



**Filed: 10/25/2005**

09400SB1445ham001

LRB094 10955 JAM 49963 a

1 AMENDMENT TO SENATE BILL 1445

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1445 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 4-50, 5-50, 6-100, 17-9, 18A-15, 19-2.1, 19-8,  
6 19A-25.5, 19A-35, 19A-50, 20-8, 24A-10, 24A-10.1, 24B-10,  
7 24B-10.1, and 24C-13 and by adding Section 1A-35 as follows:

8 (10 ILCS 5/1A-35 new)

9 Sec. 1A-35. Early and grace period voting education.  
10 Subject to appropriation, the State Board of Elections must  
11 develop and implement an educational program to inform the  
12 public about early voting and grace period voting. The State  
13 Board shall conduct the program beginning August 1, 2006, and  
14 until the 2006 general election.

15 (10 ILCS 5/4-50)

16 (This Section may contain text from a Public Act with a  
17 delayed effective date)

18 Sec. 4-50. Grace period. Notwithstanding any other  
19 provision of this Code to the contrary, each election authority  
20 shall establish procedures for the registration of voters and  
21 for change of address during the period from the close of  
22 registration for a primary or election and until the 14th day  
23 before the primary or election. During this grace period, an

1 unregistered qualified elector may register to vote, and a  
2 registered voter may submit a change of address form, in person  
3 in the office of the election authority or at a voter  
4 registration location specifically designated for this purpose  
5 by the election authority. The election authority shall  
6 register that individual, or change a registered voter's  
7 address, in the same manner as otherwise provided by this  
8 Article for registration and change of address.

9 If a voter who registers or changes address during this  
10 grace period wishes to vote at the first election or primary  
11 occurring after the grace period, he or she must do so by grace  
12 period voting, either in person in the office of the election  
13 authority or at a location specifically designated for this  
14 purpose by the election authority, or by mail, at the  
15 discretion of the election authority. Grace period voting shall  
16 be in a manner substantially similar to voting under Article  
17 19. A person who casts a grace period ballot shall not be  
18 permitted to revoke that ballot and vote another ballot with  
19 respect to that primary or election. Ballots cast by persons  
20 who register or change address during the grace period must be  
21 transmitted to and counted at the election authority's central  
22 ballot counting location and shall not be transmitted to and  
23 counted at precinct polling places. The grace period ballots  
24 determined to be valid shall be added to the vote totals for  
25 the precincts for which they were cast in the order in which  
26 the ballots were opened.

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

28 (10 ILCS 5/5-50)

29 (This Section may contain text from a Public Act with a  
30 delayed effective date)

31 Sec. 5-50. Grace period. Notwithstanding any other  
32 provision of this Code to the contrary, each election authority  
33 shall establish procedures for the registration of voters and

1 for change of address during the period from the close of  
2 registration for a primary or election and until the 14th day  
3 before the primary or election. During this grace period, an  
4 unregistered qualified elector may register to vote, and a  
5 registered voter may submit a change of address form, in person  
6 in the office of the election authority or at a voter  
7 registration location specifically designated for this purpose  
8 by the election authority. The election authority shall  
9 register that individual, or change a registered voter's  
10 address, in the same manner as otherwise provided by this  
11 Article for registration and change of address.

12 If a voter who registers or changes address during this  
13 grace period wishes to vote at the first election or primary  
14 occurring after the grace period, he or she must do so by grace  
15 period voting, either in person in the office of the election  
16 authority or at a location specifically designated for this  
17 purpose by the election authority, or by mail, at the  
18 discretion of the election authority. Grace period voting shall  
19 be in a manner substantially similar to voting under Article  
20 19. A person who casts a grace period ballot shall not be  
21 permitted to revoke that ballot and vote another ballot with  
22 respect to that primary or election. Ballots cast by persons  
23 who register or change address during the grace period must be  
24 transmitted to and counted at the election authority's central  
25 ballot counting location and shall not be transmitted to and  
26 counted at precinct polling places. The grace period ballots  
27 determined to be valid shall be added to the vote totals for  
28 the precincts for which they were cast in the order in which  
29 the ballots were opened.

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

31 (10 ILCS 5/6-100)

32 (This Section may contain text from a Public Act with a  
33 delayed effective date)

1           Sec. 6-100. Grace period. Notwithstanding any other  
2 provision of this Code to the contrary, each election authority  
3 shall establish procedures for the registration of voters and  
4 for change of address during the period from the close of  
5 registration for a primary or election and until the 14th day  
6 before the primary or election. During this grace period, an  
7 unregistered qualified elector may register to vote, and a  
8 registered voter may submit a change of address form, in person  
9 in the office of the election authority or at a voter  
10 registration location specifically designated for this purpose  
11 by the election authority. The election authority shall  
12 register that individual, or change a registered voter's  
13 address, in the same manner as otherwise provided by this  
14 Article for registration and change of address.

15           If a voter who registers or changes address during this  
16 grace period wishes to vote at the first election or primary  
17 occurring after the grace period, he or she must do so by grace  
18 period voting, either in person in the office of the election  
19 authority or at a location specifically designated for this  
20 purpose by the election authority, or by mail, at the  
21 discretion of the election authority. Grace period voting shall  
22 be in a manner substantially similar to voting under Article  
23 19. A person who casts a grace period ballot shall not be  
24 permitted to revoke that ballot and vote another ballot with  
25 respect to that primary or election. Ballots cast by persons  
26 who register or change address during the grace period must be  
27 transmitted to and counted at the election authority's central  
28 ballot counting location and shall not be transmitted to and  
29 counted at precinct polling places. The grace period ballots  
30 determined to be valid shall be added to the vote totals for  
31 the precincts for which they were cast in the order in which  
32 the ballots were opened.

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

1 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

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

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

1 registration.

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

4 State of Illinois,)

5 ) ss.

6 County of .....)

7 ..... Precinct ..... Ward

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

21 .....

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

23 .....

24 Judge of Election.

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

29 State of Illinois,)

30 ) ss.

31 County of .....)

32 ..... Precinct ..... Ward

33 I, ....., do solemnly swear (or affirm), that I am a

1 resident of this precinct and ward and entitled to vote at this  
2 election; that I am acquainted with .... (name of the  
3 applicant); that I verily believe him to be an actual bona fide  
4 resident of this precinct and ward and that I verily believe  
5 that he or she has maintained a legal residence therein 30 days  
6 and in this State 30 days next preceding this election.

