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AMENDMENT TO SENATE BILL 1445

AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1445, AS AMENDED, by replacing everything after the enacting clause with the following:

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

(10 ILCS 5/1-9 new)

Sec. 1-9. Central counting of grace period, early, absentee, and provisional ballots. Notwithstanding any statutory provision to the contrary enacted before the effective date of this amendatory Act of the 94th General Assembly, all grace period ballots, early voting ballots, absentee ballots, and provisional ballots to be counted shall be delivered to and counted at an election authority's central ballot counting location and not in precincts. References in this Code enacted before the effective date of this amendatory Act of the 94th General Assembly to delivery and counting of grace period ballots, early voting ballots, absentee ballots,

1 or provisional ballots to or at a precinct polling place or to  
2 the proper polling place shall be construed as references to  
3 delivery and counting of those ballots to and at the election  
4 authority's central ballot counting location.

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

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

12 (10 ILCS 5/4-50)

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

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

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

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

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

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

26 (10 ILCS 5/5-50)

27 Sec. 5-50. Grace period. Notwithstanding any other  
28 provision of this Code to the contrary, each election authority  
29 shall establish procedures for the registration of voters and  
30 for change of address during the period from the close of  
31 registration for a primary or election and until the 14th day  
32 before the primary or election. During this grace period, an  
33 unregistered qualified elector may register to vote, and a

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

8 If a voter who registers or changes address during this  
9 grace period wishes to vote at the first election or primary  
10 occurring after the grace period, he or she must do so by grace  
11 period voting, either in person in the office of the election  
12 authority or at a location specifically designated for this  
13 purpose by the election authority, or by mail, at the  
14 discretion of the election authority. Grace period voting shall  
15 be in a manner substantially similar to voting under Article  
16 19.

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

28 A person who casts a grace period ballot shall not be  
29 permitted to revoke that ballot and vote another ballot with  
30 respect to that primary or election. Ballots cast by persons  
31 who register or change address during the grace period must be  
32 transmitted to and counted at the election authority's central  
33 ballot counting location and shall not be transmitted to and  
34 counted at precinct polling places. The grace period ballots

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

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

5 (10 ILCS 5/6-100)

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

20 If a voter who registers or changes address during this  
21 grace period wishes to vote at the first election or primary  
22 occurring after the grace period, he or she must do so by grace  
23 period voting, either in person in the office of the election  
24 authority or at a location specifically designated for this  
25 purpose by the election authority, or by mail, at the  
26 discretion of the election authority. Grace period voting shall  
27 be in a manner substantially similar to voting under Article  
28 19.

29 Within one day after a voter casts a grace period ballot,  
30 the election authority shall transmit the voter's name, street  
31 address, and precinct, ward, township, and district numbers, as  
32 the case may be, to the State Board of Elections, which shall  
33 maintain those names and that information in an electronic

1 format on its website, arranged by county and accessible to  
2 State and local political committees. The name of each person  
3 issued a grace period ballot shall also be placed on the  
4 appropriate precinct list of persons to whom absentee and early  
5 ballots have been issued, for use as provided in Sections 17-9  
6 and 18-5.

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

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

18 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

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

29 Not less than 61 days before the date of the general  
30 election, each county clerk shall certify the names of each of  
31 the candidates for county offices who have been nominated as  
32 shown by the proclamation of the county election authority or  
33 who have been nominated to fill a vacancy in nomination and

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

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

30 No person who is shown by the final ~~election authority's~~  
31 proclamation to have been nominated or elected at the primary  
32 as a write-in candidate shall have his or her name certified  
33 unless such person shall have filed with the certifying office  
34 or board within 10 days after the election authority's

1 proclamation a statement of candidacy pursuant to Section 7-10,  
2 a statement pursuant to Section 7-10.1, and a receipt for the  
3 filing of a statement of economic interests in relation to the  
4 unit of government to which he or she has been elected or  
5 nominated.

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

27 Each certification shall indicate, where applicable, the  
28 following:

29 (1) The political party affiliation of the candidates for  
30 the respective offices;

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

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



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

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

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

9 (10 ILCS 5/9-9.5)

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

11 (a) Any political committee, organized under the Election  
12 Code, that makes an expenditure for a pamphlet, circular,  
13 handbill, Internet or telephone communication, radio,  
14 television, or print advertisement, or other communication  
15 directed at voters and mentioning the name of a candidate in  
16 the next upcoming election shall ensure that the name of the  
17 political committee paying for any part of the communication,  
18 including, but not limited to, its preparation and  
19 distribution, is identified clearly within the communication  
20 as the payor. This subsection ~~Section~~ does not apply to items  
21 that are too small to contain the required disclosure. Nothing  
22 in this subsection ~~Section~~ shall require disclosure on any  
23 telephone communication using random sampling or other  
24 scientific survey methods to gauge public opinion for or  
25 against any candidate or question of public policy.

26 Whenever any vendor or other person provides any of the  
27 services listed in this subsection ~~Section~~, other than any  
28 telephone communication using random sampling or other  
29 scientific survey methods to gauge public opinion for or  
30 against any candidate or question of public policy, the vendor  
31 or person shall keep and maintain records showing the name and  
32 address of the person who purchased or requested the services  
33 and the amount paid for the services. The records required by

1 this subsection ~~Section~~ shall be kept for a period of one year  
2 after the date upon which payment was received for the  
3 services.

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

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

24 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04;  
25 94-645, eff. 8-22-05.)

26 (10 ILCS 5/13-1) (from Ch. 46, par. 13-1)

27 Sec. 13-1. In counties not under township organization, the  
28 county board of commissioners shall at its meeting in July ~~May~~  
29 in each even-numbered year appoint in each election precinct 5  
30 capable and discreet persons meeting the qualifications of  
31 Section 13-4 to be judges of election. Where neither voting  
32 machines nor electronic, mechanical or electric voting systems  
33 are used, the county board may, for any precinct with respect

1 to which the board considers such action necessary or desirable  
2 in view of the number of voters, and shall for general  
3 elections for any precinct containing more than 600 registered  
4 voters, appoint in addition to the 5 judges of election a team  
5 of 5 tally judges. In such precincts the judges of election  
6 shall preside over the election during the hours the polls are  
7 open, and the tally judges, with the assistance of the holdover  
8 judges designated pursuant to Section 13-6.2, shall count the  
9 vote after the closing of the polls. However, the County Board  
10 of Commissioners may appoint 3 judges of election to serve in  
11 lieu of the 5 judges of election otherwise required by this  
12 Section to serve in any emergency referendum, or in any  
13 odd-year regular election or in any special primary or special  
14 election called for the purpose of filling a vacancy in the  
15 office of representative in the United States Congress or to  
16 nominate candidates for such purpose. The tally judges shall  
17 possess the same qualifications and shall be appointed in the  
18 same manner and with the same division between political  
19 parties as is provided for judges of election.

20 In addition to such precinct judges, the county board of  
21 commissioners shall appoint special panels of 3 judges each,  
22 who shall possess the same qualifications and shall be  
23 appointed in the same manner and with the same division between  
24 political parties as is provided for other judges of election.  
25 The number of such panels of judges required shall be  
26 determined by regulations of the State Board of Elections which  
27 shall base the required numbers of special panels on the number  
28 of registered voters in the jurisdiction or the number of  
29 absentee ballots voted at recent elections, or any combination  
30 of such factors.

31 Such appointment shall be confirmed by the court as  
32 provided in Section 13-3 of this Article. No more than 3  
33 persons of the same political party shall be appointed judges  
34 of the same election precinct or election judge panel. The

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

1 certain election precincts), the county board of commissioners  
2 shall make or complete such list from the names contained in  
3 the supplemental list provided for in Section 13-1.1. The  
4 election judges shall hold their office for 2 years from their  
5 appointment, and until their successors are duly appointed in  
6 the manner provided in this Act. The county board of  
7 commissioners shall fill all vacancies in the office of judge  
8 of election at any time in the manner provided in this Act.  
9 (Source: P.A. 91-352, eff. 1-1-00.)

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

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

33 However, the county board may appoint 3 judges of election

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

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

17 No more than 3 persons of the same political party shall be  
18 appointed judges in the same election district or undivided  
19 precinct. The election of the judges of election in the various  
20 election precincts shall be made in the following manner: The  
21 county board shall select and approve 3 of the election judges  
22 in each precinct from a certified list furnished by the  
23 chairman of the County Central Committee of the first leading  
24 political party in such election precinct and shall also select  
25 and approve 2 judges of election in each election precinct from  
26 a certified list furnished by the chairman of the County  
27 Central Committee of the second leading political party in such  
28 election precinct. However, if only 3 judges of election serve  
29 in each election precinct, no more than 2 persons of the same  
30 political party shall be judges of election in the same  
31 election precinct; and which political party is entitled to 2  
32 judges of election and which political party is entitled to one  
33 judge of election shall be determined in the same manner as set  
34 forth in the next two preceding sentences with regard to 5

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

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

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

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

19 (10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)

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



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

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

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

1 vacancies in the office of judges of election at any time in  
2 the manner herein provided.

