absentee ballot to the election authority having jurisdiction
15 over his precinct of residence on the official postcard or on a
16 form furnished by the election authority as prescribed by
17 Section 20-3 of this Article not less than 10 days before the
18 election. A request pursuant to this Section shall entitle the
19 applicant to an absentee ballot for every election in one
20 calendar year. The original application for ballot shall be
21 kept in the office of the election authority for one year as
22 authorization to send a ballot to the voter for each election
23 to be held within that calendar year. A certified copy of such
24 application for ballot shall be sent each election with the
25 absentee ballot to the election authority's central ballot
26 counting location ~~polling place~~ to be used in lieu of the
27 original application for ballot. No registration shall be
28 required in order to vote pursuant to this Section.

29 Ballots under this Section shall be mailed by the election
30 authority in the manner prescribed by Section 20-5 of this
31 Article and not otherwise. Ballots voted under this Section
32 must be returned to the election authority in sufficient time
33 for delivery to the election authority's central ballot
34 counting location ~~proper precinct polling place~~ before the
35 closing of the polls on the day of the election.

1 (Source: P.A. 86-875.)

2 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

3 Sec. 20-2.1. Citizens of the United States temporarily
4 residing outside the territorial limits of the United States
5 who are not registered but otherwise qualified to vote and who
6 expect to be absent from their county of residence during the
7 periods of voter registration provided for in Articles 4, 5 or
8 6 of this Code and on the day of holding any election, may make
9 simultaneous application to the election authority having
10 jurisdiction over their precinct of residence for an absentee
11 registration and absentee ballot not less than 30 days before
12 the election. Such application may be made on the official
13 postcard or on a form furnished by the election authority as
14 prescribed by Section 20-3 of this Article. A request pursuant
15 to this Section shall entitle the applicant to an absentee
16 ballot for every election in one calendar year. The original
17 application for ballot shall be kept in the office of the
18 election authority for one year as authorization to send a
19 ballot to the voter for each election to be held within that
20 calendar year. A certified copy of such application for ballot
21 shall be sent each election with the absentee ballot to the
22 election authority's central ballot counting location ~~polling~~
23 ~~place~~ to be used in lieu of the original application for
24 ballot.

25 Registration shall be required in order to vote pursuant to
26 this Section. However, if the election authority receives one
27 of such applications after 30 days but not less than 10 days
28 before a Federal election, said applicant shall be sent a
29 ballot containing the Federal offices only and registration for
30 that election shall be waived.

31 Ballots under this Section shall be mailed by the election
32 authority in the manner prescribed by Section 20-5 of this
33 Article and not otherwise.

34 Ballots under this Section must be returned to the election
35 authority in sufficient time for delivery to the election

1 authority's central ballot counting location ~~proper precinct~~
2 ~~polling place~~ before the closing of the polls on the day of the
3 election.

4 (Source: P.A. 86-875.)

5 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

6 Sec. 20-2.2. Any non-resident civilian citizen, otherwise
7 qualified to vote, may make application to the election
8 authority having jurisdiction over his precinct of former
9 residence for an absentee ballot containing the Federal offices
10 only not less than 10 days before a Federal election. Such
11 application may be made only on the official postcard. A
12 request pursuant to this Section shall entitle the applicant to
13 an absentee ballot for every election in one calendar year at
14 which Federal offices are filled. The original application for
15 ballot shall be kept in the office of the election authority
16 for one year as authorization to send a ballot to the voter for
17 each election to be held within that calendar year at which
18 Federal offices are filled. A certified copy of such
19 application for ballot shall be sent each election with the
20 absentee ballot to the election authority's central ballot
21 counting location ~~polling place~~ to be used in lieu of the
22 original application for ballot. No registration shall be
23 required in order to vote pursuant to this Section. Ballots
24 under this Section shall be mailed by the election authority in
25 the manner prescribed by Section 20-5 of this Article and not
26 otherwise. Ballots under this Section must be returned to the
27 election authority in sufficient time for delivery to the
28 election authority's central ballot counting location ~~proper~~
29 ~~precinct polling place~~ before the closing of the polls on the
30 day of the election.

31 (Source: P.A. 86-875.)

32 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

33 Sec. 20-2.3. Members of the Armed Forces. Any member of the
34 United States Armed Forces while on active duty, otherwise

1 qualified to vote, who expects in the course of his or her
2 duties to be absent from the county in which he or she resides
3 on the day of holding any election, in addition to any other
4 method of making application for an absentee ballot under this
5 Article, may make application for an absentee ballot to the
6 election authority having jurisdiction over his or her precinct
7 of residence by a facsimile machine or electronic transmission
8 not less than 10 days before the election.

9 Ballots under this Section shall be mailed by the election
10 authority in the manner prescribed by Section 20-5 of this
11 Article and not otherwise. Ballots voted under this Section
12 must be returned to the election authority before the closing
13 of the polls on the day of election and must be counted at the
14 election authority's central ballot counting location.

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

16 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

17 Sec. 20-4. Immediately upon the receipt of the official
18 postcard or an application as provided in Section 20-3 within
19 the times heretofore prescribed, the election authority shall
20 ascertain whether or not such applicant is legally entitled to
21 vote as requested, including verification of the applicant's
22 signature by comparison with the signature on the official
23 registration record card, if any. If the election authority
24 ascertains that the applicant is lawfully entitled to vote, it
25 shall enter the name, street address, ward and precinct number
26 of such applicant on a list to be posted in his or its office in
27 a place accessible to the public. Within one ~~business~~ day after
28 posting the name and other information of an applicant for a
29 ballot, the election authority shall transmit that name and
30 posted information to the State Board of Elections, which shall
31 maintain the names and other information in an electronic
32 format on its website, arranged by county and accessible to
33 State and local political committees. As soon as the official
34 ballot is prepared the election authority shall immediately
35 deliver the same to the applicant in person or by mail, in the

1 manner prescribed in Section 20-5.

2 If any such election authority receives a second or
3 additional application which it believes is from the same
4 person, he or it shall submit it to the chief judge of the
5 circuit court or any judge of that court designated by the
6 chief judge. If the chief judge or his designate determines
7 that the application submitted to him is a second or additional
8 one, he shall so notify the election authority who shall
9 disregard the second or additional application.

10 The election authority shall maintain a list for each
11 election of the voters to whom it has issued absentee ballots.
12 The list shall be maintained for each precinct within the
13 jurisdiction of the election authority. Prior to the opening of
14 the polls on election day, the election authority shall deliver
15 to the judges of election in each precinct the list of
16 registered voters in that precinct to whom absentee ballots
17 have been issued.

18 (Source: P.A. 94-645, eff. 8-22-05.)

19 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

20 Sec. 20-8. Time and place of counting ballots.

21 (a) (Blank.) ~~Each absent voter's ballot returned to an~~
22 ~~election authority, by any means authorized by this Article,~~
23 ~~and received by that election authority in time to be delivered~~
24 ~~to the polling place of the precinct where the absent voter is~~
25 ~~a qualified elector and to be counted by the judges of election~~
26 ~~of that polling place shall be handled in accordance with this~~
27 ~~subsection. If the ballot is received by the election authority~~
28 ~~prior to the delivery of the official ballots to the judges of~~
29 ~~election of the precinct where the absent voter is a qualified~~
30 ~~elector, then the absent voter's ballot envelope and~~
31 ~~application, sealed in the carrier envelope, shall be enclosed~~
32 ~~in the same package with the official ballots and delivered to~~
33 ~~the judges of that precinct. If the official ballots for the~~
34 ~~precinct have already been delivered to the judges of election~~
35 ~~when the election authority receives the absent voter's ballot,~~

1 ~~then the election authority shall immediately enclose the~~
2 ~~envelope containing the absent voter's ballot, together with~~
3 ~~the voter's application, in a larger or carrier envelope which~~
4 ~~shall be securely sealed and addressed on the face to the~~
5 ~~judges of election, giving the name or number of precinct,~~
6 ~~street and number of polling place, city or town in which the~~
7 ~~absent voter is a qualified elector, and the words, "This~~
8 ~~envelope contains an absent voter's ballot and must be opened~~
9 ~~only on election day at the polls immediately after the polls~~
10 ~~are closed". The election authority shall mail the ballot,~~
11 ~~postage prepaid, to the judges of election, or if more~~
12 ~~convenient then the election authority may deliver the absent~~
13 ~~voter's ballot to the judges of election in person or by duly~~
14 ~~deputized agent and secure a receipt for delivery of the ballot~~
15 ~~or ballots. An absent voter's ballot delivered in error to the~~
16 ~~wrong precinct polling place shall be returned to the election~~
17 ~~authority and counted as provided in subsection (b).~~

18 (b) Each absent voter's ballot returned to an election
19 authority, by any means authorized by this Article, and
20 received by that election authority before the closing of the
21 polls on election day ~~but too late to be delivered to and~~
22 ~~counted at the proper precinct polling place~~ shall be endorsed
23 by the receiving election authority with the day and hour of
24 receipt and shall be counted in the central ballot counting
25 location ~~office~~ of the election authority on the day of the
26 election after 7:00 p.m., except as provided in subsections (g)
27 and (g-5).

28 (c) Each absent voter's ballot that is mailed to an
29 election authority and postmarked by the midnight preceding the
30 opening of the polls on election day, but that is received by
31 the election authority after the polls close on election day
32 and before the close of the period for counting provisional
33 ballots cast at that election, shall be endorsed by the
34 receiving authority with the day and hour of receipt and shall
35 be counted at the central ballot counting location ~~office~~ of
36 the election authority during the period for counting

1 provisional ballots.