7 .....  
8 Subscribed and sworn to before me on (insert date).  
9 .....  
10 Judge of Election.

11 All affidavits made under the provisions of this Section  
12 shall be enclosed in a separate envelope securely sealed, and  
13 shall be transmitted with the returns of the elections to the  
14 county clerk or to the board of election commissioners, who  
15 shall preserve the said affidavits for the period of 6 months,  
16 during which period such affidavits shall be deemed public  
17 records and shall be freely open to examination as such.  
18 (Source: P.A. 94-645, eff. 8-22-05.)

19 (10 ILCS 5/18A-15)  
20 Sec. 18A-15. Validating and counting provisional ballots.

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

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



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

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

12          (3) the provisional voter is a registered voter based  
13          on information available to the county clerk or board of  
14          election commissioners provided by or obtained from any of  
15          the following:

16                i. the provisional voter;

17                ii. an election judge;

18                iii. the statewide voter registration database  
19                maintained by the State Board of Elections;

20                iv. the records of the county clerk or board of  
21                election commissioners' database; or

22                v. the records of the Secretary of State.

23          (c) With respect to subsection (b) (3) of this Section, the  
24          county clerk or board of election commissioners shall  
25          investigate and record whether or not the specified information  
26          is available from each of the 5 identified sources. If the  
27          information is available from one or more of the identified  
28          sources, then the county clerk or board of election  
29          commissioners shall seek to obtain the information from each of  
30          those sources until satisfied, with information from at least  
31          one of those sources, that the provisional voter is registered  
32          and entitled to vote. The county clerk or board of election  
33          commissioners shall use any information it obtains as the basis  
34          for determining the voter registration status of the

1 provisional voter. If a conflict exists among the information  
2 available to the county clerk or board of election  
3 commissioners as to the registration status of the provisional  
4 voter, then the county clerk or board of election commissioners  
5 shall make a determination based on the totality of the  
6 circumstances. In a case where the above information equally  
7 supports or opposes the registration status of the voter, the  
8 county clerk or board of election commissioners shall decide in  
9 favor of the provisional voter as being duly registered to  
10 vote. If the statewide voter registration database maintained  
11 by the State Board of Elections indicates that the provisional  
12 voter is registered to vote, but the county clerk's or board of  
13 election commissioners' voter registration database indicates  
14 that the provisional voter is not registered to vote, then the  
15 information found in the statewide voter registration database  
16 shall control the matter and the provisional voter shall be  
17 deemed to be registered to vote. If the records of the county  
18 clerk or board of election commissioners indicates that the  
19 provisional voter is registered to vote, but the statewide  
20 voter registration database maintained by the State Board of  
21 Elections indicates that the provisional voter is not  
22 registered to vote, then the information found in the records  
23 of the county clerk or board of election commissioners shall  
24 control the matter and the provisional voter shall be deemed to  
25 be registered to vote. If the provisional voter's signature on  
26 his or her provisional ballot request varies from the signature  
27 on an otherwise valid registration application solely because  
28 of the substitution of initials for the first or middle name,  
29 the election authority may not reject the provisional ballot.

30 (d) In validating the registration status of a person  
31 casting a provisional ballot, the county clerk or board of  
32 election commissioners shall not require a provisional voter to  
33 complete any form other than the affidavit executed by the  
34 provisional voter under subsection (b) (2) of Section 18A-5. In

1 addition, the county clerk or board of election commissioners  
2 shall not require all provisional voters or any particular  
3 class or group of provisional voters to appear personally  
4 before the county clerk or board of election commissioners or  
5 as a matter of policy require provisional voters to submit  
6 additional information to verify or otherwise support the  
7 information already submitted by the provisional voter. The  
8 provisional voter may, within 2 calendar days after the  
9 election, submit additional information to the county clerk or  
10 board of election commissioners. This information must be  
11 received by the county clerk or board of election commissioners  
12 within the 2-calendar-day period.

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

21 (f) If the county clerk or board of election commissioners  
22 determines that a provisional ballot is valid under this  
23 Section, then the provisional ballot envelope shall be opened.  
24 The outside of each provisional ballot envelope shall also be  
25 marked to identify the precinct and the date of the election.

26 (g) Provisional ballots determined to be valid shall be  
27 counted at the election authority's central ballot counting  
28 location and shall not be counted in precincts. The provisional  
29 ballots determined to be valid shall be added to the vote  
30 totals for the precincts from which they were cast in the order  
31 in which the ballots were opened. ~~The county clerk or board of~~  
32 ~~election commissioners may, in the alternative, create a~~  
33 ~~separate provisional voter precinct for the purpose of~~  
34 ~~counting and recording provisional ballots and adding the~~

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

10 (h) As soon as the ballots have been counted, the election  
11 judges or election officials shall, in the presence of the  
12 county clerk or board of election commissioners, place each of  
13 the following items in a separate envelope or bag: (1) all  
14 provisional ballots, voted or spoiled; (2) all provisional  
15 ballot envelopes of provisional ballots voted or spoiled; and  
16 (3) all executed affidavits of the provisional ballots voted or  
17 spoiled. All provisional ballot envelopes for provisional  
18 voters who have been determined not to be registered to vote  
19 shall remain sealed. The county clerk or board of election  
20 commissioners shall treat the provisional ballot envelope  
21 containing the written affidavit as a voter registration  
22 application for that person for the next election and process  
23 that application. The election judges or election officials  
24 shall then securely seal each envelope or bag, initial the  
25 envelope or bag, and plainly mark on the outside of the  
26 envelope or bag in ink the precinct in which the provisional  
27 ballots were cast. The election judges or election officials  
28 shall then place each sealed envelope or bag into a box, secure  
29 and seal it in the same manner as described in item (6) of  
30 subsection (b) of Section 18A-5. Each election judge or  
31 election official shall take and subscribe an oath before the  
32 county clerk or board of election commissioners that the  
33 election judge or election official securely kept the ballots  
34 and papers in the box, did not permit any person to open the

1 box or otherwise touch or tamper with the ballots and papers in  
2 the box, and has no knowledge of any other person opening the  
3 box. For purposes of this Section, the term "election official"  
4 means the county clerk, a member of the board of election  
5 commissioners, as the case may be, and their respective  
6 employees.