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

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

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall give his name  
8 and, if required to do so, his residence to the judges of  
9 election, one of whom shall thereupon announce the same in a  
10 loud and distinct tone of voice, clear, and audible; the judges  
11 of elections shall check each application for ballot against  
12 the list of voters registered in that precinct to whom grace  
13 period, absentee, or early ballots have been issued for that  
14 election, which shall be provided by the election authority and  
15 which list shall be available for inspection by pollwatchers. A  
16 voter applying to vote in the precinct on election day whose  
17 name appears on the list as having been issued a grace period,  
18 ~~an~~ absentee, or early ballot shall not be permitted to vote in  
19 the precinct, except that a voter to whom an absentee ballot  
20 was issued may vote in the precinct if the voter submits to the  
21 election judges that absentee ballot for cancellation. If the  
22 voter is unable to submit the absentee ballot, it shall be  
23 sufficient for the voter to submit to the election judges (i) a  
24 portion of the absentee ballot if the absentee ballot was torn  
25 or mutilated or (ii) an affidavit executed before the election  
26 judges specifying that (A) the voter never received an absentee  
27 ballot or (B) the voter completed and returned an absentee  
28 ballot and was informed that the election authority did not  
29 receive that absentee ballot. All applicable provisions of  
30 Articles 4, 5 or 6 shall be complied with and if such name is  
31 found on the register of voters by the officer having charge  
32 thereof, he shall likewise repeat said name, and the voter  
33 shall be allowed to enter within the proximity of the voting

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

1 being allowed to vote shall not apply to persons otherwise  
2 entitled to vote, who are, at the time of the election, or at  
3 any time within 60 days prior to such election have been  
4 engaged in the military or naval service of the United States,  
5 and who appear personally at the polling place on election day  
6 and produce to the judges of election satisfactory evidence  
7 thereof, but such persons, if otherwise qualified to vote,  
8 shall be permitted to vote at such election without previous  
9 registration.

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

12 State of Illinois,)

13 ) ss.

14 County of .....)

15 ..... Precinct ..... Ward

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

29 .....

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

31 .....

32 Judge of Election.

33 The affidavit of any such person shall be supported by the

1 affidavit of a resident and qualified voter of any such  
2 precinct and ward, which affidavit shall be in substantially  
3 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  
9 resident of this precinct and ward and entitled to vote at this  
10 election; that I am acquainted with .... (name of the  
11 applicant); that I verily believe him to be an actual bona fide  
12 resident of this precinct and ward and that I verily believe  
13 that he or she has maintained a legal residence therein 30 days  
14 and in this State 30 days next preceding this election.

15 .....  
16 Subscribed and sworn to before me on (insert date).

17 .....  
18 Judge of Election.

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

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

27 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

28 Sec. 18-5. Any person desiring to vote and whose name is  
29 found upon the register of voters by the person having charge  
30 thereof, shall then be questioned by one of the judges as to  
31 his nativity, his term of residence at present address,  
32 precinct, State and United States, his age, whether naturalized

1 and if so the date of naturalization papers and court from  
2 which secured, and he shall be asked to state his residence  
3 when last previously registered and the date of the election  
4 for which he then registered. The judges of elections shall  
5 check each application for ballot against the list of voters  
6 registered in that precinct to whom grace period, absentee, and  
7 early ballots have been issued for that election, which shall  
8 be provided by the election authority and which list shall be  
9 available for inspection by pollwatchers. A voter applying to  
10 vote in the precinct on election day whose name appears on the  
11 list as having been issued a grace period, ~~an~~ absentee, or  
12 early ballot shall not be permitted to vote in the precinct,  
13 except that a voter to whom an absentee ballot was issued may  
14 vote in the precinct if the voter submits to the election  
15 judges that absentee ballot for cancellation. If the voter is  
16 unable to submit the absentee ballot, it shall be sufficient  
17 for the voter to submit to the election judges (i) a portion of  
18 the absentee ballot if the absentee ballot was torn or  
19 mutilated or (ii) an affidavit executed before the election  
20 judges specifying that (A) the voter never received an absentee  
21 ballot or (B) the voter completed and returned an absentee  
22 ballot and was informed that the election authority did not  
23 receive that absentee ballot. If such person so registered  
24 shall be challenged as disqualified, the party challenging  
25 shall assign his reasons therefor, and thereupon one of the  
26 judges shall administer to him an oath to answer questions, and  
27 if he shall take the oath he shall then be questioned by the  
28 judge or judges touching such cause of challenge, and touching  
29 any other cause of disqualification. And he may also be  
30 questioned by the person challenging him in regard to his  
31 qualifications and identity. But if a majority of the judges  
32 are of the opinion that he is the person so registered and a  
33 qualified voter, his vote shall then be received accordingly.  
34 But if his vote be rejected by such judges, such person may

1 afterward produce and deliver an affidavit to such judges,  
2 subscribed and sworn to by him before one of the judges, in  
3 which it shall be stated how long he has resided in such  
4 precinct, and state; that he is a citizen of the United States,  
5 and is a duly qualified voter in such precinct, and that he is  
6 the identical person so registered. In addition to such an  
7 affidavit, the person so challenged shall provide to the judges  
8 of election proof of residence by producing 2 forms of  
9 identification showing the person's current residence address,  
10 provided that such identification to the person at his current  
11 residence address and postmarked not earlier than 30 days prior  
12 to the date of the election, or the person shall procure a  
13 witness personally known to the judges of election, and  
14 resident in the precinct (or district), or who shall be proved  
15 by some legal voter of such precinct or district, known to the  
16 judges to be such, who shall take the oath following, viz:

17 I do solemnly swear (or affirm) that I am a resident of  
18 this election precinct (or district), and entitled to vote at  
19 this election, and that I have been a resident of this State  
20 for 30 days last past, and am well acquainted with the person  
21 whose vote is now offered; that he is an actual and bona fide  
22 resident of this election precinct (or district), and has  
23 resided herein 30 days, and as I verily believe, in this State,  
24 30 days next preceding this election.

25 The oath in each case may be administered by one of the  
26 judges of election, or by any officer, resident in the precinct  
27 or district, authorized by law to administer oaths. Also  
28 supported by an affidavit by a registered voter residing in  
29 such precinct, stating his own residence, and that he knows  
30 such person; and that he does reside at the place mentioned and  
31 has resided in such precinct and state for the length of time  
32 as stated by such person, which shall be subscribed and sworn  
33 to in the same way. Whereupon the vote of such person shall be  
34 received, and entered as other votes. But such judges, having



1 charge of such registers, shall state in their respective books  
2 the facts in such case, and the affidavits, so delivered to the  
3 judges, shall be preserved and returned to the office of the  
4 commissioners of election. Blank affidavits of the character  
5 aforesaid shall be sent out to the judges of all the precincts,  
6 and the judges of election shall furnish the same on demand and  
7 administer the oaths without criticism. Such oaths, if  
8 administered by any other officer than such judge of election,  
9 shall not be received. Whenever a proposal for a constitutional  
10 amendment or for the calling of a constitutional convention is  
11 to be voted upon at the election, the separate blue ballot or  
12 ballots pertaining thereto shall be placed on top of the other  
13 ballots to be voted at the election in such manner that the  
14 legend appearing on the back thereof, as prescribed in Section  
15 16-6 of this Act, shall be plainly visible to the voter, and in  
16 this fashion the ballots shall be handed to the voter by the  
17 judge.

18 The voter shall, upon quitting the voting booth, deliver to  
19 one of the judges of election all of the ballots, properly  
20 folded, which he received. The judge of election to whom the  
21 voter delivers his ballots shall not accept the same unless all  
22 of the ballots given to the voter are returned by him. If a  
23 voter delivers less than all of the ballots given to him, the  
24 judge to whom the same are offered shall advise him in a voice  
25 clearly audible to the other judges of election that the voter  
26 must return the remainder of the ballots. The statement of the  
27 judge to the voter shall clearly express the fact that the  
28 voter is not required to vote such remaining ballots but that  
29 whether or not he votes them he must fold and deliver them to  
30 the judge. In making such statement the judge of election shall  
31 not indicate by word, gesture or intonation of voice that the  
32 unreturned ballots shall be voted in any particular manner. No  
33 new voter shall be permitted to enter the voting booth of a  
34 voter who has failed to deliver the total number of ballots

1 received by him until such voter has returned to the voting  
2 booth pursuant to the judge's request and again quit the booth  
3 with all of the ballots required to be returned by him. Upon  
4 receipt of all such ballots the judges of election shall enter  
5 the name of the voter, and his number, as above provided in  
6 this Section, and the judge to whom the ballots are delivered  
7 shall immediately put the ballots into the ballot box. If any  
8 voter who has failed to deliver all the ballots received by him  
9 refuses to return to the voting booth after being advised by  
10 the judge of election as herein provided, the judge shall  
11 inform the other judges of such refusal, and thereupon the  
12 ballot or ballots returned to the judge shall be deposited in  
13 the ballot box, the voter shall be permitted to depart from the  
14 polling place, and a new voter shall be permitted to enter the  
15 voting booth.