2 (d) Special write-in absentee voter's blank ballots
3 returned to an election authority, by any means authorized by
4 this Article, and received by the election authority at any
5 time before the closing of the polls on election day shall be
6 endorsed by the receiving election authority with the day and
7 hour of receipt and shall be counted at the central ballot
8 counting location ~~office~~ of the election authority during the
9 same period provided for counting absent voters' ballots under
10 subsections ~~subsection~~ (b), (g), and (g-5). Special write-in
11 absentee voter's blank ballot that are mailed to an election
12 authority and postmarked by midnight preceding the opening of
13 the polls on election day, but that are received by the
14 election authority after the polls close on election day and
15 before the closing of the period for counting provisional
16 ballots cast at that election, shall be endorsed by the
17 receiving authority with the day and hour of receipt and shall
18 be counted at the central ballot counting location ~~office~~ of
19 the election authority during the same periods provided for
20 counting absent voters' ballots under subsection (c).

21 (e) Except as otherwise provided in this Section, absent
22 voters' ballots and special write-in absentee voter's blank
23 ballots received by the election authority after the closing of
24 the polls on the day of election shall be endorsed by the
25 person receiving the ballots with the day and hour of receipt
26 and shall be safely kept unopened by the election authority for
27 the period of time required for the preservation of ballots
28 used at the election, and shall then, without being opened, be
29 destroyed in like manner as the used ballots of that election.

30 (f) Counting required under this Section to begin on
31 election day after the closing of the polls shall commence no
32 later than 8:00 p.m. and shall be conducted by a panel or
33 panels of election judges appointed in the manner provided by
34 law. The counting shall continue until all absent voters'
35 ballots and special write-in absentee voter's blank ballots
36 required to be counted on election day have been counted.

1 (g) The procedures set forth in ~~Section 19-9 of this Act~~
2 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots
3 counted under this Section, ~~except that votes shall be recorded~~
4 ~~without regard to precinct designation.~~ In addition, within 2
5 days after a ballot subject to this Article is received, but in
6 all cases before the close of the period for counting
7 provisional ballots, the election judge or official shall
8 compare the voter's signature on the certification envelope of
9 that ballot with the signature of the voter on file in the
10 office of the election authority. If the election judge or
11 official determines that the 2 signatures match, and that the
12 voter is otherwise qualified to cast a ballot under this
13 Article, the election authority shall cast and count the ballot
14 on election day or the day the ballot is determined to be
15 valid, whichever is later, adding the results to the precinct
16 in which the voter is registered. If the election judge or
17 official determines that the signatures do not match, or that
18 the voter is not qualified to cast a ballot under this Article,
19 then without opening the certification envelope, the judge or
20 official shall mark across the face of the certification
21 envelope the word "Rejected" and shall not cast or count the
22 ballot.

23 In addition to the voter's signatures not matching, a
24 ballot subject to this Article may be rejected by the election
25 judge or official:

26 (1) if the ballot envelope is open or has been opened
27 and resealed;

28 (2) if the voter has already cast an early or grace
29 period ballot;

30 (3) if the voter voted in person on election day or the
31 voter is not a duly registered voter in the precinct; or

32 (4) on any other basis set forth in this Code.

33 If the election judge or official determines that any of
34 these reasons apply, the judge or official shall mark across
35 the face of the certification envelope the word "Rejected" and
36 shall not cast or count the ballot.

1 (g-5) If a ballot subject to this Article is rejected by
2 the election judge or official for any reason, the election
3 authority shall, within 2 days after the rejection but in all
4 cases before the close of the period for counting provisional
5 ballots, notify the voter that his or her ballot was rejected.
6 The notice shall inform the voter of the reason or reasons the
7 ballot was rejected and shall state that the voter may appear
8 before the election authority, on or before the 14th day after
9 the election, to show cause as to why the ballot should not be
10 rejected. The voter may present evidence to the election
11 authority supporting his or her contention that the ballot
12 should be counted. The election authority shall appoint a panel
13 of 3 election judges to review the contested ballot,
14 application, and certification envelope, as well as any
15 evidence submitted by the absentee voter. No more than 2
16 election judges on the reviewing panel shall be of the same
17 political party. The reviewing panel of election judges shall
18 make a final determination as to the validity of the contested
19 ballot. The judges' determination shall not be reviewable
20 either administratively or judicially.

21 A ballot subject to this subsection that is determined to
22 be valid shall be counted before the close of the period for
23 counting provisional ballots.

24 (g-10) All ballots determined to be valid shall be added to
25 the vote totals for the precincts for which they were cast in
26 the order in which the ballots were opened.

27 (h) ~~Each~~ ~~Where ballots are counted in the office of the~~
28 ~~election authority as provided in this Section, each~~ political
29 party, candidate, and qualified civic organization shall be
30 entitled to have present one pollwatcher for each panel of
31 election judges therein assigned.

32 (Source: P.A. 94-557, eff. 8-12-05.)

33 (10 ILCS 5/20-15)

34 Sec. 20-15. Precinct tabulation optical scan technology
35 voting equipment.

1 If the election authority has adopted the use of Precinct
2 Tabulation Optical Scan Technology voting equipment pursuant
3 to Article 24B of this Code, and the provisions of the Article
4 are in conflict with the provisions of this Article 20, the
5 provisions of Article 24B shall govern the procedures followed
6 by the election authority, its judges of elections, and all
7 employees and agents, provided that ballots under this Article
8 must be counted at the election authority's central ballot
9 counting location. In following the provisions of Article 24B,
10 the election authority is authorized to develop and implement
11 procedures to fully utilize Precinct Tabulation Optical Scan
12 Technology voting equipment, at the central ballot counting
13 location, authorized by the State Board of Elections as long as
14 the procedure is not in conflict with either Article 24B or the
15 administrative rules of the State Board of Elections.

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

17 (10 ILCS 5/20-20 new)

18 Sec. 20-20. Report on ballots. On or before the 21st day
19 after an election, each election authority shall transmit to
20 the State Board of Elections the following information with
21 respect to that election:

22 (1) The number, by precinct, of ballots subject to this
23 Article requested, provided, and counted.

24 (2) The number of rejected ballots subject to this
25 Article.

26 (3) The number of voters seeking review of rejected
27 ballots pursuant to subsection (g-5) of Section 20-8.

28 (4) The number of ballots counted following review
29 pursuant to subsection (g-5) of Section 20-8.

30 On or before the 28th day after an election, the State
31 Board of Elections shall compile the information received under
32 this Section with respect to that election and make that
33 information available to the public.

34 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

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

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

1 parties making the sale shall guarantee in writing to keep the
2 machine or machines in good working order for 5 years without
3 additional cost and shall give a sufficient bond conditioned to
4 that effect.

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

6 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

7 Sec. 24A-9. Prior to the public test, the election
8 authority shall conduct an errorless pre-test of the automatic
9 tabulating equipment and program to ascertain that they will
10 correctly count the votes cast for all offices and all
11 measures. On any day not less than 5 days prior to the election
12 day, the election authority shall publicly test the automatic
13 tabulating equipment and program to ascertain that they will
14 correctly count the votes cast for all offices and on all
15 measures. Public notice of the time and place of the test shall
16 be given at least 48 hours prior thereto by publication once in
17 one or more newspapers published within the election
18 jurisdiction of the election authority if a newspaper is
19 published therein, otherwise in a newspaper of general
20 circulation therein. Timely written notice stating the date,
21 time and location of the public test shall also be provided to
22 the State Board of Elections. The test shall be open to
23 representatives of the political parties, the press,
24 representatives of the State Board of Elections, and the
25 public. The test shall be conducted by processing a preaudited
26 group of ballots so punched or marked as to record a
27 predetermined number of valid votes for each candidate and on
28 each measure, and shall include for each office one or more
29 ballots which have votes in excess of the number allowed by law
30 in order to test the ability of the automatic tabulating
31 equipment to reject such votes. Such test shall also include
32 the use of precinct header cards and may include the production
33 of an edit listing. In those election jurisdictions where
34 in-precinct counting equipment is utilized, a public test of
35 both such equipment and program shall be conducted as nearly as

1 possible in the manner prescribed above. The State Board of
2 Elections may select as many election jurisdictions as the
3 Board deems advisable in the interests of the election process
4 of this State in which to order a special test of the automatic
5 tabulating equipment and program prior to any regular election.
6 The Board may order a special test in any election jurisdiction
7 where, during the preceding twelve months, computer
8 programming errors or other errors in the use of electronic
9 voting systems resulted in vote tabulation errors. Not less
10 than 30 days prior to any election, the State Board of
11 Elections shall provide written notice to those selected
12 jurisdictions of their intent to conduct a test. Within 5 days
13 of receipt of the State Board of Elections' written notice of
14 intent to conduct a test, the selected jurisdictions shall
15 forward to the principal office of the State Board of Elections
16 a copy of all specimen ballots. The State Board of Elections'
17 tests shall be conducted and completed not less than 2 days
18 prior to the public test ~~utilizing testing materials supplied~~
19 ~~by the Board~~ and under the supervision of the Board. The
20 vendor, person, or other private entity shall be solely
21 responsible for the production and cost of: all ballots;
22 additional temporary workers; and other equipment or
23 facilities needed and used in the testing of the vendor's,
24 person's, or other private entity's respective equipment and
25 software. ~~, and the Board shall reimburse the election authority~~
26 ~~for the reasonable cost of computer time required to conduct~~
27 ~~the special test.~~ After an errorless test, materials used in
28 the public test, including the program, if appropriate, shall
29 be sealed and remain so until the test is run again on election
30 day. If any error is detected, the cause therefor shall be
31 ascertained and corrected and an errorless public test shall be
32 made before the automatic tabulating equipment is approved.
33 Each election authority shall file a sealed copy of each tested
34 program to be used within its jurisdiction at an election with
35 the State Board of Elections prior to the election. The Board
36 shall secure the program or programs of each election