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

8 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

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

23 Municipal and township clerks (or road district clerks) who  
24 have regularly scheduled working hours at regularly designated  
25 offices other than a place of residence and whose offices are  
26 open for business during the same hours as the office of the  
27 election authority shall conduct in-person absentee voting for  
28 said elections. Municipal and township clerks (or road district  
29 clerks) who have no regularly scheduled working hours but who  
30 have regularly designated offices other than a place of  
31 residence shall conduct in-person absentee voting for said  
32 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00  
33 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on

1 Saturdays, but not during such hours as the office of the  
2 election authority is closed, unless the clerk files a written  
3 waiver with the election authority not later than July 1 of  
4 each year stating that he or she is unable to conduct such  
5 voting and the reasons therefor. Such clerks who conduct  
6 in-person absentee voting may extend their hours for that  
7 purpose to include any hours in which the election authority's  
8 office is open. Municipal and township clerks (or road district  
9 clerks) who have no regularly scheduled office hours and no  
10 regularly designated offices other than a place of residence  
11 may not conduct in-person absentee voting for said elections.  
12 The election authority may devise alternative methods for  
13 in-person absentee voting before said elections for those  
14 precincts located within the territorial area of a municipality  
15 or township (or road district) wherein the clerk of such  
16 municipality or township (or road district) has waived or is  
17 not entitled to conduct such voting. In addition, electors may  
18 vote by absentee ballot under the provisions of Section 19-1 at  
19 the office of the election authority having jurisdiction over  
20 their residence. Unless specifically authorized by the  
21 election authority, municipal, township, and road district  
22 clerks shall not conduct in-person absentee voting. The  
23 election authority shall notify the municipal, township, and  
24 road district clerks within its jurisdiction that they are not  
25 to conduct in-person absentee voting no less than 45 days  
26 before the date of any such election. Election authorities,  
27 however, may conduct in-person absentee voting in one or more  
28 designated appropriate public buildings from the fourth day  
29 before the election through the day before the election.

30 In conducting absentee voting under this Section, the  
31 respective clerks shall not be required to verify the signature  
32 of the absentee voter by comparison with the signature on the  
33 official registration record card. However, the clerk shall  
34 reasonably ascertain the identity of such applicant, shall

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

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

27 The sealed absentee ballots in their carrier envelope shall  
28 be delivered by the respective clerks, or by the election  
29 authority on behalf of a clerk if the clerk and the election  
30 authority agree, to the election authority's central ballot  
31 counting location ~~proper polling place~~ before the close of the  
32 polls on the day of the general primary, consolidated primary,  
33 consolidated, or general election.

34 Not more than 23 days before the ~~nonpartisan,~~ general and

1 consolidated elections, the county clerk shall make available  
2 to those municipal, township and road district clerks  
3 conducting in-person absentee voting within such county, a  
4 sufficient number of applications, absentee ballots,  
5 envelopes, and printed voting instruction slips for use by  
6 absentee voters in the offices of such clerks. The respective  
7 clerks shall receipt for all ballots received, shall return all  
8 unused or spoiled ballots to the county clerk on the day of the  
9 election and shall strictly account for all ballots received.

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

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

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

25 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

27 (a) (Blank.) ~~Each absent voter's ballot returned to an~~  
28 ~~election authority, by any means authorized by this Article,~~  
29 ~~and received by that election authority in time to be delivered~~  
30 ~~to the polling place of the precinct where the elector resides~~  
31 ~~and to be counted by the judges of election at that polling~~  
32 ~~place shall be handled in accordance with this subsection. If~~  
33 ~~an absent voter's ballot is received prior to the delivery of~~



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

26 (b) Each absent voter's ballot returned to an election  
27 authority, by any means authorized by this Article, and  
28 received by that election authority before the closing of the  
29 polls on election day ~~but too late to be delivered to and~~  
30 ~~counted at the proper precinct polling place~~ shall be endorsed  
31 by the receiving election authority with the day and hour of  
32 receipt and shall be counted in the central ballot counting  
33 location ~~office~~ of the election authority on the day of the  
34 election after 7:00 p.m.

1           (c) Each absent voter's ballot that is mailed to an  
2 election authority and postmarked by the midnight preceding the  
3 opening of the polls on election day, but that is received by  
4 the election authority after the polls close on election day  
5 and before the close of the period for counting provisional  
6 ballots cast at that election, shall be endorsed by the  
7 receiving authority with the day and hour of receipt and shall  
8 be counted at the central ballot counting location ~~office~~ of  
9 the election authority during the period for counting  
10 provisional ballots.

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

30           (e) Except as otherwise provided in this Section, absent  
31 voters' ballots and special write-in absentee voter's blank  
32 ballots received by the election authority after the closing of  
33 the polls on an election day shall be endorsed by the election  
34 authority receiving them with the day and hour of receipt and

1 shall be safely kept unopened by the election authority for the  
2 period of time required for the preservation of ballots used at  
3 the election, and shall then, without being opened, be  
4 destroyed in like manner as the used ballots of that election.

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

12 (g) The procedures set forth in ~~Section 19-9 of this Act~~  
13 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots  
14 counted under this Section, including comparing the signature  
15 on the ballot envelope with the signature of the voter on the  
16 permanent voter registration record card taken from the master  
17 file; ~~except that votes shall be recorded without regard to~~  
18 ~~precinct designation, except for precinct offices.~~ The ballots  
19 determined to be valid shall be added to the vote totals for  
20 the precincts for which they were cast in the order in which  
21 the ballots were opened.

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

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

28 (10 ILCS 5/19A-25.5)

29 Sec. 19A-25.5. Voting machines, automatic tabulating  
30 equipment, and precinct tabulation optical scan technology  
31 voting equipment.

32 (a) In all jurisdictions in which voting machines are used,  
33 the provisions of this Code that are not inconsistent with this

1 Article relating to the furnishing of ballot boxes, printing  
2 and furnishing ballots and supplies, the canvassing of ballots,  
3 and the making of returns, apply with full force and effect to  
4 the extent necessary to make this Article effective, provided  
5 that the number of ballots to be printed shall be in the  
6 discretion of the election authority, and provided further that  
7 early ballots shall not be counted until after the polls are  
8 closed on election day.