16 The judge of election who receives the ballot or ballots  
17 from the voter shall announce the residence and name of such  
18 voter in a loud voice. The judge shall put the ballot or  
19 ballots received from the voter into the ballot box in the  
20 presence of the voter and the judges of election, and in plain  
21 view of the public. The judges having charge of such registers  
22 shall then, in a column prepared thereon, in the same line of,  
23 the name of the voter, mark "Voted" or the letter "V".

24 No judge of election shall accept from any voter less than  
25 the full number of ballots received by such voter without first  
26 advising the voter in the manner above provided of the  
27 necessity of returning all of the ballots, nor shall any such  
28 judge advise such voter in a manner contrary to that which is  
29 herein permitted, or in any other manner violate the provisions  
30 of this Section; provided, that the acceptance by a judge of  
31 election of less than the full number of ballots delivered to a  
32 voter who refuses to return to the voting booth after being  
33 properly advised by such judge shall not be a violation of this  
34 Section.

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

2 (10 ILCS 5/18A-15)

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

4 (a) The county clerk or board of election commissioners  
5 shall complete the validation and counting of provisional  
6 ballots within 14 calendar days of the day of the election. The  
7 county clerk or board of election commissioners shall have 7  
8 calendar days from the completion of the validation and  
9 counting of provisional ballots to conduct its final canvass.  
10 The State Board of Elections shall complete within 31 calendar  
11 days of the election or sooner if all the returns are received,  
12 its final canvass of the vote for all public offices.

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

16 (1) The provisional voter cast the provisional ballot  
17 in the correct precinct based on the address provided by  
18 the provisional voter. The provisional voter's affidavit  
19 shall serve as a change of address request by that voter  
20 for registration purposes for the next ensuing election if  
21 it bears an address different from that in the records of  
22 the election authority;

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

27 (3) the provisional voter is a registered voter based  
28 on information available to the county clerk or board of  
29 election commissioners provided by or obtained from any of  
30 the following:

31 i. the provisional voter;

32 ii. an election judge;

33 iii. the statewide voter registration database

1 maintained by the State Board of Elections;

2 iv. the records of the county clerk or board of  
3 election commissioners' database; or

4 v. the records of the Secretary of State.

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

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

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

29 (e) If the county clerk or board of election commissioners  
30 determines that subsection (b) (1), (b) (2), or (b) (3) does not  
31 apply, then the provisional ballot is not valid and may not be  
32 counted. The provisional ballot envelope containing the ballot  
33 cast by the provisional voter may not be opened. The county  
34 clerk or board of election commissioners shall write on the

1 provisional ballot envelope the following: "Provisional ballot  
2 determined invalid."

3 (f) If the county clerk or board of election commissioners  
4 determines that a provisional ballot is valid under this  
5 Section, then the provisional ballot envelope shall be opened.  
6 The outside of each provisional ballot envelope shall also be  
7 marked to identify the precinct and the date of the election.

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

26 (h) As soon as the ballots have been counted, the election  
27 judges or election officials shall, in the presence of the  
28 county clerk or board of election commissioners, place each of  
29 the following items in a separate envelope or bag: (1) all  
30 provisional ballots, voted or spoiled; (2) all provisional  
31 ballot envelopes of provisional ballots voted or spoiled; and  
32 (3) all executed affidavits of the provisional ballots voted or  
33 spoiled. All provisional ballot envelopes for provisional  
34 voters who have been determined not to be registered to vote

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

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

24 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

25 Sec. 19-2.1. At the consolidated primary, general primary,  
26 consolidated, and general elections, electors entitled to vote  
27 by absentee ballot under the provisions of Section 19-1 may  
28 vote in person at the office of the municipal clerk, if the  
29 elector is a resident of a municipality not having a board of  
30 election commissioners, or at the office of the township clerk  
31 or, in counties not under township organization, at the office  
32 of the road district clerk if the elector is not a resident of  
33 a municipality; provided, in each case that the municipal,

1 township or road district clerk, as the case may be, is  
2 authorized to conduct in-person absentee voting pursuant to  
3 this Section. Absentee voting in such municipal and township  
4 clerk's offices under this Section shall be conducted from the  
5 22nd day through the day before the election.

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



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

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

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

1 the same manner as provided in Sections 7-34 and 17-23, except  
2 each candidate, political party or organization of citizens may  
3 appoint only one pollwatcher for each location where in-person  
4 absentee voting is conducted. Pollwatchers must be registered  
5 to vote in Illinois and possess valid pollwatcher credentials.  
6 All requirements in this Article applicable to election  
7 authorities shall apply to the respective local clerks, except  
8 where inconsistent with this Section.

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

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

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

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

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

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

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

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

1 business days after posting a name and other information on the  
2 list within its office, the election authority shall mail,  
3 postage prepaid, or deliver in person in such office an  
4 official ballot or ballots if more than one are to be voted at  
5 said election. Mail delivery of Temporarily Absent Student  
6 ballot applications pursuant to Section 19-12.3 shall be by  
7 nonforwardable mail. However, for the consolidated election,  
8 absentee ballots for certain precincts may be delivered to  
9 applicants not less than 25 days before the election if so much  
10 time is required to have prepared and printed the ballots  
11 containing the names of persons nominated for offices at the  
12 consolidated primary. The election authority shall enclose  
13 with each absentee ballot or application written instructions  
14 on how voting assistance shall be provided pursuant to Section  
15 17-14 and a document, written and approved by the State Board  
16 of Elections, enumerating the circumstances under which a  
17 person is authorized to vote by absentee ballot pursuant to  
18 this Article; such document shall also include a statement  
19 informing the applicant that if he or she falsifies or is  
20 solicited by another to falsify his or her eligibility to cast  
21 an absentee ballot, such applicant or other is subject to  
22 penalties pursuant to Section 29-10 and Section 29-20 of the  
23 Election Code. Each election authority shall maintain a list of  
24 the name, street address, ward and precinct, or township and  
25 district number, as the case may be, of all applicants who have  
26 returned absentee ballots to such authority, and the name of  
27 such absent voter shall be added to such list within one  
28 business day from receipt of such ballot. If the absentee  
29 ballot envelope indicates that the voter was assisted in  
30 casting the ballot, the name of the person so assisting shall  
31 be included on the list. The list, the pages of which are to be  
32 numbered consecutively, shall be kept by each election  
33 authority in a conspicuous, open, and public place accessible  
34 to the public at the entrance of the office of the election

1 authority and in a manner that the list may be viewed without  
2 necessity of requesting permission for viewing.

3 Each election authority shall maintain a list for each  
4 election of the voters to whom it has issued absentee ballots.  
5 The list shall be maintained for each precinct within the  
6 jurisdiction of the election authority. Prior to the opening of  
7 the polls on election day, the election authority shall deliver  
8 to the judges of election in each precinct the list of  
9 registered voters in that precinct to whom absentee ballots  
10 have been issued by mail.

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

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

1 designated day.

2 All applications for absentee ballots shall be available at  
3 the office of the election authority for public inspection upon  
4 request from the time of receipt thereof by the election  
5 authority until 30 days after the election, except during the  
6 time such applications are kept in the office of the election  
7 authority pursuant to Section 19-7, and except during the time  
8 such applications are in the possession of the judges of  
9 election.