1 jurisdiction so filed in its office until the next election of
2 the same type (general primary, general election, consolidated
3 primary, or consolidated election) for which the program or
4 programs were filed ~~for the 60 days following the canvass and~~
5 ~~proclamation of election results~~. Upon the expiration of that
6 time, if no election contest or appeal therefrom is pending in
7 an election jurisdiction, the Board shall destroy ~~return~~ the
8 sealed program or programs ~~to the election authority of the~~
9 ~~jurisdiction~~. Except where in-precinct counting equipment is
10 utilized, the test shall be repeated immediately before the
11 start of the official count of the ballots, in the same manner
12 as set forth above. After the completion of the count, the test
13 shall be re-run using the same program. An election
14 jurisdiction that was employing, as of January 1, 1983, an
15 electronic voting system that, because of its design, is not
16 technically capable of compliance with such a post-tabulation
17 testing requirement shall satisfy the post-tabulation testing
18 requirement by conducting the post-tabulation test on a
19 duplicate program until such electronic voting system is
20 replaced or until November 1, 1992, whichever is earlier.
21 Immediately thereafter the ballots, all material employed in
22 testing the program and the program shall be sealed and
23 retained under the custody of the election authority for a
24 period of 60 days. At the expiration of that time the election
25 authority shall destroy the voted ballot cards, together with
26 all unused ballots returned from the precincts. Provided, if
27 any contest of election is pending at such time in which such
28 ballots may be required as evidence and such election authority
29 has notice thereof, the same shall not be destroyed until after
30 such contest is finally determined. If the use of back-up
31 equipment becomes necessary, the same testing required for the
32 original equipment shall be conducted.

33 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

34 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

35 Sec. 24A-10. (1) In an election jurisdiction which has

1 adopted an electronic voting system, the election official in
2 charge of the election shall select one of the 3 following
3 procedures for receiving, counting, tallying, and return of the
4 ballots:

5 (a) Two ballot boxes shall be provided for each polling
6 place. The first ballot box is for the depositing of votes cast
7 on the electronic voting system; and the second ballot box is
8 for all votes cast on paper ballots, including ~~absentee paper~~
9 ~~and early paper ballots and any other~~ paper ballots required to
10 be voted other than on the electronic voting system. Ballots,
11 ~~except absentee and early ballots for candidates and~~
12 ~~propositions which are listed on the electronic voting system,~~
13 deposited in the second ballot box shall be counted, tallied,
14 and returned as is elsewhere provided in "The Election Code,"
15 as amended, for the counting and handling of paper ballots.
16 Immediately after the closing of the polls ~~the absentee and~~
17 ~~early ballots delivered to the precinct judges of election by~~
18 ~~the election official in charge of the election shall be~~
19 ~~examined to determine that such ballots comply with Sections~~
20 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~
21 ~~are entitled to be deposited in the ballot box provided~~
22 ~~therefor; those entitled to be deposited in this ballot box~~
23 ~~shall be initialed by the precinct judges of election and~~
24 ~~deposited therein. Those not entitled to be deposited in this~~
25 ~~ballot box shall be marked "Rejected" and disposed of as~~
26 ~~provided in Sections 19-9, 19A-55, and 20-9. The precinct~~
27 ~~judges of election shall then open the second ballot box and~~
28 ~~examine all paper absentee and early ballots which are in the~~
29 ~~ballot box to determine whether the absentee and early ballots~~
30 ~~bear the initials of a precinct judge of election. If any~~
31 ~~absentee or early ballot is not so initialed, it shall be~~
32 ~~marked on the back "Defective," initialed as to such label by~~
33 ~~all judges immediately under such word "Defective," and not~~
34 ~~counted, but placed in the envelope provided for that purpose~~
35 ~~labeled "Defective Ballots Envelope." The judges of election,~~
36 ~~consisting in each case of at least one judge of election of~~

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

1 ~~paper absentee and early ballots shall be placed in an envelope~~
2 ~~provided for that purpose labeled "Duplicate Ballots."~~

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

20 Before the ballots of a precinct are fed to the electronic
21 tabulating equipment, the first ballot box shall be opened at
22 the central counting station by the two precinct transport
23 judges. Upon opening a ballot box, such team shall first count
24 the number of ballots in the box. If 2 or more are folded
25 together so as to appear to have been cast by the same person,
26 all of the ballots so folded together shall be marked and
27 returned with the other ballots in the same condition, as near
28 as may be, in which they were found when first opened, but
29 shall not be counted. If the remaining ballots are found to
30 exceed the number of persons voting in the precinct as shown by
31 the slip signed by the judges of election, the ballots shall be
32 replaced in the box, and the box closed and well shaken and
33 again opened and one of the precinct transport judges shall
34 publicly draw out so many ballots unopened as are equal to such
35 excess.

36 Such excess ballots shall be marked "Excess-Not Counted"

1 and signed by the two precinct transport judges and shall be
2 placed in the "After 7:00 p.m. Defective Ballots Envelope". The
3 number of excess ballots shall be noted in the remarks section
4 of the Certificate of Results. "Excess" ballots shall not be
5 counted in the total of "defective" ballots.

6 The precinct transport judges shall then examine the
7 remaining ballots for write-in votes and shall count and
8 tabulate the write-in vote; or

9 (b) A single ballot box, for the deposit of all votes cast,
10 shall be used. All ballots which are not to be tabulated on the
11 electronic voting system shall be counted, tallied, and
12 returned as elsewhere provided in "The Election Code," as
13 amended, for the counting and handling of paper ballots.

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

16 Immediately after the closing of the polls, ~~the absentee~~
17 ~~and early ballots delivered to the precinct judges of election~~
18 ~~by the election official in charge of the election shall be~~
19 ~~examined to determine that such ballots comply with Sections~~
20 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~
21 ~~are entitled to be deposited in the ballot box; those entitled~~
22 ~~to be deposited in the ballot box shall be initialed by the~~
23 ~~precinct judges of election and deposited in the ballot box.~~
24 ~~Those not entitled to be deposited in the ballot box shall be~~
25 ~~marked "Rejected" and disposed of as provided in said Sections~~
26 ~~19-9, 19A-55, and 20-9.~~ The precinct judges of election then
27 shall open the ballot box and canvass the votes polled to
28 determine that the number of ballots therein agree with the
29 number of voters voting as shown by the applications for ballot
30 or if the same do not agree the judges of election shall make
31 such ballots agree with the applications for ballot in the
32 manner provided by Section 17-18 of "The Election Code." The
33 judges of election shall then examine all ~~paper absentee and~~
34 ~~early ballots,~~ ballot cards and ballot card envelopes which are
35 in the ballot box to determine whether the ~~paper ballots,~~
36 ballot cards and ballot card envelopes bear the initials of a

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

1 ~~the judges of election, commencing with number 1 and continuing~~
2 ~~consecutively for the ballots of that kind in that precinct.~~
3 ~~The judges of election shall initial the "Duplicate Absentee~~
4 ~~Ballot" and "Duplicate Early Ballot" ballots or ballot cards,~~
5 ~~and shall place them in the box for return of the ballots with~~
6 ~~all other ballots or ballot cards to be counted at the central~~
7 ~~counting location in lieu of the paper absentee and early~~
8 ~~ballots. The paper absentee and early ballots shall be placed~~
9 ~~in an envelope provided for that purpose labeled "Duplicate~~
10 ~~Ballots."~~

11 When an electronic voting system is used which utilizes a
12 ballot card, before separating the ~~remaining~~ ballot cards from
13 their respective covering envelopes, the judges of election
14 shall examine the ballot card envelopes for write-in votes.
15 When the voter has voted a write-in vote, the judges of
16 election shall compare the write-in vote with the votes on the
17 ballot card to determine whether such write-in results in an
18 overvote for any office. In case of an overvote for any office,
19 the judges of election, consisting in each case of at least one
20 judge of election of each of the two major political parties,
21 shall make a true duplicate ballot of all votes on such ballot
22 card except for the office which is overvoted, by using the
23 ballot label booklet of the precinct and one of the marking
24 devices of the precinct so as to transfer all votes of the
25 voter except for the office overvoted, to an official ballot
26 card of that kind used in the precinct at that election. The
27 original ballot card and envelope upon which there is an
28 overvote shall be clearly labeled "Overvoted Ballot", and each
29 shall bear the same serial number which shall be placed thereon
30 by the judges of election, commencing with number 1 and
31 continuing consecutively for the ballots of that kind in that
32 precinct. The judges of election shall initial the "Duplicate
33 Overvoted Ballot" ballot cards and shall place them in the box
34 for return of the ballots. The "Overvoted Ballot" ballots and
35 their envelopes shall be placed in the "Duplicate Ballots"
36 envelope. Envelopes bearing write-in votes marked in the place