9 (b) If the election authority has adopted the use of  
10 automatic tabulating equipment under Article 24A of this Code,  
11 and the provisions of that Article are in conflict with the  
12 provisions of this Article 19A, the provisions of Article 24A  
13 shall govern the procedures followed by the election authority,  
14 its judges of election, and all employees and agents; provided  
15 that early ballots shall be counted at the election authority's  
16 central ballot counting location and shall not be counted until  
17 after the polls are closed on election day.

18 (c) If the election authority has adopted the use of  
19 ~~precinct~~ tabulation optical scan technology voting equipment  
20 under Article 24B of this Code, and the provisions of that  
21 Article are in conflict with the provisions of this Article  
22 19A, the provisions of Article 24B shall govern the procedures  
23 followed by the election authority, its judges of election, and  
24 all employees and agents; provided that early ballots shall be  
25 counted at the election authority's central ballot counting  
26 location and shall not be counted until after the polls are  
27 closed on election day.

28 (d) If the election authority has adopted the use of Direct  
29 Recording Electronic Voting Systems under Article 24C of this  
30 Code, and the provisions of that Article are in conflict with  
31 the provisions of this Article 19A, the provisions of Article  
32 24C shall govern the procedures followed by the election  
33 authority, its judges of election, and all employees and  
34 agents; provided that early ballots shall be counted at the

1 election authority's central ballot counting location and  
2 shall not be counted until after the polls are closed on  
3 election day.

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

5 (10 ILCS 5/19A-35)

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

7 (a) Not more than 23 days before the start of early voting,  
8 the county clerk shall make available to the election authority  
9 conducting early voting by personal appearance a sufficient  
10 number of early ballots, envelopes, and printed voting  
11 instruction slips for the use of early voters. The election  
12 authority shall receipt for all ballots received and shall  
13 return unused or spoiled ballots at the close of the early  
14 voting period to the county clerk and must strictly account for  
15 all ballots received. The ballots delivered to the election  
16 authority must include early ballots for each precinct in the  
17 election authority's jurisdiction and must include separate  
18 ballots for each political subdivision conducting an election  
19 of officers or a referendum at that election.

20 (b) In conducting early voting under this Article, the  
21 election judge or official is ~~not~~ required to verify the  
22 signature of the early voter by comparison with the signature  
23 on the official registration card, and ~~however,~~ the judge or  
24 official must verify (i) the identity of the applicant, (ii)  
25 that the applicant is a registered voter, (iii) the precinct in  
26 which the applicant is registered, and (iv) the proper ballots  
27 of the political subdivision in which the applicant resides and  
28 is entitled to vote before providing an early ballot to the  
29 applicant. The applicant's identity must be verified by the  
30 applicant's presentation of an Illinois driver's license, a  
31 non-driver identification card issued by the Illinois  
32 Secretary of State, or another government-issued  
33 identification document containing the applicant's photograph.

1 The election judge or official must verify the applicant's  
2 registration from the most recent poll list provided by the  
3 election authority, and if the applicant is not listed on that  
4 poll list, by telephoning the office of the election authority.

5 (b-5) A person requesting an early voting ballot to whom an  
6 absentee ballot was issued may vote early if the person submits  
7 that absentee ballot to the judges of election or official  
8 conducting early voting for cancellation. If the voter is  
9 unable to submit the absentee ballot, it shall be sufficient  
10 for the voter to submit to the judges or official (i) a portion  
11 of the absentee ballot if the absentee ballot was torn or  
12 mutilated or (ii) an affidavit executed before the judges or  
13 official specifying that the voter never received an absentee  
14 ballot.

15 (b-10) Within one business day after a voter casts an early  
16 voting ballot, the election authority shall transmit the  
17 voter's name, street address, ward and precinct number or  
18 township and district number, as the case may be, to the State  
19 Board of Elections, which shall maintain those names and that  
20 information in an electronic format on its website, arranged by  
21 county and accessible to State and local political committees.

22 (b-15) This subsection applies to early voting polling  
23 places using optical scan technology voting equipment subject  
24 to Article 24B. A voter whose early voting ballot is not  
25 accepted by the voting equipment may, upon surrendering the  
26 ballot, request and vote another early voting ballot. The  
27 voter's ballot that was not accepted shall be initialed by the  
28 election judge or official conducting the early voting and  
29 handled as provided in Article 24B.

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

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

1 (10 ILCS 5/19A-50)

2 Sec. 19A-50. Receipt of ballots. Upon receipt of the  
3 voter's ballot, the election judge or official shall enclose  
4 the unopened ballot in a large or carrier envelope that shall  
5 be securely sealed and endorsed with the name and official  
6 title of the election judge or official and the words, "This  
7 envelope contains a ballot and must be opened on election day",  
8 together with the number and description of the precinct in  
9 which the ballot is to be voted, and the election authority  
10 shall safely keep the envelope in its office until delivered to  
11 the central ballot counting location judges of election as  
12 provided in Section 19A-35. The ballots determined to be valid  
13 shall be added to the vote totals for the precincts for which  
14 they were cast in the order in which the ballots were opened.

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

16 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

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

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



1 the election authority during the period for counting  
2 provisional ballots.

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

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

31 (f) Counting required under this Section to begin on  
32 election day after the closing of the polls shall commence no  
33 later than 8:00 p.m. and shall be conducted by a panel or  
34 panels of election judges appointed in the manner provided by

1 law. The counting shall continue until all absent voters'  
2 ballots and special write-in absentee voter's blank ballots  
3 required to be counted on election day have been counted.

4 (g) The procedures set forth in ~~Section 19-9 of this Act~~  
5 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots  
6 counted under this Section; ~~except that votes shall be recorded~~  
7 ~~without regard to precinct designation.~~ The ballots determined  
8 to be valid shall be added to the vote totals for the precincts  
9 for which they were cast in the order in which the ballots were  
10 opened.

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

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

17 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

18 Sec. 24A-10. (1) In an election jurisdiction which has  
19 adopted an electronic voting system, the election official in  
20 charge of the election shall select one of the 3 following  
21 procedures for receiving, counting, tallying, and return of the  
22 ballots:

23 (a) Two ballot boxes shall be provided for each polling  
24 place. The first ballot box is for the depositing of votes cast  
25 on the electronic voting system; and the second ballot box is  
26 for all votes cast on paper ballots, including ~~absentee paper~~  
27 ~~and early paper ballots and any other~~ paper ballots required to  
28 be voted other than on the electronic voting system. Ballots,  
29 ~~except absentee and early ballots for candidates and~~  
30 ~~propositions which are listed on the electronic voting system,~~  
31 deposited in the second ballot box shall be counted, tallied,  
32 and returned as is elsewhere provided in "The Election Code,"  
33 as amended, for the counting and handling of paper ballots.