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

11 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

13 (a) (Blank.) ~~Each absent voter's ballot returned to an~~  
14 ~~election authority, by any means authorized by this Article,~~  
15 ~~and received by that election authority in time to be delivered~~  
16 ~~to the polling place of the precinct where the elector resides~~  
17 ~~and to be counted by the judges of election at that polling~~  
18 ~~place shall be handled in accordance with this subsection. If~~  
19 ~~an absent voter's ballot is received prior to the delivery of~~  
20 ~~the official ballots to the judges of election of the precinct~~  
21 ~~where the elector resides, then the absent voter's ballot~~  
22 ~~envelope and application, sealed in the carrier envelope, shall~~  
23 ~~be enclosed in the same package with the official ballots and~~  
24 ~~delivered to the judges of that precinct. If the official~~  
25 ~~ballots for that precinct have already been delivered to the~~  
26 ~~judges of election when the election authority receives the~~  
27 ~~absent voter's ballot, then the authority shall immediately~~  
28 ~~enclose the envelope containing the absent voter's ballot,~~  
29 ~~together with the voter's application, in a larger or carrier~~  
30 ~~envelope which shall be securely sealed and addressed on the~~  
31 ~~face to the judges of election, giving the name or number of~~  
32 ~~precinct, street and number of polling place, city or town in~~  
33 ~~which the absent voter is a qualified elector, and the words~~

1 ~~"This envelope contains an absent voter's ballot and must be~~  
2 ~~opened only on election day at the polls immediately after the~~  
3 ~~polls are closed". The election authority shall mail the~~  
4 ~~ballot, postage prepaid, to the judges of election, or if more~~  
5 ~~convenient, the election authority may deliver the absent~~  
6 ~~voter's ballot to the judges of election in person or by duly~~  
7 ~~deputized agent, the authority to secure a receipt for delivery~~  
8 ~~of the ballot or ballots. An absent voter's ballot delivered in~~  
9 ~~error to the wrong precinct polling place shall be returned to~~  
10 ~~the election authority and counted as provided in subsection~~  
11 ~~(b).~~

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

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

32 (d) Special write-in absentee voter's blank ballots  
33 returned to an election authority, by any means authorized by  
34 this Article, and received by the election authority at any

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

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

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

33 (g) The procedures set forth in ~~Section 19-9 of this Act~~  
34 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots



1     counted under this Section. In addition, within 2 days after an  
2     absentee ballot, other than an in person absentee ballot, is  
3     received, but in all cases before the close of the period for  
4     counting provisional ballots, the election judge or official  
5     shall compare the voter's signature on the certification  
6     envelope of that absentee ballot with the signature of the  
7     voter on file in the office of the election authority. If the  
8     election judge or official determines that the 2 signatures  
9     match, and that the absentee voter is otherwise qualified to  
10    cast an absentee ballot, the election authority shall cast and  
11    count the ballot on election day or the day the ballot is  
12    determined to be valid, whichever is later, adding the results  
13    to the precinct in which the voter is registered. If the  
14    election judge or official determines that the signatures do  
15    not match, or that the absentee voter is not qualified to cast  
16    an absentee ballot, then without opening the certification  
17    envelope, the judge or official shall mark across the face of  
18    the certification envelope the word "Rejected" and shall not  
19    cast or count the ballot.

20       In addition to the voter's signatures not matching, an  
21    absentee ballot may be rejected by the election judge or  
22    official:

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

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

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

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

30       If the election judge or official determines that any of  
31    these reasons apply, the judge or official shall mark across  
32    the face of the certification envelope the word "Rejected" and  
33    shall not cast or count the ballot. , including comparing the  
34    signature on the ballot envelope with the signature of the

1 ~~voter on the permanent voter registration record card taken~~  
2 ~~from the master file; except that votes shall be recorded~~  
3 ~~without regard to precinct designation, except for precinct~~  
4 ~~offices.~~

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

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

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

32 (h) ~~Each~~ Where ballots are counted in the office of the  
33 election authority as provided in this Section, each political  
34 party, candidate, and qualified civic organization shall be

1 entitled to have present one pollwatcher for each panel of  
2 election judges therein assigned.

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

4 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

5 Sec. 19-12.2. Voting by physically incapacitated electors  
6 who have made proper application to the election authority not  
7 later than 5 days before the regular primary and general  
8 election of 1980 and before each election thereafter shall be  
9 conducted on the premises of facilities licensed or certified  
10 pursuant to the Nursing Home Care Act for the sole benefit of  
11 residents of such facilities. Such voting shall be conducted  
12 during any continuous period sufficient to allow all applicants  
13 to cast their ballots between the hours of 9 a.m. and 7 p.m.  
14 either on the Friday, Saturday, Sunday or Monday immediately  
15 preceding the regular election. This absentee voting on one of  
16 said days designated by the election authority shall be  
17 supervised by two election judges who must be selected by the  
18 election authority in the following order of priority: (1) from  
19 the panel of judges appointed for the precinct in which such  
20 facility is located, or from a panel of judges appointed for  
21 any other precinct within the jurisdiction of the election  
22 authority in the same ward or township, as the case may be, in  
23 which the facility is located or, only in the case where a  
24 judge or judges from the precinct, township or ward are  
25 unavailable to serve, (3) from a panel of judges appointed for  
26 any other precinct within the jurisdiction of the election  
27 authority. The two judges shall be from different political  
28 parties. Not less than 30 days before each regular election,  
29 the election authority shall have arranged with the chief  
30 administrative officer of each facility in his or its election  
31 jurisdiction a mutually convenient time period on the Friday,  
32 Saturday, Sunday or Monday immediately preceding the election  
33 for such voting on the premises of the facility and shall post

1 in a prominent place in his or its office a notice of the  
2 agreed day and time period for conducting such voting at each  
3 facility; provided that the election authority shall not later  
4 than noon on the Thursday before the election also post the  
5 names and addresses of those facilities from which no  
6 applications were received and in which no supervised absentee  
7 voting will be conducted. All provisions of this Code  
8 applicable to pollwatchers shall be applicable herein. To the  
9 maximum extent feasible, voting booths or screens shall be  
10 provided to insure the privacy of the voter. Voting procedures  
11 shall be as described in Article 17 of this Code, except that  
12 ballots shall be treated as absentee ballots and shall not be  
13 counted until the close of the polls on the following day.  
14 After the last voter has concluded voting, the judges shall  
15 seal the ballots in an envelope and affix their signatures  
16 across the flap of the envelope. Immediately thereafter, the  
17 judges shall bring the sealed envelope to the office of the  
18 election authority who shall deliver such ballots to the  
19 election authority's central ballot counting location ~~proper~~  
20 ~~precinct polling places~~ prior to the closing of the polls on  
21 the day of election. ~~Provided, that the election authority may~~  
22 ~~arrange for the judges who conduct such voting on the Monday~~  
23 ~~before the election to deliver the sealed envelope directly to~~  
24 ~~the proper precinct polling place on the day of election and~~  
25 ~~shall announce such procedure in the 30 day notice heretofore~~  
26 ~~prescribed.~~ The judges of election shall also report to the  
27 election authority the name of any applicant in the facility  
28 who, due to unforeseen circumstance or condition or because of  
29 a religious holiday, was unable to vote. In this event, the  
30 election authority may appoint a qualified person from his or  
31 its staff to deliver the ballot to such applicant on the day of  
32 election. This staff person shall follow the same procedures  
33 prescribed for judges conducting absentee voting in such  
34 facilities and ~~+~~ ~~but~~ shall return the ballot to the central

1 ~~ballot counting location proper precinct polling place~~ before  
2 the polls close. However, if the facility from which the  
3 application was made is also used as a regular precinct polling  
4 place for that voter, voting procedures heretofore prescribed  
5 may be implemented by 2 of the election judges of opposite  
6 party affiliation assigned to that polling place during the  
7 hours of voting on the day of the election. Judges of election  
8 shall be compensated not less than \$25.00 for conducting  
9 absentee voting in such facilities.

10 Not less than 120 days before each regular election, the  
11 Department of Public Health shall certify to the State Board of  
12 Elections a list of the facilities licensed or certified  
13 pursuant to the Nursing Home Care Act, and shall indicate the  
14 approved bed capacity and the name of the chief administrative  
15 officer of each such facility, and the State Board of Elections  
16 shall certify the same to the appropriate election authority  
17 within 20 days thereafter.

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

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

20 Sec. 19-13. Any qualified voter who has been admitted to a  
21 hospital, nursing home, or rehabilitation center due to an  
22 illness or physical injury not more than 5 days before an  
23 election shall be entitled to personal delivery of an absentee  
24 ballot in the hospital, nursing home, or rehabilitation center  
25 subject to the following conditions:

26 (1) The voter completes the Application for Physically  
27 Incapacitated Elector as provided in Section 19-3, stating as  
28 reasons therein that he is a patient in ..... (name  
29 of hospital/home/center), ..... located at,  
30 ..... (address of hospital/home/center),  
31 ..... (county, city/village), was admitted for  
32 ..... (nature of illness or physical injury), on  
33 ..... (date of admission), and does not expect to be

1 released from the hospital/home/center on or before the day of  
2 election.

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

5 CERTIFICATE OF ATTENDING PHYSICIAN

6 I state that I am a physician, duly licensed to practice in  
7 the State of .....; that ..... is a patient in  
8 ..... (name of hospital/home/center), located at  
9 ..... (address of hospital/home/center),  
10 ..... (county, city/village); that such individual  
11 was admitted for ..... (nature of illness or physical  
12 injury), on ..... (date of admission); and that I have  
13 examined such individual in the State in which I am licensed to  
14 practice medicine and do not expect such individual to be  
15 released from the hospital/home/center on or before the day of  
16 election.

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

21 (Signature) .....

22 (Date licensed) .....