1 designated therefor and bearing the initials of a precinct
2 judge of election and not resulting in an overvote and
3 otherwise complying with the election laws as to marking shall
4 be counted, tallied, and their votes recorded on a tally sheet
5 provided by the election official in charge of the election.
6 The ballot cards and ballot card envelopes shall be separated
7 and all except any defective or overvoted shall be placed
8 separately in the box for return of the ballots, ~~along with~~
9 ~~all "Duplicate Absentee Ballots", "Duplicate Early Ballots",~~
10 ~~and "Duplicate Overvoted Ballots."~~ The judges of election shall
11 examine the ballots and ballot cards to determine if any is
12 damaged or defective so that it cannot be counted by the
13 automatic tabulating equipment. If any ballot or ballot card is
14 damaged or defective so that it cannot properly be counted by
15 the automatic tabulating equipment, the judges of election,
16 consisting in each case of at least one judge of election of
17 each of the two major political parties, shall make a true
18 duplicate ballot of all votes on such ballot card by using the
19 ballot label booklet of the precinct and one of the marking
20 devices of the precinct. The original ballot or ballot card and
21 envelope shall be clearly labeled "Damaged Ballot" and the
22 ballot or ballot card so produced "Duplicate Damaged Ballot,"
23 and each shall bear the same number which shall be placed
24 thereon by the judges of election, commencing with number 1 and
25 continuing consecutively for the ballots of that kind in the
26 precinct. The judges of election shall initial the "Duplicate
27 Damaged Ballot" ballot or ballot cards, and shall place them in
28 the box for return of the ballots. The "Damaged Ballot" ballots
29 or ballot cards and their envelopes shall be placed in the
30 "Duplicated Ballots" envelope. A slip indicating the number of
31 voters voting in person, ~~number of absentee votes deposited in~~
32 ~~the ballot box, and the total number of voters of the precinct~~
33 ~~who voted at the election~~ shall be made out, signed by all
34 judges of election, and inserted in the box for return of the
35 ballots. The tally sheets recording the write-in votes shall be
36 placed in this box. The judges of election thereupon

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

1 official in charge of elections from recommendations by the
2 appropriate political party organizations.

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

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

19 (c) A single ballot box, for the deposit of all votes cast,
20 shall be used. Immediately after the closing of the polls ~~the~~
21 ~~judges of election shall examine the absentee and early ballots~~
22 ~~received by the precinct judges of election from the election~~
23 ~~authority of voters in that precinct to determine that they~~
24 ~~comply with the provisions of Sections 19-9, 19A-55, 20-8, and~~
25 ~~20-9 of the Election Code, as amended, and are entitled to be~~
26 ~~deposited in the ballot box; those entitled to be deposited in~~
27 ~~the ballot box shall be initialed by the precinct judges and~~
28 ~~deposited in the ballot box. Those not entitled to be deposited~~
29 ~~in the ballot box, in accordance with Sections 19-9, 19A-55,~~
30 ~~20-8, and 20-9 of the Election Code, as amended, shall be~~
31 ~~marked "Rejected" and preserved in the manner provided in The~~
32 ~~Election Code for the retention and preservation of official~~
33 ~~ballots rejected at such election. Immediately upon the~~
34 ~~completion of the absentee and early balloting, the precinct~~
35 judges of election shall securely lock the ballot box; provided
36 that if such box is not of a type which may be securely locked,

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

36 At the central counting location there shall be one or more

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

1 At the central counting location, a team of tally judges
2 designated by the election official in charge of the election
3 shall deliver the ballot sheets to the technicians operating
4 the automatic tabulating equipment. Any discrepancies between
5 the number of ballots and total number of voters shall be noted
6 on a sheet furnished for that purpose and signed by the tally
7 judges.

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

27 (Source: P.A. 94-645, eff. 8-22-05.)

28 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

32 Immediately after the closing of the polls, the ~~absentee~~
33 ~~and early ballots delivered to the precinct judges of election~~
34 ~~by the election authority shall be examined to determine that~~
35 ~~such ballots comply with Sections 19-9 and 20-9 of this Act and~~

1 ~~are entitled to be deposited in the ballot box; those entitled~~
2 ~~to be deposited in the ballot box shall be initialed by the~~
3 ~~precinct judges of election and deposited in the ballot box.~~
4 ~~Those not entitled to be deposited in the ballot box shall be~~
5 ~~marked "Rejected" and disposed of as provided in said Sections~~
6 ~~19-9, 19A-55, and 20-9.~~

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

30 When an electronic voting system is used which utilizes a
31 ballot card, before separating the remaining ballot cards from
32 their respective covering envelopes, the judges of election
33 shall examine the ballot card envelopes for write-in votes.
34 When the voter has cast a write-in vote, the judges of election
35 shall compare the write-in vote with the votes on the ballot
36 card to determine whether such write-in results in an overvote

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

26 The ballot cards and ballot card envelopes shall be
27 separated in preparation for counting by the automatic
28 tabulating equipment provided for that purpose by the election
29 authority.

30 Before the ballots are entered into the automatic
31 tabulating equipment, a precinct identification card provided
32 by the election authority shall be entered into the device to
33 ensure that the totals are all zeroes in the count column on
34 the printing unit. A precinct judge of election shall then
35 count the ballots by entering each ballot card into the
36 automatic tabulating equipment, and if any ballot or ballot

1 card is damaged or defective so that it cannot properly be
2 counted by the automatic tabulating equipment, the judges of
3 election, consisting in each case of at least one judge of
4 election of each of the 2 major political parties, shall make a
5 true duplicate ballot of all votes on such ballot card by using
6 the ballot label booklet of the precinct and one of the marking
7 devices of the precinct. The original ballot or ballot card and
8 envelope shall be clearly labeled "Damaged Ballot" and the
9 ballot or ballot card so produced shall be clearly labeled
10 "Duplicate Damaged Ballot", and each shall contain the same
11 serial number which shall be placed thereon by the judges of
12 election, commencing with number 1 and continuing
13 consecutively for the ballots of that kind in the precinct. The
14 judges of election shall initial the "Duplicate Damaged Ballot"
15 ballot or ballot cards and shall enter the duplicate damaged
16 cards into the automatic tabulating equipment. The "Damaged
17 Ballot" cards shall be placed in the "Duplicated Ballots"
18 envelope; after all ballot cards have been successfully read,
19 the judges of election shall check to make certain that the
20 last number printed by the printing unit is the same as the
21 number of voters making application for ballot in that
22 precinct. The number shall be listed on the "Statement of
23 Ballots" form provided by the election authority.

24 The totals for all candidates and propositions shall be
25 tabulated; 4 sets shall be attached to the 4 sets of
26 "Certificate of Results" provided by the election authority;
27 one set shall be posted in a conspicuous place inside the
28 polling place; and every effort shall be made by the judges of
29 election to provide a set for each authorized pollwatcher or
30 other official authorized to be present in the polling place to
31 observe the counting of ballots; but in no case shall the
32 number of sets to be made available to pollwatchers be fewer
33 than 4, chosen by lot by the judges of election. In addition,
34 sufficient time shall be provided by the judges of election to
35 the pollwatchers to allow them to copy information from the set
36 which has been posted.

1 The judges of election shall count all unused ballot cards
2 and enter the number on the "Statement of Ballots". All
3 "Spoiled", "Defective" and "Duplicated" ballot cards shall be
4 counted and the number entered on the "Statement of Ballots".

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

32 (Source: P.A. 94-645, eff. 8-22-05.)

33 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

34 Sec. 24A-15. The precinct return printed by the automatic
35 tabulating equipment shall include the number of ballots cast

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

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

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

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

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

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

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

7 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

10 No voting system shall be approved unless it fulfills the
11 following requirements:

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

13 (2) (Blank);

14 (3) It enables a voter to vote a ticket selected in part
15 from the nominees of one party, and in part from the nominees
16 of any or all parties, and in part from independent candidates
17 and in part of candidates whose names are written in by the
18 voter;

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

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

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

28 The State Board of Elections shall not approve any voting
29 equipment or system that includes an external Infrared Data
30 Association (IrDA) communications port.

31 The State Board of Elections is authorized to withdraw its
32 approval of a voting system if the system fails to fulfill the
33 above requirements.

34 The vendor, person, or other private entity shall be solely
35 responsible for the production and cost of: all ballots;

1 additional temporary workers; and other equipment or
2 facilities needed and used in the testing of the vendor's,
3 person's, or other private entity's respective equipment and
4 software.

5 No vendor, person, or other entity may sell, lease, or
6 loan, or have a written contract, including a contract
7 contingent upon State Board approval of the voting system or
8 voting system component, to sell, lease, or loan, a voting
9 system or voting system component to any election jurisdiction
10 unless the voting system or voting system component is first
11 approved by the State Board of Elections pursuant to this
12 Section.