1 Immediately after the closing of the polls ~~the absentee and~~  
2 ~~early ballots delivered to the precinct judges of election by~~  
3 ~~the election official in charge of the election shall be~~  
4 ~~examined to determine that such ballots comply with Sections~~  
5 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~  
6 ~~are entitled to be deposited in the ballot box provided~~  
7 ~~therefor; those entitled to be deposited in this ballot box~~  
8 ~~shall be initialed by the precinct judges of election and~~  
9 ~~deposited therein. Those not entitled to be deposited in this~~  
10 ~~ballot box shall be marked "Rejected" and disposed of as~~  
11 ~~provided in Sections 19-9, 19A-55, and 20-9. The precinct~~  
12 ~~judges of election shall then open the second ballot box and~~  
13 ~~examine all paper absentee and early ballots which are in the~~  
14 ~~ballot box to determine whether the absentee and early ballots~~  
15 ~~bear the initials of a precinct judge of election. If any~~  
16 ~~absentee or early ballot is not so initialed, it shall be~~  
17 ~~marked on the back "Defective," initialed as to such label by~~  
18 ~~all judges immediately under such word "Defective," and not~~  
19 ~~counted, but placed in the envelope provided for that purpose~~  
20 ~~labeled "Defective Ballots Envelope." The judges of election,~~  
21 ~~consisting in each case of at least one judge of election of~~  
22 ~~each of the two major political parties, shall examine the~~  
23 ~~paper absentee and early ballots which were in such ballot box~~  
24 ~~and properly initialed so as to determine whether the same~~  
25 ~~contain write-in votes. Write-in votes, not causing an overvote~~  
26 ~~for an office otherwise voted for on the paper absentee or~~  
27 ~~early ballot, and otherwise properly voted, shall be counted,~~  
28 ~~tallied and recorded on the tally sheet provided for such~~  
29 ~~record. A write-in vote causing an overvote for an office shall~~  
30 ~~not be counted for that office, but the precinct judges shall~~  
31 ~~mark such paper or early absentee ballot "Objected To" on the~~  
32 ~~back thereof and write on its back the manner in which such~~  
33 ~~ballot is counted and initial the same. An overvote for one~~  
34 ~~office shall invalidate only the vote or count of that~~

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

26 ~~As soon as the absentee and early ballots have been~~  
27 ~~deposited in the first ballot box, the judges of election shall~~  
28 ~~make out a slip indicating the number of persons who voted in~~  
29 ~~the precinct at the election. Such slip shall be signed by all~~  
30 ~~the judges of election and shall be inserted by them in the~~  
31 ~~first ballot box. The judges of election shall thereupon~~  
32 ~~immediately lock each ~~the first~~ ballot box; provided, that if~~  
33 ~~such box is not of a type which may be securely locked, such~~  
34 ~~box shall be sealed with filament tape provided for such~~

1 purpose which shall be wrapped around the box lengthwise and  
2 crosswise, at least twice each way, and in such manner that the  
3 seal completely covers the slot in the ballot box, and each of  
4 the judges shall sign such seal. Thereupon two of the judges of  
5 election, of different political parties, shall forthwith and  
6 by the most direct route transport both ballot boxes to the  
7 counting location designated by the county clerk or board of  
8 election commissioners.

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

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

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

34 (b) A single ballot box, for the deposit of all votes cast,

1 shall be used. All ballots which are not to be tabulated on the  
2 electronic voting system shall be counted, tallied, and  
3 returned as elsewhere provided in "The Election Code," as  
4 amended, for the counting and handling of paper ballots.

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

7 Immediately after the closing of the polls, ~~the absentee~~  
8 ~~and early ballots delivered to the precinct judges of election~~  
9 ~~by the election official in charge of the election shall be~~  
10 ~~examined to determine that such ballots comply with Sections~~  
11 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~  
12 ~~are entitled to be deposited in the ballot box; those entitled~~  
13 ~~to be deposited in the ballot box shall be initialed by the~~  
14 ~~precinct judges of election and deposited in the ballot box.~~  
15 ~~Those not entitled to be deposited in the ballot box shall be~~  
16 ~~marked "Rejected" and disposed of as provided in said Sections~~  
17 ~~19-9, 19A-55, and 20-9. The precinct judges of election then~~  
18 shall open the ballot box and canvass the votes polled to  
19 determine that the number of ballots therein agree with the  
20 number of voters voting as shown by the applications for ballot  
21 or if the same do not agree the judges of election shall make  
22 such ballots agree with the applications for ballot in the  
23 manner provided by Section 17-18 of "The Election Code." The  
24 judges of election shall then examine all ~~paper absentee and~~  
25 ~~early ballots,~~ ballot cards and ballot card envelopes which are  
26 in the ballot box to determine whether the ~~paper ballots,~~  
27 ballot cards and ballot card envelopes bear the initials of a  
28 precinct judge of election. If any ~~paper ballot,~~ ballot card or  
29 ballot card envelope is not initialed, it shall be marked on  
30 the back "Defective," initialed as to such label by all judges  
31 immediately under such word "Defective," and not counted, but  
32 placed in the envelope provided for that purpose labeled  
33 "Defective Ballots Envelope." ~~The judges of election,~~  
34 ~~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 the 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 absentee or early 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 and 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 or early ballot to an official ballot or a~~  
24 ~~ballot card of that kind used in the precinct at that election.~~  
25 ~~The original paper absentee 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 box for return of the ballots with~~

1 ~~all other ballots or ballot cards to be counted at the central~~  
2 ~~counting location in lieu of the paper absentee and early~~  
3 ~~ballots. The paper absentee and early ballots shall be placed~~  
4 ~~in an envelope provided for that purpose labeled "Duplicate~~  
5 ~~Ballots."~~