23 (3) Any person who is registered to vote in the same  
24 precinct as the admitted voter or any legal relative of the  
25 admitted voter may present such voter's absentee ballot  
26 application, completed as prescribed in paragraph 1,  
27 accompanied by the physician's certificate, completed as  
28 prescribed in paragraph 2, to the election authority. Such  
29 precinct voter or relative shall execute and sign an affidavit  
30 furnished by the election authority attesting that he is a  
31 registered voter in the same precinct as the admitted voter or  
32 that he is a legal relative of the admitted voter and stating  
33 the nature of the relationship. Such precinct voter or relative  
34 shall further attest that he has been authorized by the

1 admitted voter to obtain his absentee ballot from the election  
2 authority and deliver such ballot to him in the hospital, home,  
3 or center.

4 Upon receipt of the admitted voter's application,  
5 physician's certificate, and the affidavit of the precinct  
6 voter or the relative, the election authority shall examine the  
7 registration records to determine if the applicant is qualified  
8 to vote and, if found to be qualified, shall provide the  
9 precinct voter or the relative the absentee ballot for delivery  
10 to the applicant in the hospital, home, or center.

11 Upon receipt of the absentee ballot, the admitted voter  
12 shall mark the ballot in secret and subscribe to the  
13 certifications on the absentee ballot return envelope. After  
14 depositing the ballot in the return envelope and securely  
15 sealing the envelope, such voter shall give the envelope to the  
16 precinct voter or the relative who shall deliver it to the  
17 election authority in sufficient time for the ballot to be  
18 delivered by the election authority to the election authority's  
19 central ballot counting location ~~proper precinct polling place~~  
20 before 7 p.m. on election day.

21 Upon receipt of the admitted voter's absentee ballot, the  
22 ballot shall be counted in the manner prescribed in this  
23 Article ~~Section 19-9~~.

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

25 (10 ILCS 5/19-15)

26 Sec. 19-15. Precinct tabulation optical scan technology  
27 voting equipment.

28 If the election authority has adopted the use of Precinct  
29 Tabulation Optical Scan Technology voting equipment pursuant  
30 to Article 24B of this Code, and the provisions of the Article  
31 are in conflict with the provisions of this Article 19, the  
32 provisions of Article 24B shall govern the procedures followed  
33 by the election authority, its judges of elections, and all

1 employees and agents, provided that absentee ballots are  
2 counted at the election authority's central ballot counting  
3 location. In following the provisions of Article 24B, the  
4 election authority is authorized to develop and implement  
5 procedures to fully utilize Precinct Tabulation Optical Scan  
6 Technology voting equipment, at the central ballot counting  
7 location, authorized by the State Board of Elections as long as  
8 the procedure is not in conflict with either Article 24B or the  
9 administrative rules of the State Board of Elections.

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

11 (10 ILCS 5/19-20 new)

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

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

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

20 (2) The number of rejected absentee ballots.

21 (3) The number of voters seeking review of rejected  
22 absentee ballots pursuant to subsection (g-5) of Section  
23 19-8.

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

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

30 (10 ILCS 5/19A-21 new)

31 Sec. 19A-21. Use of local public buildings for early voting  
32 polling places. Upon request by an election authority, a unit



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

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

13 (10 ILCS 5/19A-25.5)

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

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

27 (b) If the election authority has adopted the use of  
28 automatic tabulating equipment under Article 24A of this Code,  
29 and the provisions of that Article are in conflict with the  
30 provisions of this Article 19A, the provisions of Article 24A  
31 shall govern the procedures followed by the election authority,  
32 its judges of election, and all employees and agents; provided  
33 that early ballots shall be counted at the election authority's

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

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

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

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

24 (10 ILCS 5/19A-35)

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

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

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

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

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

1 absentee ballot and was informed that the election authority  
2 did not receive that absentee ballot.

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

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

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

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

25 (10 ILCS 5/19A-50)

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

1 shall safely keep the envelope in its office until delivered to  
2 the central ballot counting location ~~judges of election as~~  
3 ~~provided in Section 19A-35.~~ The ballots determined to be valid  
4 shall be added to the vote totals for the precincts for which  
5 they were cast in the order in which the ballots were opened.  
6 (Source: P.A. 94-645, eff. 8-22-05.)

7 (10 ILCS 5/19A-60)

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

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

1 this Code.

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

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

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

14 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

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

1 Ballots under this Section shall be mailed by the election  
2 authority in the manner prescribed by Section 20-5 of this  
3 Article and not otherwise. Ballots voted under this Section  
4 must be returned to the election authority in sufficient time  
5 for delivery to the election authority's central ballot  
6 counting location ~~proper precinct polling place~~ before the  
7 closing of the polls on the day of the election.

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

9 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

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

32 Registration shall be required in order to vote pursuant to  
33 this Section. However, if the election authority receives one

1 of such applications after 30 days but not less than 10 days  
2 before a Federal election, said applicant shall be sent a  
3 ballot containing the Federal offices only and registration for  
4 that election shall be waived.

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

8 Ballots under this Section must be returned to the election  
9 authority in sufficient time for delivery to the election  
10 authority's central ballot counting location ~~proper precinct~~  
11 ~~polling place~~ before the closing of the polls on the day of the  
12 election.

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

14 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

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



1 the manner prescribed by Section 20-5 of this Article and not  
2 otherwise. Ballots under this Section must be returned to the  
3 election authority in sufficient time for delivery to the  
4 election authority's central ballot counting location ~~proper~~  
5 ~~precinct polling place~~ before the closing of the polls on the  
6 day of the election.

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

8 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

9 Sec. 20-2.3. Members of the Armed Forces. Any member of the  
10 United States Armed Forces while on active duty, otherwise  
11 qualified to vote, who expects in the course of his or her  
12 duties to be absent from the county in which he or she resides  
13 on the day of holding any election, in addition to any other  
14 method of making application for an absentee ballot under this  
15 Article, may make application for an absentee ballot to the  
16 election authority having jurisdiction over his or her precinct  
17 of residence by a facsimile machine or electronic transmission  
18 not less than 10 days before the election.

19 Ballots under this Section shall be mailed by the election  
20 authority in the manner prescribed by Section 20-5 of this  
21 Article and not otherwise. Ballots voted under this Section  
22 must be returned to the election authority before the closing  
23 of the polls on the day of election and must be counted at the  
24 election authority's central ballot counting location.

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

26 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

27 Sec. 20-4. Immediately upon the receipt of the official  
28 postcard or an application as provided in Section 20-3 within  
29 the times heretofore prescribed, the election authority shall  
30 ascertain whether or not such applicant is legally entitled to  
31 vote as requested, including verification of the applicant's  
32 signature by comparison with the signature on the official

1 registration record card, if any. If the election authority  
2 ascertains that the applicant is lawfully entitled to vote, it  
3 shall enter the name, street address, ward and precinct number  
4 of such applicant on a list to be posted in his or its office in  
5 a place accessible to the public. Within one ~~business~~ day after  
6 posting the name and other information of an applicant for a  
7 ballot, the election authority shall transmit that name and  
8 posted information to the State Board of Elections, which shall  
9 maintain the names and other information in an electronic  
10 format on its website, arranged by county and accessible to  
11 State and local political committees. As soon as the official  
12 ballot is prepared the election authority shall immediately  
13 deliver the same to the applicant in person or by mail, in the  
14 manner prescribed in Section 20-5.

15 If any such election authority receives a second or  
16 additional application which it believes is from the same  
17 person, he or it shall submit it to the chief judge of the  
18 circuit court or any judge of that court designated by the  
19 chief judge. If the chief judge or his designate determines  
20 that the application submitted to him is a second or additional  
21 one, he shall so notify the election authority who shall  
22 disregard the second or additional application.

23 The election authority shall maintain a list for each  
24 election of the voters to whom it has issued absentee ballots.  
25 The list shall be maintained for each precinct within the  
26 jurisdiction of the election authority. Prior to the opening of  
27 the polls on election day, the election authority shall deliver  
28 to the judges of election in each precinct the list of  
29 registered voters in that precinct to whom absentee ballots  
30 have been issued.

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

32 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

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

33           (b) Each absent voter's ballot returned to an election  
34 authority, by any means authorized by this Article, and

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

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

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

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

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

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

20 (g) The procedures set forth in ~~Section 19-9 of this Act~~  
21 ~~and~~ Articles 17 and 18 of this Code shall apply to all ballots  
22 counted under this Section, ~~except that votes shall be recorded~~  
23 ~~without regard to precinct designation.~~ In addition, within 2  
24 days after a ballot subject to this Article is received, but in  
25 all cases before the close of the period for counting  
26 provisional ballots, the election judge or official shall  
27 compare the voter's signature on the certification envelope of  
28 that ballot with the signature of the voter on file in the  
29 office of the election authority. If the election judge or  
30 official determines that the 2 signatures match, and that the  
31 voter is otherwise qualified to cast a ballot under this  
32 Article, the election authority shall cast and count the ballot  
33 on election day or the day the ballot is determined to be  
34 valid, whichever is later, adding the results to the precinct

1 in which the voter is registered. If the election judge or  
2 official determines that the signatures do not match, or that  
3 the voter is not qualified to cast a ballot under this Article,  
4 then without opening the certification envelope, the judge or  
5 official shall mark across the face of the certification  
6 envelope the word "Rejected" and shall not cast or count the  
7 ballot.