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

14 (10 ILCS 5/24B-9)

15 Sec. 24B-9. Testing of Precinct Tabulation Optical Scan
16 Technology Equipment and Program; Custody of Programs, Test
17 Materials and Ballots. Prior to the public test, the election
18 authority shall conduct an errorless pre-test of the automatic
19 Precinct Tabulation Optical Scan Technology tabulating
20 equipment and program and marking device to determine that they
21 will correctly detect Voting Defects and count the votes cast
22 for all offices and all measures. On any day not less than 5
23 days prior to the election day, the election authority shall
24 publicly test the automatic Precinct Tabulation Optical Scan
25 Technology tabulating equipment and program to determine that
26 they will correctly detect Voting Defects and count the votes
27 cast for all offices and on all measures. Public notice of the
28 time and place of the test shall be given at least 48 hours
29 before the test by publishing the notice in one or more
30 newspapers within the election jurisdiction of the election
31 authority, if a newspaper is published in that jurisdiction. If
32 a newspaper is not published in that jurisdiction, notice shall
33 be published in a newspaper of general circulation in that
34 jurisdiction. Timely written notice stating the date, time, and
35 location of the public test shall also be provided to the State

1 Board of Elections. The test shall be open to representatives
2 of the political parties, the press, representatives of the
3 State Board of Elections, and the public. The test shall be
4 conducted by processing a preaudited group of ballots marked to
5 record a predetermined number of valid votes for each candidate
6 and on each measure, and shall include for each office one or
7 more ballots having votes exceeding the number allowed by law
8 to test the ability of the automatic tabulating equipment or
9 marking device to reject the votes. The test shall also include
10 producing an edit listing. In those election jurisdictions
11 where in-precinct counting equipment is used, a public test of
12 both the equipment and program shall be conducted as nearly as
13 possible in the manner prescribed above. The State Board of
14 Elections may select as many election jurisdictions as the
15 Board deems advisable in the interests of the election process
16 of this State, to order a special test of the automatic
17 tabulating equipment and program before any regular election.
18 The Board may order a special test in any election jurisdiction
19 where, during the preceding 12 months, computer programming
20 errors or other errors in the use of electronic voting systems
21 resulted in vote tabulation errors. Not less than 30 days
22 before any election, the State Board of Elections shall provide
23 written notice to those selected jurisdictions of their intent
24 to conduct a test. Within 5 days of receipt of the State Board
25 of Elections' written notice of intent to conduct a test, the
26 selected jurisdictions shall forward to the principal office of
27 the State Board of Elections a copy of all specimen ballots.
28 The State Board of Elections' tests shall be conducted and
29 completed not less than 2 days before the public test ~~utilizing~~
30 ~~testing materials supplied by the Board~~ and under the
31 supervision of the Board. The vendor, person, or other private
32 entity shall be solely responsible for the production and cost
33 of: all ballots; additional temporary workers; and other
34 equipment or facilities needed and used in the testing of the
35 vendor's, person's, or other private entity's respective
36 equipment and software. ~~and the Board shall reimburse the~~

1 ~~election authority for the reasonable cost of computer time~~
2 ~~required to conduct the special test.~~ After an errorless test,
3 materials used in the public test, including the program, if
4 appropriate, shall be sealed and remain sealed until the test
5 is run again on election day. If any error is detected, the
6 cause of the error shall be determined and corrected, and an
7 errorless public test shall be made before the automatic
8 tabulating equipment is approved. Each election authority
9 shall file a sealed copy of each tested program to be used
10 within its jurisdiction at an election with the State Board of
11 Elections before the election. The Board shall secure the
12 program or programs of each election jurisdiction so filed in
13 its office until the next election of the same type (general
14 primary, general election, consolidated primary, or
15 consolidated election) for which the program or programs were
16 filed ~~for the 60 days following the canvass and proclamation of~~
17 ~~election results.~~ At the expiration of that time, if no
18 election contest or appeal is pending in an election
19 jurisdiction, the Board shall destroy ~~return~~ the sealed program
20 or programs ~~to the election authority of the jurisdiction.~~
21 Except where in-precinct counting equipment is used, the test
22 shall be repeated immediately before the start of the official
23 counting of the ballots, in the same manner as set forth above.
24 After the completion of the count, the test shall be re-run
25 using the same program. Immediately after the re-run, all
26 material used in testing the program and the programs shall be
27 sealed and retained under the custody of the election authority
28 for a period of 60 days. At the expiration of that time the
29 election authority shall destroy the voted ballots, together
30 with all unused ballots returned from the precincts. Provided,
31 if any contest of election is pending at the time in which the
32 ballots may be required as evidence and the election authority
33 has notice of the contest, the same shall not be destroyed
34 until after the contest is finally determined. If the use of
35 back-up equipment becomes necessary, the same testing required
36 for the original equipment shall be conducted.

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

2 (10 ILCS 5/24B-10)

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

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

10 (1) Two ballot boxes shall be provided for each polling
11 place. The first ballot box is for the depositing of votes
12 cast on the electronic voting system; and the second ballot
13 box is for all votes cast on other ballots, including
14 ~~absentee paper and early paper ballots and any other paper~~
15 ballots required to be voted other than on the Precinct
16 Tabulation Optical Scan Technology electronic voting
17 system. ~~Ballots, except absentee and early ballots for~~
18 ~~candidates and propositions which are listed on the~~
19 ~~Precinct Tabulation Optical Scan Technology electronic~~
20 ~~voting system,~~ deposited in the second ballot box shall be
21 counted, tallied, and returned as is elsewhere provided in
22 this Code for the counting and handling of paper ballots.
23 Immediately after the closing of the polls, ~~the absentee~~
24 ~~and early ballots delivered to the precinct judges of~~
25 ~~election by the election official in charge of the election~~
26 ~~shall be examined to determine that the ballots comply with~~
27 ~~Sections 19-9, 19A-55, and 20-9 of this Code and are~~
28 ~~entitled to be inserted into the counting equipment and~~
29 ~~deposited into the ballot box provided; those entitled to~~
30 ~~be deposited in this ballot box shall be initialed by the~~
31 ~~precinct judges of election and deposited. Those not~~
32 ~~entitled to be deposited in this ballot box shall be marked~~
33 ~~"Rejected" and disposed of as provided in Sections 19-9,~~
34 ~~19A-55, and 20-9. The precinct judges of election shall~~
35 ~~then open the second ballot box and examine all paper~~

1 ~~absentee and early ballots which are in the ballot box to~~
2 ~~determine whether the absentee or early ballots bear the~~
3 ~~initials of a precinct judge of election. If any absentee~~
4 ~~or early ballot is not so initialed, it shall be marked on~~
5 ~~the back "Defective", initialed as to the label by all~~
6 ~~judges immediately under the word "Defective", and not~~
7 ~~counted, but placed in the envelope provided for that~~
8 ~~purpose labeled "Defective Ballots Envelope". The judges~~
9 ~~of election, consisting in each case of at least one judge~~
10 ~~of election of each of the 2 major political parties, shall~~
11 ~~examine the paper absentee and early ballots which were in~~
12 ~~such ballot box and properly initialed to determine whether~~
13 ~~the same contain write in votes. Write in votes, not~~
14 ~~causing an overvote for an office otherwise voted for on~~
15 ~~the paper absentee or early ballot, and otherwise properly~~
16 ~~voted, shall be counted, tallied and recorded on the tally~~
17 ~~sheet provided for the record. A write in vote causing an~~
18 ~~overvote for an office shall not be counted for that~~
19 ~~office, but the precinct judges shall mark such paper~~
20 ~~absentee or early ballot "Objected To" on the back and~~
21 ~~write on its back the manner in which the ballot is counted~~
22 ~~and initial the same. An overvote for one office shall~~
23 ~~invalidate only the vote or count of that particular~~
24 ~~office. After counting, tallying and recording the~~
25 ~~write in votes on absentee and early ballots, the judges of~~
26 ~~election, consisting in each case of at least one judge of~~
27 ~~election of each of the 2 major political parties, shall~~
28 ~~make a true duplicate ballot of the remaining valid votes~~
29 ~~on each paper absentee and early ballot which was in the~~
30 ~~ballot box and properly initialed, by using the electronic~~
31 ~~Precinct Tabulation Optical Scan Technology voting system~~
32 ~~used in the precinct and one of the marking devices, or~~
33 ~~equivalent marking device or equivalent ballot, of the~~
34 ~~precinct to transfer the remaining valid votes of the voter~~
35 ~~on the paper absentee or early ballot to an official ballot~~
36 ~~or a ballot card of that kind used in the precinct at that~~

1 ~~election. The original paper absentee ballot shall be~~
2 ~~clearly labeled "Absentee Ballot" or "Early Ballot", as the~~
3 ~~case may be, and the ballot card so produced "Duplicate~~
4 ~~Absentee Ballot" or "Duplicate Early Ballot", as the case~~
5 ~~may be, and each shall bear the same serial number which~~
6 ~~shall be placed thereon by the judges of election,~~
7 ~~beginning with number 1 and continuing consecutively for~~
8 ~~the ballots of that kind in that precinct. The judges of~~
9 ~~election shall initial the "Duplicate Absentee Ballot" and~~
10 ~~"Duplicate Early Ballot" ballots and shall place them in~~
11 ~~the first ballot box provided for return of the ballots to~~
12 ~~be counted at the central counting location in lieu of the~~
13 ~~paper absentee and early ballots. The paper absentee and~~
14 ~~early ballots shall be placed in an envelope provided for~~
15 ~~that purpose labeled "Duplicate Ballots".~~

16 ~~As soon as the absentee and early ballots have been~~
17 ~~deposited in the first ballot box, the judges of election~~
18 shall make out a slip indicating the number of persons who
19 voted in the precinct at the election. The slip shall be
20 signed by all the judges of election and shall be inserted
21 by them in the first ballot box. The judges of election
22 shall thereupon immediately lock each ~~the first~~ ballot box;
23 provided, that if the box is not of a type which may be
24 securely locked, the box shall be sealed with filament tape
25 provided for the purpose that shall be wrapped around the
26 box lengthwise and crosswise, at least twice each way, and
27 in a manner that the seal completely covers the slot in the
28 ballot box, and each of the judges shall sign the seal. Two
29 of the judges of election, of different political parties,
30 shall by the most direct route transport both ballot boxes
31 to the counting location designated by the county clerk or
32 board of election commissioners.

33 Before the ballots of a precinct are fed to the
34 electronic Precinct Tabulation Optical Scan Technology
35 tabulating equipment, the first ballot box shall be opened
36 at the central counting station by the 2 precinct transport

1 judges. Upon opening a ballot box, the team shall first
2 count the number of ballots in the box. If 2 or more are
3 folded together to appear to have been cast by the same
4 person, all of the ballots folded together shall be marked
5 and returned with the other ballots in the same condition,
6 as near as may be, in which they were found when first
7 opened, but shall not be counted. If the remaining ballots
8 are found to exceed the number of persons voting in the
9 precinct as shown by the slip signed by the judges of
10 election, the ballots shall be replaced in the box, and the
11 box closed and well shaken and again opened and one of the
12 precinct transport judges shall publicly draw out so many
13 ballots unopened as are equal to the excess.