6 When an electronic voting system is used which utilizes a  
7 ballot card, before separating the ~~remaining~~ ballot cards from  
8 their respective covering envelopes, the judges of election  
9 shall examine the ballot card envelopes for write-in votes.  
10 When the voter has voted a write-in vote, the judges of  
11 election shall compare the write-in vote with the votes on the  
12 ballot card to determine whether such write-in results in an  
13 overvote for any office. In case of an overvote for any office,  
14 the judges of election, consisting in each case of at least one  
15 judge of election of each of the two major political parties,  
16 shall make a true duplicate ballot of all votes on such ballot  
17 card except for the office which is overvoted, by using the  
18 ballot label booklet of the precinct and one of the marking  
19 devices of the precinct so as to transfer all votes of the  
20 voter except for the office overvoted, to an official ballot  
21 card of that kind used in the precinct at that election. The  
22 original ballot card and envelope upon which there is an  
23 overvote shall be clearly labeled "Overvoted Ballot", and each  
24 shall bear the same serial number which shall be placed thereon  
25 by the judges of election, commencing with number 1 and  
26 continuing consecutively for the ballots of that kind in that  
27 precinct. The judges of election shall initial the "Duplicate  
28 Overvoted Ballot" ballot cards and shall place them in the box  
29 for return of the ballots. The "Overvoted Ballot" ballots and  
30 their envelopes shall be placed in the "Duplicate Ballots"  
31 envelope. Envelopes bearing write-in votes marked in the place  
32 designated therefor and bearing the initials of a precinct  
33 judge of election and not resulting in an overvote and  
34 otherwise complying with the election laws as to marking shall



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

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

1 political parties, designated for such purpose by the election  
2 official in charge of elections from recommendations by the  
3 appropriate political party organizations.

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

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

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

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

1 from each of the 2 major political parties, designated for such  
2 purpose by the election official in charge of the election from  
3 recommendations by the appropriate political party  
4 organizations.

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

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

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

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

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

1 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

5 Immediately after the closing of the polls, the ~~absentee~~  
6 ~~and early ballots delivered to the precinct judges of election~~  
7 ~~by the election authority shall be examined to determine that~~  
8 ~~such ballots comply with Sections 19-9 and 20-9 of this Act and~~  
9 ~~are entitled to be deposited in the ballot box; those entitled~~  
10 ~~to be deposited in the ballot box shall be initialed by the~~  
11 ~~precinct judges of election and deposited in the ballot box.~~  
12 ~~Those not entitled to be deposited in the ballot box shall be~~  
13 ~~marked "Rejected" and disposed of as provided in said Sections~~  
14 ~~19-9, 19A-55, and 20-9.~~

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

1 judges of election, commencing with number 1 and continuing  
2 consecutively for the ballots of that kind in that precinct.  
3 The original "Defective" card shall be placed in the "Defective  
4 Ballot Envelope" provided for that purpose.

5 When an electronic voting system is used which utilizes a  
6 ballot card, before separating the remaining ballot cards from  
7 their respective covering envelopes, the judges of election  
8 shall examine the ballot card envelopes for write-in votes.  
9 When the voter has cast a write-in vote, the judges of election  
10 shall compare the write-in vote with the votes on the ballot  
11 card to determine whether such write-in results in an overvote  
12 for any office. In case of an overvote for any office, the  
13 judges of election, consisting in each case of at least one  
14 judge of election of each of the 2 major political parties,  
15 shall make a true duplicate ballot of all votes on such ballot  
16 card except for the office which is overvoted, by using the  
17 ballot label booklet of the precinct and one of the marking  
18 devices of the precinct so as to transfer all votes of the  
19 voter, except for the office overvoted, to a duplicate card.  
20 The original ballot card and envelope upon which there is an  
21 overvote shall be clearly labeled "Overvoted Ballot", and each  
22 such "Overvoted Ballot" as well as its "Replacement" shall  
23 contain the same serial number which shall be placed thereon by  
24 the judges of election, commencing with number 1 and continuing  
25 consecutively for the ballots of that kind in that precinct.  
26 The "Overvoted Ballot" card and ballot envelope shall be placed  
27 in an envelope provided for that purpose labeled "Duplicate  
28 Ballot" envelope, and the judges of election shall initial the  
29 "Replacement" ballot cards and shall place them with the other  
30 ballot cards to be counted on the automatic tabulating  
31 equipment. Envelopes containing write-in votes marked in the  
32 place designated therefor and containing the initials of a  
33 precinct judge of election and not resulting in an overvote and  
34 otherwise complying with the election laws as to marking shall



1 be counted and tallied and their votes recorded on a tally  
2 sheet provided by the election authority.

3 The ballot cards and ballot card envelopes shall be  
4 separated in preparation for counting by the automatic  
5 tabulating equipment provided for that purpose by the election  
6 authority.

7 Before the ballots are entered into the automatic  
8 tabulating equipment, a precinct identification card provided  
9 by the election authority shall be entered into the device to  
10 ensure that the totals are all zeroes in the count column on  
11 the printing unit. A precinct judge of election shall then  
12 count the ballots by entering each ballot card into the  
13 automatic tabulating equipment, and if any ballot or ballot  
14 card is damaged or defective so that it cannot properly be  
15 counted by the automatic tabulating equipment, the judges of  
16 election, consisting in each case of at least one judge of  
17 election of each of the 2 major political parties, shall make a  
18 true duplicate ballot of all votes on such ballot card by using  
19 the 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 shall be clearly labeled  
23 "Duplicate Damaged Ballot", and each shall contain the same  
24 serial number which shall be placed thereon by the judges of  
25 election, commencing with number 1 and continuing  
26 consecutively for the ballots of that kind in the precinct. The  
27 judges of election shall initial the "Duplicate Damaged Ballot"  
28 ballot or ballot cards and shall enter the duplicate damaged  
29 cards into the automatic tabulating equipment. The "Damaged  
30 Ballot" cards shall be placed in the "Duplicated Ballots"  
31 envelope; after all ballot cards have been successfully read,  
32 the judges of election shall check to make certain that the  
33 last number printed by the printing unit is the same as the  
34 number of voters making application for ballot in that

1 precinct. The number shall be listed on the "Statement of  
2 Ballots" form provided by the election authority.

3 The totals for all candidates and propositions shall be  
4 tabulated; 4 sets shall be attached to the 4 sets of  
5 "Certificate of Results" provided by the election authority;  
6 one set shall be posted in a conspicuous place inside the  
7 polling place; and every effort shall be made by the judges of  
8 election to provide a set for each authorized pollwatcher or  
9 other official authorized to be present in the polling place to  
10 observe the counting of ballots; but in no case shall the  
11 number of sets to be made available to pollwatchers be fewer  
12 than 4, chosen by lot by the judges of election. In addition,  
13 sufficient time shall be provided by the judges of election to  
14 the pollwatchers to allow them to copy information from the set  
15 which has been posted.