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

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

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

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

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

18 If the election judge or official determines that any of  
19 these reasons apply, the judge or official shall mark across  
20 the face of the certification envelope the word "Rejected" and  
21 shall not cast or count the ballot.

22 (g-5) If a ballot subject to this Article is rejected by  
23 the election judge or official for any reason, the election  
24 authority shall, within 2 days after the rejection but in all  
25 cases before the close of the period for counting provisional  
26 ballots, notify the voter that his or her ballot was rejected.  
27 The notice shall inform the voter of the reason or reasons the  
28 ballot was rejected and shall state that the voter may appear  
29 before the election authority, on or before the 14th day after  
30 the election, to show cause as to why the ballot should not be  
31 rejected. The voter may present evidence to the election  
32 authority supporting his or her contention that the ballot  
33 should be counted. The election authority shall appoint a panel  
34 of 3 election judges to review the contested ballot,

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

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

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

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

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

20 (10 ILCS 5/20-15)

21 Sec. 20-15. Precinct tabulation optical scan technology  
22 voting equipment.

23 If the election authority has adopted the use of Precinct  
24 Tabulation Optical Scan Technology voting equipment pursuant  
25 to Article 24B of this Code, and the provisions of the Article  
26 are in conflict with the provisions of this Article 20, the  
27 provisions of Article 24B shall govern the procedures followed  
28 by the election authority, its judges of elections, and all  
29 employees and agents, provided that ballots under this Article  
30 must be counted at the election authority's central ballot  
31 counting location. In following the provisions of Article 24B,  
32 the election authority is authorized to develop and implement  
33 procedures to fully utilize Precinct Tabulation Optical Scan

1 Technology voting equipment, at the central ballot counting  
2 location, authorized by the State Board of Elections as long as  
3 the procedure is not in conflict with either Article 24B or the  
4 administrative rules of the State Board of Elections.

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

6 (10 ILCS 5/20-20 new)

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

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

13 (2) The number of rejected ballots subject to this  
14 Article.

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

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

19 On or before the 28th day after an election, the State  
20 Board of Elections shall compile the information received under  
21 this Section with respect to that election and make that  
22 information available to the public.

23 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

24 Sec. 24-1. The election authority in all jurisdictions when  
25 voting machines are used shall, except as otherwise provided in  
26 this Code, provide a voting machine or voting machines for any  
27 or all of the election precincts or election districts, as the  
28 case may be, for which the election authority is by law charged  
29 with the duty of conducting an election or elections. A voting  
30 machine or machines sufficient in number to provide a machine  
31 for each 400 voters or fraction thereof shall be supplied for  
32 use at all elections. However, no such voting machine shall be



1    used, purchased, or adopted, and no person or entity may have a  
2    written contract, including a contract contingent upon  
3    certification of the voting machines, to sell, lease, or loan  
4    voting machines to an election authority, until the board of  
5    voting machine commissioners hereinafter provided for, or a  
6    majority thereof, shall have made and filed a report certifying  
7    that they have examined such machine; that it affords each  
8    elector an opportunity to vote in absolute secrecy; that it  
9    enables each elector to vote a ticket selected in part from the  
10    nominees of one party, and in part from the nominees of any or  
11    all other parties, and in part from independent nominees  
12    printed in the columns of candidates for public office, and in  
13    part of persons not in nomination by any party or upon any  
14    independent ticket; that it enables each elector to vote a  
15    written or printed ballot of his own selection, for any person  
16    for any office for whom he may desire to vote; that it enables  
17    each elector to vote for all candidates for whom he is entitled  
18    to vote, and prevents him from voting for any candidate for any  
19    office more than once, unless he is lawfully entitled to cast  
20    more than one vote for one candidate, and in that event permits  
21    him to cast only as many votes for that candidate as he is by  
22    law entitled, and no more; that it prevents the elector from  
23    voting for more than one person for the same office, unless he  
24    is lawfully entitled to vote for more than one person therefor,  
25    and in that event permits him to vote for as many persons for  
26    that office as he is by law entitled, and no more; and that  
27    such machine will register correctly by means of exact counters  
28    every vote cast for the regular tickets thereon; and has the  
29    capacity to contain the tickets of at least 5 political parties  
30    with the names of all the candidates thereon, together with all  
31    propositions in the form provided by law, where such form is  
32    prescribed, and where no such provision is made for the form  
33    thereof, then in brief form, not to exceed 75 words; that all  
34    votes cast on the machine on a regular ballot or ballots shall

1 be registered; that voters may, by means of irregular ballots  
2 or otherwise vote for any person for any office, although such  
3 person may not have been nominated by any party and his name  
4 may not appear on such machine; that when a vote is cast for  
5 any person for any such office, when his name does not appear  
6 on the machine, the elector cannot vote for any other name on  
7 the machine for the same office; that each elector can,  
8 understandingly and within the period of 4 minutes cast his  
9 vote for all candidates of his choice; that the machine is so  
10 constructed that the candidates for presidential electors of  
11 any party can be voted for only by voting for the ballot label  
12 containing a bracket within which are the names of the  
13 candidates for President and Vice-President of the party or  
14 group; that the machine is provided with a lock or locks by the  
15 use of which any movement of the voting or registering  
16 mechanism is absolutely prevented so that it cannot be tampered  
17 with or manipulated for any purpose; that the machine is  
18 susceptible of being closed during the progress of the voting  
19 so that no person can see or know the number of votes  
20 registered for any candidate; that each elector is permitted to  
21 vote for or against any question, proposition or amendment upon  
22 which he is entitled to vote, and is prevented from voting for  
23 or against any question, proposition or amendment upon which he  
24 is not entitled to vote; that the machine is capable of  
25 adjustment by the election authority, so as to permit the  
26 elector, at a party primary election, to vote only for the  
27 candidates seeking nomination by the political party in which  
28 primary he is entitled to vote: Provided, also that no such  
29 machine or machines shall be purchased, unless the party or  
30 parties making the sale shall guarantee in writing to keep the  
31 machine or machines in good working order for 5 years without  
32 additional cost and shall give a sufficient bond conditioned to  
33 that effect.

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

1 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

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

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

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

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

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

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

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

1 ~~The judges of election shall initial the "Duplicate Absentee~~  
2 ~~Ballot" and "Duplicate Early Ballot" ballots or ballot cards~~  
3 ~~and shall place them in the first ballot box provided for~~  
4 ~~return of the ballots to be counted at the central counting~~  
5 ~~location in lieu of the paper absentee and early ballots. The~~  
6 ~~paper absentee and early ballots shall be placed in an envelope~~  
7 ~~provided for that purpose labeled "Duplicate Ballots."~~

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

25 Before the ballots of a precinct are fed to the electronic  
26 tabulating equipment, the first ballot box shall be opened at  
27 the central counting station by the two precinct transport  
28 judges. Upon opening a ballot box, such team shall first count  
29 the number of ballots in the box. If 2 or more are folded  
30 together so as to appear to have been cast by the same person,  
31 all of the ballots so folded together shall be marked and  
32 returned with the other ballots in the same condition, as near  
33 as may be, in which they were found when first opened, but  
34 shall not be counted. If the remaining ballots are found to



1 exceed the number of persons voting in the precinct as shown by  
2 the slip signed by the judges of election, the ballots shall be  
3 replaced in the box, and the box closed and well shaken and  
4 again opened and one of the precinct transport judges shall  
5 publicly draw out so many ballots unopened as are equal to such  
6 excess.

7 Such excess ballots shall be marked "Excess-Not Counted"  
8 and signed by the two precinct transport judges and shall be  
9 placed in the "After 7:00 p.m. Defective Ballots Envelope". The  
10 number of excess ballots shall be noted in the remarks section  
11 of the Certificate of Results. "Excess" ballots shall not be  
12 counted in the total of "defective" ballots.