14 The excess ballots shall be marked "Excess-Not
15 Counted" and signed by the 2 precinct transport judges and
16 shall be placed in the "After 7:00 p.m. Defective Ballots
17 Envelope". The number of excess ballots shall be noted in
18 the remarks section of the Certificate of Results. "Excess"
19 ballots shall not be counted in the total of "defective"
20 ballots.

21 The precinct transport judges shall then examine the
22 remaining ballots for write-in votes and shall count and
23 tabulate the write-in vote.

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

29 All ballots to be processed and tabulated with the
30 electronic Precinct Tabulation Optical Scan Technology
31 voting system shall be processed as follows:

32 Immediately after the closing of the polls, the
33 ~~absentee and early ballots delivered to the precinct judges~~
34 ~~of election by the election official in charge of the~~
35 ~~election shall be examined to determine that such ballots~~
36 ~~comply with Sections 19-9, 19A-55, and 20-9 of this Code~~

1 ~~and are entitled to be deposited in the ballot box; those~~
2 ~~entitled to be deposited in the ballot box shall be~~
3 ~~initialed by the precinct judges of election and deposited~~
4 ~~in the ballot box. Those not entitled to be deposited in~~
5 ~~the ballot box shall be marked "Rejected" and disposed of~~
6 ~~as provided in Sections 19-9, 19A-55, and 20-9. The~~
7 precinct judges of election ~~then~~ shall open the ballot box
8 and canvass the votes polled to determine that the number
9 of ballots agree with the number of voters voting as shown
10 by the applications for ballot, or if the same do not agree
11 the judges of election shall make such ballots agree with
12 the applications for ballot in the manner provided by
13 Section 17-18 of this Code. ~~The judges of election shall~~
14 ~~then examine all paper absentee and early ballots and~~
15 ~~ballot envelopes which are in the ballot box to determine~~
16 ~~whether the ballots and ballot envelopes bear the initials~~
17 ~~of a precinct judge of election. If any ballot or ballot~~
18 ~~envelope is not initialed, it shall be marked on the back~~
19 ~~"Defective", initialed as to the label by all judges~~
20 ~~immediately under the word "Defective", and not counted,~~
21 ~~but placed in the envelope provided for that purpose~~
22 ~~labeled "Defective Ballots Envelope". 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 ~~examine the paper absentee and early ballots which were in~~
26 ~~the ballot box and properly initialed to determine whether~~
27 ~~the same contain write in votes. Write in votes, not~~
28 ~~causing an overvote for an office otherwise voted for on~~
29 ~~the paper absentee or early ballot, and otherwise properly~~
30 ~~voted, shall be counted, tallied and recorded on the tally~~
31 ~~sheet provided for the record. A write-in vote causing an~~
32 ~~overvote for an office shall not be counted for that~~
33 ~~office, but the precinct judges shall mark the paper~~
34 ~~absentee or early ballot "Objected To" on the back and~~
35 ~~write on its back the manner the ballot is counted and~~
36 ~~initial the same. An overvote for one office shall~~

1 ~~invalidate only the vote or count of that particular~~
2 ~~office. After counting, tallying and recording the~~
3 ~~write-in votes on absentee and early ballots, the judges of~~
4 ~~election, consisting in each case of at least one judge of~~
5 ~~election of each of the 2 major political parties, shall~~
6 ~~make a true duplicate ballot of the remaining valid votes~~
7 ~~on each paper absentee and early ballot which was in the~~
8 ~~ballot box and properly initialed, by using the electronic~~
9 ~~voting system used in the precinct and one of the marking~~
10 ~~devices of the precinct to transfer the remaining valid~~
11 ~~votes of the voter on the paper absentee or early ballot to~~
12 ~~an official ballot of that kind used in the precinct at~~
13 ~~that election. The original paper absentee or early ballot~~
14 ~~shall be clearly labeled "Absentee Ballot" or "Early~~
15 ~~Ballot", as the case may be, and the ballot so produced~~
16 ~~"Duplicate Absentee Ballot" or "Duplicate Early Ballot",~~
17 ~~as the case may be, and each shall bear the same serial~~
18 ~~number which shall be placed thereon by the judges of~~
19 ~~election, commencing with number 1 and continuing~~
20 ~~consecutively for the ballots of that kind in that~~
21 ~~precinct. The judges of election shall initial the~~
22 ~~"Duplicate Absentee Ballot" and "Duplicate Early Ballot"~~
23 ~~ballots and shall place them in the box for return of the~~
24 ~~ballots with all other ballots to be counted at the central~~
25 ~~counting location in lieu of the paper absentee and early~~
26 ~~ballots. The paper absentee ballots shall be placed in an~~
27 ~~envelope provided for that purpose labeled "Duplicate~~
28 ~~Ballots".~~

29 In case of an overvote for any office, the judges of
30 election, consisting in each case of at least one judge of
31 election of each of the 2 major political parties, shall
32 make a true duplicate ballot of all votes on the ballot
33 except for the office which is overvoted, by using the
34 ballot of the precinct and one of the marking devices, or
35 equivalent ballot, of the precinct to transfer all votes of
36 the voter except for the office overvoted, to an official

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

1 the total number of voters of the precinct who voted at the
2 election shall be made out, signed by all judges of
3 election, and inserted in the box for return of the
4 ballots. The tally sheets recording the write-in votes
5 shall be placed in this box. The judges of election
6 immediately shall securely lock the ballot box or other
7 suitable box furnished for return of the ballots by the
8 election official in charge of the election; provided that
9 if the box is not of a type which may be securely locked,
10 the box shall be sealed with filament tape provided for the
11 purpose which shall be wrapped around the box lengthwise
12 and crosswise, at least twice each way. A separate adhesive
13 seal label signed by each of the judges of election of the
14 precinct shall be affixed to the box to cover any slot
15 therein and to identify the box of the precinct; and if the
16 box is sealed with filament tape as provided rather than
17 locked, such tape shall be wrapped around the box as
18 provided, but in such manner that the separate adhesive
19 seal label affixed to the box and signed by the judges may
20 not be removed without breaking the filament tape and
21 disturbing the signature of the judges. Two of the judges
22 of election, of different major political parties, shall by
23 the most direct route transport the box for return of the
24 ballots and enclosed ballots and returns to the central
25 counting location designated by the election official in
26 charge of the election. If, however, because of the lack of
27 adequate parking facilities at the central counting
28 location or for any other reason, it is impossible or
29 impracticable for the boxes from all the polling places to
30 be delivered directly to the central counting location, the
31 election official in charge of the election may designate
32 some other location to which the boxes shall be delivered
33 by the 2 precinct judges. While at the other location the
34 boxes shall be in the care and custody of one or more
35 teams, each consisting of 4 persons, 2 from each of the 2
36 major political parties, designated for such purpose by the

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

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

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

27 (3) A single ballot box, for the deposit of all votes
28 cast, shall be used. Immediately after the closing of the
29 polls, ~~the judges of election shall examine the absentee~~
30 ~~and early ballots received by the precinct judges of~~
31 ~~election from the election authority of voters in that~~
32 ~~precinct to determine that they comply with the provisions~~
33 ~~of Sections 19-9, 19A-55, 20-8, and 20-9 of this Code and~~
34 ~~are entitled to be deposited in the ballot box; those~~
35 ~~entitled to be deposited in the ballot box shall be~~
36 ~~initialed by the precinct judges and deposited in the~~

1 ~~ballot box. Those not entitled to be deposited in the~~
2 ~~ballot box, in accordance with Sections 19-9, 19A-55, 20-8,~~
3 ~~and 20-9 of this Code shall be marked "Rejected" and~~
4 ~~preserved in the manner provided in this Code for the~~
5 ~~retention and preservation of official ballots rejected at~~
6 ~~such election. Immediately upon the completion of the~~
7 ~~absentee and early balloting,~~ the precinct judges of
8 election shall securely lock the ballot box; provided that
9 if such box is not of a type which may be securely locked,
10 the box shall be sealed with filament tape provided for the
11 purpose which shall be wrapped around the box lengthwise
12 and crosswise, at least twice each way. A separate adhesive
13 seal label signed by each of the judges of election of the
14 precinct shall be affixed to the box to cover any slot
15 therein and to identify the box of the precinct; and if the
16 box is sealed with filament tape as provided rather than
17 locked, such tape shall be wrapped around the box as
18 provided, but in a manner that the separate adhesive seal
19 label affixed to the box and signed by the judges may not
20 be removed without breaking the filament tape and
21 disturbing the signature of the judges. Two of the judges
22 of election, of different major political parties, shall by
23 the most direct route transport the box for return of the
24 ballots and enclosed absentee and early ballots and returns
25 to the central counting location designated by the election
26 official in charge of the election. If however, because of
27 the lack of adequate parking facilities at the central
28 counting location or for some other reason, it is
29 impossible or impracticable for the boxes from all the
30 polling places to be delivered directly to the central
31 counting location, the election official in charge of the
32 election may designate some other location to which the
33 boxes shall be delivered by the 2 precinct judges. While at
34 the other location the boxes shall be in the care and
35 custody of one or more teams, each consisting of 4 persons,
36 2 from each of the 2 major political parties, designated

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

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

1 and not counted, but placed in the envelope provided for
2 that purpose labeled "Defective Ballots Envelope".
3 ~~Write-in votes, not causing an overvote for an office~~
4 ~~otherwise voted for on the absentee or early ballot sheet,~~
5 ~~and otherwise properly voted, shall be counted, tallied,~~
6 ~~and recorded by the central counting location judges on the~~
7 ~~tally sheet provided for the record. A write in vote~~
8 ~~causing an overvote for an office shall not be counted for~~
9 ~~that office, but the tally judges shall mark the absentee~~
10 ~~or early ballot sheet "Objected To" and write the manner in~~
11 ~~which the ballot is counted on its back and initial the~~
12 ~~sheet.~~ An overvote for one office shall invalidate only the
13 vote or count for that particular office.