16 The judges of election shall count all unused ballot cards  
17 and enter the number on the "Statement of Ballots". All  
18 "Spoiled", "Defective" and "Duplicated" ballot cards shall be  
19 counted and the number entered on the "Statement of Ballots".

20 The precinct judges of election shall select a bi-partisan  
21 team of 2 judges, who shall immediately return the ballots in a  
22 sealed container, along with all other election materials as  
23 instructed by the election authority; provided, however, that  
24 such container must first be sealed by the election judges with  
25 filament tape provided for such purpose which shall be wrapped  
26 around the container lengthwise and crosswise, at least twice  
27 each way, in such manner that the ballots cannot be removed  
28 from such container without breaking the seal and filament tape  
29 and disturbing any signatures affixed by the election judges to  
30 the container. The election authority shall keep the office of  
31 the election authority, or any receiving stations designated by  
32 such authority, open for at least 12 consecutive hours after  
33 the polls close or until the ballots from all precincts with  
34 in-precinct counting equipment within the jurisdiction of the

1 election authority have been returned to the election  
2 authority. Ballots returned to the office of the election  
3 authority which are not signed and sealed as required by law  
4 shall not be accepted by the election authority until the  
5 judges returning the same make and sign the necessary  
6 corrections. Upon acceptance of the ballots by the election  
7 authority, the judges returning the same shall take a receipt  
8 signed by the election authority and stamped with the time and  
9 date of such return. The election judges whose duty it is to  
10 return any ballots as herein provided shall, in the event such  
11 ballots cannot be found when needed, on proper request, produce  
12 the receipt which they are to take as above provided.

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

14 (10 ILCS 5/24B-10)

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

17 (a) In an election jurisdiction which has adopted an  
18 electronic Precinct Tabulation Optical Scan Technology voting  
19 system, the election official in charge of the election shall  
20 select one of the 3 following procedures for receiving,  
21 counting, tallying, and return of the ballots:

22 (1) Two ballot boxes shall be provided for each polling  
23 place. The first ballot box is for the depositing of votes  
24 cast on the electronic voting system; and the second ballot  
25 box is for all votes cast on other ballots, including  
26 ~~absentee paper and early paper ballots and any other paper~~  
27 ~~ballots required to be voted other than on the Precinct~~  
28 ~~Tabulation Optical Scan Technology electronic voting~~  
29 ~~system. Ballots, except absentee and early ballots for~~  
30 ~~candidates and propositions which are listed on the~~  
31 ~~Precinct Tabulation Optical Scan Technology electronic~~  
32 ~~voting system,~~ deposited in the second ballot box shall be  
33 counted, tallied, and returned as is elsewhere provided in

1 this Code for the counting and handling of paper ballots.  
2 Immediately after the closing of the polls, the absentee  
3 ~~and early ballots delivered to the precinct judges of~~  
4 ~~election by the election official in charge of the election~~  
5 ~~shall be examined to determine that the ballots comply with~~  
6 ~~Sections 19-9, 19A-55, and 20-9 of this Code and are~~  
7 ~~entitled to be inserted into the counting equipment and~~  
8 ~~deposited into the ballot box provided; those entitled to~~  
9 ~~be deposited in this ballot box shall be initialed by the~~  
10 ~~precinct judges of election and deposited. Those not~~  
11 ~~entitled to be deposited in this ballot box shall be marked~~  
12 ~~"Rejected" and disposed of as provided in Sections 19-9,~~  
13 ~~19A-55, and 20-9. The precinct judges of election shall~~  
14 ~~then open the second ballot box and examine all paper~~  
15 ~~absentee and early ballots which are in the ballot box to~~  
16 ~~determine whether the absentee or early ballots bear the~~  
17 ~~initials of a precinct judge of election. If any absentee~~  
18 ~~or early ballot is not so initialed, it shall be marked on~~  
19 ~~the back "Defective", initialed as to the label by all~~  
20 ~~judges immediately under the word "Defective", and not~~  
21 ~~counted, but placed in the envelope provided for that~~  
22 ~~purpose labeled "Defective Ballots Envelope". The judges~~  
23 ~~of election, consisting in each case of at least one judge~~  
24 ~~of election of each of the 2 major political parties, shall~~  
25 ~~examine the paper absentee and early ballots which were in~~  
26 ~~such 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 such paper~~  
34 ~~absentee or early ballot "Objected To" on the back and~~

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

32 ~~As soon as the absentee and early ballots have been~~  
33 ~~deposited in the first ballot box, the judges of election~~  
34 shall make out a slip indicating the number of persons who

1 voted in the precinct at the election. The slip shall be  
2 signed by all the judges of election and shall be inserted  
3 by them in the first ballot box. The judges of election  
4 shall thereupon immediately lock each ~~the first~~ ballot box;  
5 provided, that if the box is not of a type which may be  
6 securely locked, the box shall be sealed with filament tape  
7 provided for the purpose that shall be wrapped around the  
8 box lengthwise and crosswise, at least twice each way, and  
9 in a manner that the seal completely covers the slot in the  
10 ballot box, and each of the judges shall sign the seal. Two  
11 of the judges of election, of different political parties,  
12 shall by the most direct route transport both ballot boxes  
13 to the counting location designated by the county clerk or  
14 board of election commissioners.

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

32 The excess ballots shall be marked "Excess-Not  
33 Counted" and signed by the 2 precinct transport judges and  
34 shall be placed in the "After 7:00 p.m. Defective Ballots

1 Envelope". The number of excess ballots shall be noted in  
2 the remarks section of the Certificate of Results. "Excess"  
3 ballots shall not be counted in the total of "defective"  
4 ballots.