13 The precinct transport judges shall then examine the  
14 remaining ballots for write-in votes and shall count and  
15 tabulate the write-in vote; or

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

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

23 Immediately after the closing of the polls, ~~the absentee~~  
24 ~~and early ballots delivered to the precinct judges of election~~  
25 ~~by the election official in charge of the election shall be~~  
26 ~~examined to determine that such ballots comply with Sections~~  
27 ~~19-9, 19A-55, and 20-9 of "The Election Code," as amended, and~~  
28 ~~are entitled to be deposited in the ballot box; those entitled~~  
29 ~~to be deposited in the ballot box shall be initialed by the~~  
30 ~~precinct judges of election and deposited in the ballot box.~~  
31 ~~Those not entitled to be deposited in the ballot box shall be~~  
32 ~~marked "Rejected" and disposed of as provided in said Sections~~  
33 ~~19-9, 19A-55, and 20-9.~~ The precinct judges of election then  
34 shall open the ballot box and canvass the votes polled to

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

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

22       When an electronic voting system is used which utilizes a  
23 ballot card, before separating the ~~remaining~~ ballot cards from  
24 their respective covering envelopes, the judges of election  
25 shall examine the ballot card envelopes for write-in votes.  
26 When the voter has voted a write-in vote, the judges of  
27 election shall compare the write-in vote with the votes on the  
28 ballot card to determine whether such write-in results in an  
29 overvote for any office. In case of an overvote for any office,  
30 the judges of election, consisting in each case of at least one  
31 judge of election of each of the two major political parties,  
32 shall make a true duplicate ballot of all votes on such ballot  
33 card except for the office which is overvoted, by using the  
34 ballot label booklet of the precinct and one of the marking

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

1 ballot or ballot card so produced "Duplicate Damaged Ballot,"  
2 and each shall bear the same number which shall be placed  
3 thereon by the judges of election, commencing with number 1 and  
4 continuing consecutively for the ballots of that kind in the  
5 precinct. The judges of election shall initial the "Duplicate  
6 Damaged Ballot" ballot or ballot cards, and shall place them in  
7 the box for return of the ballots. The "Damaged Ballot" ballots  
8 or ballot cards and their envelopes shall be placed in the  
9 "Duplicated Ballots" envelope. A slip indicating the number of  
10 voters voting in person, ~~number of absentee votes deposited in~~  
11 ~~the ballot box, and the total number of voters of the precinct~~  
12 ~~who voted at the election~~ shall be made out, signed by all  
13 judges of election, and inserted in the box for return of the  
14 ballots. The tally sheets recording the write-in votes shall be  
15 placed in this box. The judges of election thereupon  
16 immediately shall securely lock the ballot box or other  
17 suitable box furnished for return of the ballots by the  
18 election official in charge of the election; provided that if  
19 such box is not of a type which may be securely locked, such  
20 box shall be sealed with filament tape provided for such  
21 purpose which shall be wrapped around the box lengthwise and  
22 crosswise, at least twice each way. A separate adhesive seal  
23 label signed by each of the judges of election of the precinct  
24 shall be affixed to the box so as to cover any slot therein and  
25 to identify the box of the precinct; and if such box is sealed  
26 with filament tape as provided herein rather than locked, such  
27 tape shall be wrapped around the box as provided herein, but in  
28 such manner that the separate adhesive seal label affixed to  
29 the box and signed by the judges may not be removed without  
30 breaking the filament tape and disturbing the signature of the  
31 judges. Thereupon, 2 of the judges of election, of different  
32 major political parties, forthwith shall by the most direct  
33 route transport the box for return of the ballots and enclosed  
34 ballots and returns to the central counting location designated

1 by the election official in charge of the election. If,  
2 however, because of the lack of adequate parking facilities at  
3 the central counting location or for any other reason, it is  
4 impossible or impracticable for the boxes from all the polling  
5 places to be delivered directly to the central counting  
6 location, the election official in charge of the election may  
7 designate some other location to which the boxes shall be  
8 delivered by the 2 precinct judges. While at such other  
9 location the boxes shall be in the care and custody of one or  
10 more teams, each consisting of 4 persons, 2 from each of the  
11 two major political parties, designated for such purpose by the  
12 election official in charge of elections from recommendations  
13 by the appropriate political party organizations. As soon as  
14 possible, the boxes shall be transported from such other  
15 location to the central counting location by one or more teams,  
16 each consisting of 4 persons, 2 from each of the 2 major  
17 political parties, designated for such purpose by the election  
18 official in charge of elections from recommendations by the  
19 appropriate political party organizations.

20 The "Defective Ballots" envelope, and "Duplicated Ballots"  
21 envelope each shall be securely sealed and the flap or end  
22 thereof of each signed by the precinct judges of election and  
23 returned to the central counting location with the box for  
24 return of the ballots, enclosed ballots and returns.

25 At the central counting location, a team of tally judges  
26 designated by the election official in charge of the election  
27 shall check the box returned containing the ballots to  
28 determine that all seals are intact, and thereupon shall open  
29 the box, check the voters' slip and compare the number of  
30 ballots so delivered against the total number of voters of the  
31 precinct who voted, remove the ballots or ballot cards and  
32 deliver them to the technicians operating the automatic  
33 tabulating equipment. Any discrepancies between the number of  
34 ballots and total number of voters shall be noted on a sheet

1 furnished for that purpose and signed by the tally judges; or

2 (c) A single ballot box, for the deposit of all votes cast,  
3 shall be used. Immediately after the closing of the polls ~~the~~  
4 ~~judges of election shall examine the absentee and early ballots~~  
5 ~~received by the precinct judges of election from the election~~  
6 ~~authority of voters in that precinct to determine that they~~  
7 ~~comply with the provisions of Sections 19-9, 19A-55, 20-8, and~~  
8 ~~20-9 of the Election Code, as amended, and are entitled to be~~  
9 ~~deposited in the ballot box; those entitled to be deposited in~~  
10 ~~the ballot box shall be initialed by the precinct judges and~~  
11 ~~deposited in the ballot box. Those not entitled to be deposited~~  
12 ~~in the ballot box, in accordance with Sections 19-9, 19A-55,~~  
13 ~~20-8, and 20-9 of the Election Code, as amended, shall be~~  
14 ~~marked "Rejected" and preserved in the manner provided in The~~  
15 ~~Election Code for the retention and preservation of official~~  
16 ~~ballots rejected at such election. Immediately upon the~~  
17 ~~completion of the absentee and early balloting,~~ the precinct  
18 judges of election shall securely lock the ballot box; provided  
19 that if such box is not of a type which may be securely locked,  
20 such box shall be sealed with filament tape provided for such  
21 purpose which shall be wrapped around the box lengthwise and  
22 crosswise, at least twice each way. A separate adhesive seal  
23 label signed by each of the judges of election of the precinct  
24 shall be affixed to the box so as to cover any slot therein and  
25 to identify the box of the precinct; and if such box is sealed  
26 with filament tape as provided herein rather than locked, such  
27 tape shall be wrapped around the box as provided herein, but in  
28 such manner that the separate adhesive seal label affixed to  
29 the box and signed by the judges may not be removed without  
30 breaking the filament tape and disturbing the signature of the  
31 judges. Thereupon, 2 of the judges of election, of different  
32 major political parties, shall forthwith by the most direct  
33 route transport the box for return of the ballots and enclosed  
34 absentee and early ballots and returns to the central counting

1 location designated by the election official in charge of the  
2 election. If however, because of the lack of adequate parking  
3 facilities at the central counting location or for some other  
4 reason, it is impossible or impracticable for the boxes from  
5 all the polling places to be delivered directly to the central  
6 counting location, the election official in charge of the  
7 election may designate some other location to which the boxes  
8 shall be delivered by the 2 precinct judges. While at such  
9 other location the boxes shall be in the care and custody of  
10 one or more teams, each consisting of 4 persons, 2 from each of  
11 the two major political parties, designated for such purpose by  
12 the election official in charge of elections from  
13 recommendations by the appropriate political party  
14 organizations. As soon as possible, the boxes shall be  
15 transported from such other location to the central counting  
16 location by one or more teams, each consisting of 4 persons, 2  
17 from each of the 2 major political parties, designated for such  
18 purpose by the election official in charge of the election from  
19 recommendations by the appropriate political party  
20 organizations.

21 At the central counting location there shall be one or more  
22 teams of tally judges who possess the same qualifications as  
23 tally judges in election jurisdictions using paper ballots. The  
24 number of such teams shall be determined by the election  
25 authority. Each team shall consist of 5 tally judges, 3  
26 selected and approved by the county board from a certified list  
27 furnished by the chairman of the county central committee of  
28 the party with the majority of members on the county board and  
29 2 selected and approved by the county board from a certified  
30 list furnished by the chairman of the county central committee  
31 of the party with the second largest number of members on the  
32 county board. At the central counting location a team of tally  
33 judges shall open the ballot box and canvass the votes polled  
34 to determine that the number of ballot sheets therein agree



1 with the number of voters voting as shown by the applications  
2 for ballot ~~and for absentee and early ballot~~; and, if the same  
3 do not agree, the tally judges shall make such ballots agree  
4 with the number of applications for ballot in the manner  
5 provided by Section 17-18 of the Election Code. The tally  
6 judges shall then examine all ballot sheets which are in the  
7 ballot box to determine whether they bear the initials of the  
8 precinct judge of election. If any ballot is not initialed, it  
9 shall be marked on the back "Defective", initialed as to such  
10 label by all tally judges immediately under such word  
11 "Defective", and not counted, but placed in the envelope  
12 provided for that purpose labeled "Defective Ballots  
13 Envelope". ~~Write in votes, not causing an overvote for an~~  
14 ~~office otherwise voted for on the absentee and early ballot~~  
15 ~~sheet, and otherwise properly voted, shall be counted, tallied~~  
16 ~~and recorded by the central counting location judges on the~~  
17 ~~tally sheet provided for such record. A write in vote causing~~  
18 ~~an overvote for an office shall not be counted for that office,~~  
19 ~~but the tally judges shall mark such absentee ballot sheet~~  
20 ~~"Objected To" on the back thereof and write on its back the~~  
21 ~~manner in which such ballot is counted and initial the same. An~~  
22 overvote for one office shall invalidate only the vote or count  
23 of that particular office.