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

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

1 acceptance. The election judges whose duty it is to transport
2 any ballots shall, in the event the ballots cannot be found
3 when needed, on proper request, produce the receipt which they
4 are to take as above provided.

5 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

6 (10 ILCS 5/24B-10.1)

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

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

27 Immediately after the closing of the polls, the ~~absentee or~~
28 ~~early ballots delivered to the precinct judges of election by~~
29 ~~the election authority shall be examined to determine that the~~
30 ~~ballots comply with Sections 19-9, 19A-55, and 20-9 of this~~
31 ~~Code and are entitled to be scanned by the Precinct Tabulation~~
32 ~~Optical Scan Technology equipment and then deposited in the~~
33 ~~ballot box; those entitled to be scanned and deposited in the~~
34 ~~ballot box shall be initialed by the precinct judges of~~
35 ~~election and then scanned and deposited in the ballot box.~~

1 ~~Those not entitled to be deposited in the ballot box shall be~~
2 ~~marked "Rejected" and disposed of as provided in said Sections~~
3 ~~19-9, 19A-55, and 20-9.~~

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

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

1 may occur at the precinct polling place, the office of the
2 election authority, or any receiving station designated by the
3 election authority. The election authority shall designate the
4 place for resetting and re-entering or re-scanning.

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

31 If any ballot is damaged or defective, or if any ballot
32 contains a Voting Defect, so that it cannot properly be counted
33 by the automatic tabulating equipment, the voter or the judges
34 of election, consisting in each case of at least one judge of
35 election of each of the 2 major political parties, shall make a
36 true duplicate ballot of all votes on such ballot by using the

1 ballot of the precinct and one of the marking devices of the
2 precinct, or equivalent. If a damaged ballot, the original
3 ballot shall be clearly labeled "Damaged Ballot" and the ballot
4 so produced shall be clearly labeled "Damaged Ballot" and the
5 ballot so produced shall be clearly labeled "Duplicate Damaged
6 Ballot", and each shall contain the same serial number which
7 shall be placed by the judges of election, beginning with
8 number 1 and continuing consecutively for the ballots of that
9 kind in the precinct. The judges of election shall initial the
10 "Duplicate Damaged Ballot" ballot and shall enter or otherwise
11 scan the duplicate damaged ballot into the automatic tabulating
12 equipment. The "Damaged Ballots" shall be placed in the
13 "Duplicated Ballots" envelope; after all ballots have been
14 successfully read, the judges of election shall check to make
15 certain that the Precinct Tabulation Optical Scan Technology
16 equipment readout agrees with the number of voters making
17 application for ballot in that precinct. The number shall be
18 listed on the "Statement of Ballots" form provided by the
19 election authority.

20 The totals for all candidates and propositions shall be
21 tabulated; and 4 copies of a "Certificate of Results" shall be
22 generated by the automatic tabulating equipment; one copy shall
23 be posted in a conspicuous place inside the polling place; and
24 every effort shall be made by the judges of election to provide
25 a copy for each authorized pollwatcher or other official
26 authorized to be present in the polling place to observe the
27 counting of ballots; but in no case shall the number of copies
28 to be made available to pollwatchers be fewer than 4, chosen by
29 lot by the judges of election. In addition, sufficient time
30 shall be provided by the judges of election to the pollwatchers
31 to allow them to copy information from the copy which has been
32 posted.

33 The judges of election shall count all unused ballots and
34 enter the number on the "Statement of Ballots". All "Spoiled",
35 "Defective" and "Duplicated" ballots shall be counted and the
36 number entered on the "Statement of Ballots".

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

33 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

34 (10 ILCS 5/24B-15)

35 Sec. 24B-15. Official Return of Precinct; Check of Totals;

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

1 election jurisdiction has an equal mathematical chance of being
2 selected. The State Board of Elections shall design a standard
3 and scientific random method of selecting the precincts which
4 are to be retabulated, ~~and the election authority shall be~~
5 ~~required to use that method.~~ The State central committee ~~State~~
6 ~~Board of Elections, the State's Attorney and other appropriate~~
7 ~~law enforcement agencies, the county~~ chairman of each
8 established political party ~~and qualified civic organizations~~
9 shall be given prior written notice of the time and place of
10 the random selection procedure and may be represented at the
11 procedure. The retabulation shall consist of counting the
12 ballots which were originally counted and shall not involve any
13 determination of which ballots were, in fact, properly counted.
14 The ballots from the precincts selected for the retabulation
15 shall remain at all times under the custody and control of the
16 election authority and shall be transported and retabulated by
17 the designated staff of the election authority.

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

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

35 The results of this retabulation shall be treated in the
36 same manner and have the same effect as the results of the

1 discovery procedures set forth in Section 22-9.1 of this Code.
2 Upon completion of the retabulation, the election authority
3 shall print a comparison of the results of the retabulation
4 with the original precinct return printed by the automatic
5 tabulating equipment. The comparison shall be done for each
6 precinct and for each office voted upon within that precinct,
7 and the comparisons shall be open to the public. Upon
8 completion of the retabulation, the returns shall be open to
9 the public.

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

11 (10 ILCS 5/24B-16)

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

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

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

20 (b) (Blank);

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

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

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

33 (f) It will accommodate all propositions to be
34 submitted to the voters in the form provided by law or,
35 where no form is provided, then in brief form, not to

1 exceed 75 words.

2 The State Board of Elections shall not approve any voting
3 equipment or system that includes an external Infrared Data
4 Association (IrDA) communications port.

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

9 The vendor, person, or other private entity shall be solely
10 responsible for the production and cost of: all ballots;
11 additional temporary workers; and other equipment or
12 facilities needed and used in the testing of the vendor's,
13 person's, or other private entity's respective equipment and
14 software.

15 No vendor, person, or other entity may sell, lease, or
16 loan, or have a written contract, including a contract
17 contingent upon State Board approval of the voting system or
18 voting system component, to sell, lease, or loan, a voting
19 system or Precinct Tabulation Optical Scan Technology voting
20 system component to any election jurisdiction unless the voting
21 system or voting system component is first approved by the
22 State Board of Elections pursuant to this Section.

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

24 (10 ILCS 5/24C-9)

25 Sec. 24C-9. Testing of Direct Recording Electronic Voting
26 System Equipment and Programs; Custody of Programs, Test
27 Materials and Ballots. Prior to the public test, the election
28 authority shall conduct an errorless pre-test of the Direct
29 Recording Electronic Voting System equipment and programs to
30 determine that they will correctly detect voting defects and
31 count the votes cast for all offices and all public questions.
32 On any day not less than 5 days prior to the election day, the
33 election authority shall publicly test the Direct Recording
34 Electronic Voting System equipment and programs to determine
35 that they will correctly detect voting errors and accurately

1 count the votes legally cast for all offices and on all public
2 questions. Public notice of the time and place of the test
3 shall be given at least 48 hours before the test by publishing
4 the notice in one or more newspapers within the election
5 jurisdiction of the election authority, if a newspaper is
6 published in that jurisdiction. If a newspaper is not published
7 in that jurisdiction, notice shall be published in a newspaper
8 of general circulation in that jurisdiction. Timely written
9 notice stating the date, time, and location of the public test
10 shall also be provided to the State Board of Elections. The
11 test shall be open to representatives of the political parties,
12 the press, representatives of the State Board of Elections, and
13 the public. The test shall be conducted by entering a pre-
14 audited group of votes designed to record a predetermined
15 number of valid votes for each candidate and on each public
16 question, and shall include for each office one or more ballots
17 having votes exceeding the number allowed by law to test the
18 ability of the automatic tabulating equipment to reject the
19 votes. The test shall also include producing an edit listing.
20 In those election jurisdictions where in-precinct counting
21 equipment is used, a public test of both the equipment and
22 program shall be conducted as nearly as possible in the manner
23 prescribed above. The State Board of Elections may select as
24 many election jurisdictions as the Board deems advisable in the
25 interests of the election process of this State, to order a
26 special test of the automatic tabulating equipment and program
27 before any regular election. The Board may order a special test
28 in any election jurisdiction where, during the preceding 12
29 months, computer programming errors or other errors in the use
30 of System resulted in vote tabulation errors. Not less than 30
31 days before any election, the State Board of Elections shall
32 provide written notice to those selected jurisdictions of their
33 intent to conduct a test. Within 5 days of receipt of the State
34 Board of Elections' written notice of intent to conduct a test,
35 the selected jurisdictions shall forward to the principal
36 office of the State Board of Elections a copy of all specimen