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

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

13 All ballots to be processed and tabulated with the  
14 electronic Precinct Tabulation Optical Scan Technology  
15 voting system shall be processed as follows:

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

1 ~~ballot envelopes which are in the ballot box to determine~~  
2 ~~whether the ballots and ballot envelopes bear the initials~~  
3 ~~of a precinct judge of election. If any ballot or ballot~~  
4 ~~envelope is not initialed, it shall be marked on the back~~  
5 ~~"Defective", initialed as to the label by all judges~~  
6 ~~immediately under the word "Defective", and not counted,~~  
7 ~~but placed in the envelope provided for that purpose~~  
8 ~~labeled "Defective Ballots Envelope". The judges of~~  
9 ~~election, consisting in each case of at least one judge of~~  
10 ~~election of each of the 2 major political parties, shall~~  
11 ~~examine the paper absentee and early ballots which were in~~  
12 ~~the 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 the paper~~  
20 ~~absentee or early ballot "Objected To" on the back and~~  
21 ~~write on its back the manner the ballot is counted and~~  
22 ~~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 ~~voting system used in the precinct and one of the marking~~  
32 ~~devices of the precinct to transfer the remaining valid~~  
33 ~~votes of the voter on the paper absentee or early ballot to~~  
34 ~~an official ballot of that kind used in the precinct at~~



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

17 In case of an overvote for any office, the judges of  
18 election, consisting in each case of at least one judge of  
19 election of each of the 2 major political parties, shall  
20 make a true duplicate ballot of all votes on the ballot  
21 except for the office which is overvoted, by using the  
22 ballot of the precinct and one of the marking devices, or  
23 equivalent ballot, of the precinct to transfer all votes of  
24 the voter except for the office overvoted, to an official  
25 ballot of that kind used in the precinct at that election.  
26 The original ballot upon which there is an overvote shall  
27 be clearly labeled "Overvoted Ballot", and each shall bear  
28 the same serial number which shall be placed thereon by the  
29 judges of election, beginning with number 1 and continuing  
30 consecutively for the ballots of that kind in that  
31 precinct. The judges of election shall initial the  
32 "Duplicate Overvoted Ballot" ballots and shall place them  
33 in the box for return of the ballots. The "Overvoted  
34 Ballot" ballots shall be placed in the "Duplicate Ballots"

1 envelope. The ballots except any defective or overvoted  
2 ballot shall be placed separately in the box for return of  
3 the ballots, ~~along with all "Duplicate Absentee Ballots",~~  
4 ~~"Duplicate Early Ballots", and "Duplicate Overvoted~~  
5 ~~Ballots"~~. The judges of election shall examine the ballots  
6 to determine if any is damaged or defective so that it  
7 cannot be counted by the automatic tabulating equipment. If  
8 any ballot is damaged or defective so that it cannot  
9 properly be counted by the automatic tabulating equipment,  
10 the judges of election, consisting in each case of at least  
11 one judge of election of each of the 2 major political  
12 parties, shall make a true duplicate ballot of all votes on  
13 such ballot by using the ballot of the precinct and one of  
14 the marking devices, or equivalent ballot, of the precinct.  
15 The original ballot and ballot envelope shall be clearly  
16 labeled "Damaged Ballot" and the ballot so produced  
17 "Duplicate Damaged Ballot", and each shall bear the same  
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 the precinct.  
21 The judges of election shall initial the "Duplicate Damaged  
22 Ballot" ballot and shall place them in the box for return  
23 of the ballots. The "Damaged Ballot" ballots shall be  
24 placed in the "Duplicated Ballots" envelope. A slip  
25 indicating the number of voters voting in person, ~~number of~~  
26 ~~absentee and early votes deposited in the ballot box,~~ and  
27 the total number of voters of the precinct who voted at the  
28 election shall be made out, signed by all judges of  
29 election, and inserted in the box for return of the  
30 ballots. The tally sheets recording the write-in votes  
31 shall be placed in this box. The judges of election  
32 immediately shall securely lock the ballot box or other  
33 suitable box furnished for return of the ballots by the  
34 election official in charge of the election; provided that

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

1 designated for the purpose by the election official in  
2 charge of elections from recommendations by the  
3 appropriate political party organizations.

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

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

21 (3) A single ballot box, for the deposit of all votes  
22 cast, shall be used. Immediately after the closing of the  
23 polls, ~~the judges of election shall examine the absentee~~  
24 ~~and early ballots received by the precinct judges of~~  
25 ~~election from the election authority of voters in that~~  
26 ~~precinct to determine that they comply with the provisions~~  
27 ~~of Sections 19-9, 19A-55, 20-8, and 20-9 of this Code and~~  
28 ~~are entitled to be deposited in the ballot box; those~~  
29 ~~entitled to be deposited in the ballot box shall be~~  
30 ~~initialed by the precinct judges and deposited in the~~  
31 ~~ballot box. Those not entitled to be deposited in the~~  
32 ~~ballot box, in accordance with Sections 19-9, 19A-55, 20-8,~~  
33 ~~and 20-9 of this Code shall be marked "Rejected" and~~  
34 ~~preserved in the manner provided in this Code for the~~

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

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

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

1 ballots shall take a receipt signed by the election official in  
2 charge of the election and stamped with the date and time of  
3 acceptance. The election judges whose duty it is to transport  
4 any ballots shall, in the event the ballots cannot be found  
5 when needed, on proper request, produce the receipt which they  
6 are to take as above provided.

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

8 (10 ILCS 5/24B-10.1)

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

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

29 Immediately after the closing of the polls, the ~~absentee or~~  
30 ~~early ballots delivered to the precinct judges of election by~~  
31 ~~the election authority shall be examined to determine that the~~  
32 ~~ballots comply with Sections 19-9, 19A-55, and 20-9 of this~~  
33 ~~Code and are entitled to be scanned by the Precinct Tabulation~~



1 ~~Optical Scan Technology equipment and then deposited in the~~  
2 ~~ballot box; those entitled to be scanned and deposited in the~~  
3 ~~ballot box shall be initialed by the precinct judges of~~  
4 ~~election and then scanned and deposited in the ballot box.~~  
5 ~~Those not entitled to be deposited in the ballot box shall be~~  
6 ~~marked "Rejected" and disposed of as provided in said Sections~~  
7 ~~19-9, 19A-55, and 20-9.~~

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

31       If the judges of election have removed a ballot pursuant to  
32 Section 17-18, have labeled "Defective" a ballot which is not  
33 initialed, or have otherwise determined under this Code to not  
34 count a ballot originally deposited into a ballot box, the

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

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

1 shall place them with the other ballots to be counted on the  
2 automatic tabulating equipment.

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

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

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

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

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

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

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

10 (10 ILCS 5/24C-13)

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

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

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

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

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

25             (10 ILCS 5/19-9 rep.)

26             (10 ILCS 5/19A-55 rep.)

27             (10 ILCS 5/20-9 rep.)

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

30       Section 99. Effective date. This Act takes effect upon  
31 becoming law."