1 ballots. The State Board of Elections' tests shall be conducted
2 and completed not less than 2 days before the public test
3 ~~utilizing testing materials supplied by the Board~~ and under the
4 supervision of the Board. The vendor, person, or other private
5 entity shall be solely responsible for the production and cost
6 of: all ballots; additional temporary workers; and other
7 equipment or facilities needed and used in the testing of the
8 vendor's, person's, or other private entity's respective
9 equipment and software. ~~and the Board shall reimburse the~~
10 ~~election authority for the reasonable cost of computer time~~
11 ~~required to conduct the special test.~~ After an errorless test,
12 materials used in the public test, including the program, if
13 appropriate, shall be sealed and remain sealed until the test
14 is run again on election day. If any error is detected, the
15 cause of the error shall be determined and corrected, and an
16 errorless public test shall be made before the automatic
17 tabulating equipment is approved. Each election authority
18 shall file a sealed copy of each tested program to be used
19 within its jurisdiction at an election with the State Board of
20 Elections before the election. The Board shall secure the
21 program or programs of each election jurisdiction so filed in
22 its office until the next election of the same type (general
23 primary, general election, consolidated primary, or
24 consolidated election) for which the program or programs were
25 filed ~~for the 60 days following the canvass and proclamation of~~
26 ~~election results.~~ At the expiration of that time, if no
27 election contest or appeal is pending in an election
28 jurisdiction, the Board shall destroy ~~return~~ the sealed program
29 or programs ~~to the election authority of the jurisdiction.~~
30 Except where in-precinct counting equipment is used, the test
31 shall be repeated immediately before the start of the official
32 counting of the ballots, in the same manner as set forth above.
33 After the completion of the count, the test shall be re-run
34 using the same program. Immediately after the re-run, all
35 material used in testing the program and the programs shall be
36 sealed and retained under the custody of the election authority

1 for a period of 60 days. At the expiration of that time the
2 election authority shall destroy the voted ballots, together
3 with all unused ballots returned from the precincts. Provided,
4 if any contest of election is pending at the time in which the
5 ballots may be required as evidence and the election authority
6 has notice of the contest, the same shall not be destroyed
7 until after the contest is finally determined. If the use of
8 back-up equipment becomes necessary, the same testing required
9 for the original equipment shall be conducted.

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

11 (10 ILCS 5/24C-13)

12 Sec. 24C-13. Absentee ballots; Early voting ballots;
13 Proceedings at Location for Central Counting; Employees;
14 Approval of List.

15 (a) All jurisdictions using Direct Recording Electronic
16 Voting Systems shall use paper ballots or paper ballot sheets
17 approved for use under Articles 16, 24A or 24B of this Code
18 when conducting absentee voting except that Direct Recording
19 Electronic Voting Systems may be used for in-person absentee
20 voting conducted pursuant to Section 19-2.1 of this Code. All
21 absentee ballots shall be counted at the central ballot
22 counting location ~~office~~ of the election authority. The
23 provisions of Section 24A-9, 24B-9 and 24C-9 of this Code shall
24 apply to the testing and notice requirements for central count
25 tabulation equipment, including comparing the signature on the
26 ballot envelope with the signature of the voter on the
27 permanent voter registration record card taken from the master
28 file. ~~Absentee ballots other than absentee ballots voted in~~
29 ~~person pursuant to Section 19-2.1 of this Code shall be~~
30 ~~examined and processed pursuant to Sections 19-9 and 20-9 of~~
31 ~~this Code.~~ Vote results shall be recorded by precinct and shall
32 be added to the vote results for the precinct in which the
33 absent voter was eligible to vote prior to completion of the
34 official canvass.

35 ~~(a-5) Early voting ballots cast in accordance with Article~~

1 ~~19A shall be counted in precincts as provided in that Article.~~
2 ~~Early votes cast through the use of Direct Recording Electronic~~
3 ~~Voting System devices shall be counted using the procedures of~~
4 ~~this Article. Early votes cast by a method other than the use~~
5 ~~of Direct Recording Electronic Voting System devices shall be~~
6 ~~counted using the procedures of this Code for that method.~~

7 (b) All proceedings at the location for central counting
8 shall be under the direction of the county clerk or board of
9 election commissioners. Except for any specially trained
10 technicians required for the operation of the Direct Recording
11 Electronic Voting System, the employees at the counting station
12 shall be equally divided between members of the 2 leading
13 political parties and all duties performed by the employees
14 shall be by teams consisting of an equal number of members of
15 each political party. Thirty days before an election the county
16 clerk or board of election commissioners shall submit to the
17 chairman of each political party, for his or her approval or
18 disapproval, a list of persons of his or her party proposed to
19 be employed. If a chairman fails to notify the election
20 authority of his or her disapproval of any proposed employee
21 within a period of 10 days thereafter the list shall be deemed
22 approved.

23 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

24 (10 ILCS 5/24C-15)

25 Sec. 24C-15. Official Return of Precinct; Check of Totals;
26 Audit. The precinct return printed by the Direct Recording
27 Electronic Voting System tabulating equipment shall include
28 the number of ballots cast and votes cast for each candidate
29 and public question and shall constitute the official return of
30 each precinct. In addition to the precinct return, the election
31 authority shall provide the number of applications for ballots
32 in each precinct, the total number of ballots and absentee
33 ballots counted in each precinct for each political subdivision
34 and district and the number of registered voters in each
35 precinct. However, the election authority shall check the

1 totals shown by the precinct return and, if there is an obvious
2 discrepancy regarding the total number of votes cast in any
3 precinct, shall have the ballots for that precinct audited to
4 correct the return. The procedures for this audit shall apply
5 prior to and after the proclamation is completed; however,
6 after the proclamation of results, the election authority must
7 obtain a court order to unseal voted ballots or voting devices
8 except for election contests and discovery recounts. The
9 certificate of results, which has been prepared and signed by
10 the judges of election in the polling place after the ballots
11 have been tabulated, shall be the document used for the canvass
12 of votes for such precinct. Whenever a discrepancy exists
13 during the canvass of votes between the unofficial results and
14 the certificate of results, or whenever a discrepancy exists
15 during the canvass of votes between the certificate of results
16 and the set of totals reflected on the certificate of results,
17 the ballots for that precinct shall be audited to correct the
18 return.

19 Prior to the proclamation, the election authority shall
20 test the voting devices and equipment in 5% of the precincts
21 within the election jurisdiction. The precincts to be tested
22 shall be selected after election day on a random basis by the
23 State Board of Elections ~~election authority~~, so that every
24 precinct in the election jurisdiction has an equal mathematical
25 chance of being selected. The State Board of Elections shall
26 design a standard and scientific random method of selecting the
27 precincts that are to be tested, ~~and the election authority~~
28 ~~shall be required to use that method.~~ The State central
29 committee ~~State Board of Elections, the State's Attorney and~~
30 ~~other appropriate law enforcement agencies, the county~~
31 chairman of each established political party ~~and qualified~~
32 ~~civic organizations~~ shall be given prior written notice of the
33 time and place of the random selection procedure and may be
34 represented at the procedure.

35 The test shall be conducted by counting the votes marked on
36 the permanent paper record of each ballot cast in the tested

1 precinct printed by the voting system at the time that each
2 ballot was cast and comparing the results of this count with
3 the results shown by the certificate of results prepared by the
4 Direct Recording Electronic Voting System in the test precinct.
5 The election authority shall test count these votes either by
6 hand or by using an automatic tabulating device other than a
7 Direct Recording Electronic voting device that has been
8 approved by the State Board of Elections for that purpose and
9 tested before use to ensure accuracy. The election authority
10 shall print the results of each test count. If any error is
11 detected, the cause shall be determined and corrected, and an
12 errorless count shall be made prior to the official canvass and
13 proclamation of election results. If an errorless count cannot
14 be conducted and there continues to be difference in vote
15 results between the certificate of results produced by the
16 Direct Recording Electronic Voting System and the count of the
17 permanent paper records or if an error was detected and
18 corrected, the election authority shall immediately prepare
19 and forward to the appropriate canvassing board a written
20 report explaining the results of the test and any errors
21 encountered and the report shall be made available for public
22 inspection.

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

28 The results of this post-election test shall be treated in
29 the same manner and have the same effect as the results of the
30 discovery procedures set forth in Section 22-9.1 of this Code.

31 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

32 (10 ILCS 5/24C-16)

33 Sec. 24C-16. Approval of Direct Recording Electronic
34 Voting Systems; Requisites. The State Board of Elections shall
35 approve all Direct Recording Electronic Voting Systems that

1 fulfill the functional requirements provided by Section 24C-11
2 of this Code, the mandatory requirements of the federal voting
3 system standards pertaining to Direct Recording Electronic
4 Voting Systems promulgated by the Federal Election Commission
5 or the Election Assistance Commission, the testing
6 requirements of an approved independent testing authority and
7 the rules of the State Board of Elections.

8 The State Board of Elections shall not approve any Direct
9 Recording Electronic Voting System that includes an external
10 Infrared Data Association (IrDA) communications port.

11 The State Board of Elections is authorized to withdraw its
12 approval of a Direct Recording Electronic Voting System if the
13 System, once approved, fails to fulfill the above requirements.

14 The vendor, person, or other private entity shall be solely
15 responsible for the production and cost of: all ballots;
16 additional temporary workers; and other equipment or
17 facilities needed and used in the testing of the vendor's,
18 person's, or other private entity's respective equipment and
19 software.

20 No vendor, person, or other entity may sell, lease, or
21 loan, or have a written contract, including a contract
22 contingent upon State Board approval of the voting system or
23 voting system component, to sell, lease, or loan, a Direct
24 Recording Electronic Voting System or system component to any
25 election jurisdiction unless the system or system component is
26 first approved by the State Board of Elections pursuant to this
27 Section.

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

29 (10 ILCS 5/19-9 rep.)

30 (10 ILCS 5/19A-55 rep.)

31 (10 ILCS 5/20-9 rep.)

32 Section 10. The Election Code is amended by repealing
33 Sections 19-9, 19A-55, and 20-9.

34 Section 99. Effective date. This Act takes effect upon

1 becoming law.