24 At the central counting location, a team of tally judges  
25 designated by the election official in charge of the election  
26 shall deliver the ballot sheets to the technicians operating  
27 the automatic tabulating equipment. Any discrepancies between  
28 the number of ballots and total number of voters shall be noted  
29 on a sheet furnished for that purpose and signed by the tally  
30 judges.

31 (2) Regardless of which procedure described in subsection  
32 (1) of this Section is used, the judges of election designated  
33 to transport the ballots, properly signed and sealed as  
34 provided herein, shall ensure that the ballots are delivered to

1 the central counting station no later than 12 hours after the  
2 polls close. At the central counting station a team of tally  
3 judges designated by the election official in charge of the  
4 election shall examine the ballots so transported and shall not  
5 accept ballots for tabulating which are not signed and sealed  
6 as provided in subsection (1) of this Section until the judges  
7 transporting the same make and sign the necessary corrections.  
8 Upon acceptance of the ballots by a team of tally judges at the  
9 central counting station, the election judges transporting the  
10 same shall take a receipt signed by the election official in  
11 charge of the election and stamped with the date and time of  
12 acceptance. The election judges whose duty it is to transport  
13 any ballots shall, in the event such ballots cannot be found  
14 when needed, on proper request, produce the receipt which they  
15 are to take as above provided.

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

17 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

21 Immediately after the closing of the polls, the ~~absentee~~  
22 ~~and early ballots delivered to the precinct judges of election~~  
23 ~~by the election authority shall be examined to determine that~~  
24 ~~such ballots comply with Sections 19-9 and 20-9 of this Act and~~  
25 ~~are entitled to be deposited in the ballot box; those entitled~~  
26 ~~to be deposited in the ballot box shall be initialed by the~~  
27 ~~precinct judges of election and deposited in the ballot box.~~  
28 ~~Those not entitled to be deposited in the ballot box shall be~~  
29 ~~marked "Rejected" and disposed of as provided in said Sections~~  
30 ~~19-9, 19A-55, and 20-9.~~

31 ~~The~~ precinct judges of election shall open the ballot box  
32 and count the number of ballots therein to determine if such  
33 number agrees with the number of voters voting as shown by the

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

21 When an electronic voting system is used which utilizes a  
22 ballot card, before separating the remaining ballot cards from  
23 their respective covering envelopes, the judges of election  
24 shall examine the ballot card envelopes for write-in votes.  
25 When the voter has cast a write-in vote, the judges of election  
26 shall compare the write-in vote with the votes on the ballot  
27 card to determine whether such write-in results in an overvote  
28 for any office. In case of an overvote for any office, the  
29 judges of election, consisting in each case of at least one  
30 judge of election of each of the 2 major political parties,  
31 shall make a true duplicate ballot of all votes on such ballot  
32 card except for the office which is overvoted, by using the  
33 ballot label booklet of the precinct and one of the marking  
34 devices of the precinct so as to transfer all votes of the

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

19 The ballot cards and ballot card envelopes shall be  
20 separated in preparation for counting by the automatic  
21 tabulating equipment provided for that purpose by the election  
22 authority.

23 Before the ballots are entered into the automatic  
24 tabulating equipment, a precinct identification card provided  
25 by the election authority shall be entered into the device to  
26 ensure that the totals are all zeroes in the count column on  
27 the printing unit. A precinct judge of election shall then  
28 count the ballots by entering each ballot card into the  
29 automatic tabulating equipment, and if any ballot or ballot  
30 card is damaged or defective so that it cannot properly be  
31 counted by the automatic tabulating equipment, the judges of  
32 election, consisting in each case of at least one judge of  
33 election of each of the 2 major political parties, shall make a  
34 true duplicate ballot of all votes on such ballot card by using

1 the ballot label booklet of the precinct and one of the marking  
2 devices of the precinct. The original ballot or ballot card and  
3 envelope shall be clearly labeled "Damaged Ballot" and the  
4 ballot or ballot card so produced shall be clearly labeled  
5 "Duplicate Damaged Ballot", and each shall contain the same  
6 serial 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 the precinct. The  
9 judges of election shall initial the "Duplicate Damaged Ballot"  
10 ballot or ballot cards and shall enter the duplicate damaged  
11 cards into the automatic tabulating equipment. The "Damaged  
12 Ballot" cards shall be placed in the "Duplicated Ballots"  
13 envelope; after all ballot cards have been successfully read,  
14 the judges of election shall check to make certain that the  
15 last number printed by the printing unit is the same as the  
16 number of voters making application for ballot in that  
17 precinct. The number shall be listed on the "Statement of  
18 Ballots" form provided by the election authority.

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

32 The judges of election shall count all unused ballot cards  
33 and enter the number on the "Statement of Ballots". All  
34 "Spoiled", "Defective" and "Duplicated" ballot cards shall be

1 counted and the number entered on the "Statement of Ballots".

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

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

30 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

31 Sec. 24A-15. The precinct return printed by the automatic  
32 tabulating equipment shall include the number of ballots cast  
33 and votes cast for each candidate and proposition and shall

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

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

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

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

34 The results of this retabulation shall be treated in the



1 same manner and have the same effect as the results of the  
2 discovery procedures set forth in Section 22-9.1 of this Act.  
3 Upon completion of the retabulation, the election authority  
4 shall print a comparison of the results of the retabulation  
5 with the original precinct return printed by the automatic  
6 tabulating equipment. Such comparison shall be done for each  
7 precinct and for each office voted upon within that precinct,  
8 and the comparisons shall be open to the public.  
9 (Source: P.A. 89-700, eff. 1-17-97.)

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

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

13 No voting system shall be approved unless it fulfills the  
14 following requirements:

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

16 (2) (Blank);

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

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

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

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

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

1       The State Board of Elections is authorized to withdraw its  
2 approval of a voting system if the system fails to fulfill the  
3 above requirements.

4       The vendor, person, or other private entity shall be solely  
5 responsible for the production and cost of: all ballots;  
6 additional temporary workers; and other equipment or  
7 facilities needed and used in the testing of the vendor's,  
8 person's, or other private entity's respective equipment and  
9 software.

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

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

19       (10 ILCS 5/24B-9)

20       Sec. 24B-9. Testing of Precinct Tabulation Optical Scan  
21 Technology Equipment and Program; Custody of Programs, Test  
22 Materials and Ballots. Prior to the public test, the election  
23 authority shall conduct an errorless pre-test of the automatic  
24 Precinct Tabulation Optical Scan Technology tabulating  
25 equipment and program and marking device to determine that they  
26 will correctly detect Voting Defects and count the votes cast  
27 for all offices and all measures. On any day not less than 5  
28 days prior to the election day, the election authority shall  
29 publicly test the automatic Precinct Tabulation Optical Scan  
30 Technology tabulating equipment and program to determine that  
31 they will correctly detect Voting Defects and count the votes  
32 cast for all offices and on all measures. Public notice of the  
33 time and place of the test shall be given at least 48 hours

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

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

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

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

13 (10 ILCS 5/24B-10)

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

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

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

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

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

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

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

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

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



1 the remarks section of the Certificate of Results. "Excess"  
2 ballots shall not be counted in the total of "defective"  
3 ballots.

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

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

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

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

~~whether the ballots and ballot envelopes bear the initials of a precinct judge of election. If any ballot or ballot envelope is not initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee and early ballots which were in the ballot box and properly initialed to determine whether the same contain write in votes. Write in votes, not causing an overvote for an office otherwise voted for on the paper absentee or early ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark the paper absentee or early ballot "Objected To" on the back and write on its back the manner the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write in votes on absentee and early ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee and early ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee or early ballot to an official ballot of that kind used in the precinct at that election. The original paper absentee or early ballot~~

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

7 (10 ILCS 5/24B-10.1)

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

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

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

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

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

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

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

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

1 automatic tabulating equipment.

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

27 The totals for all candidates and propositions shall be  
28 tabulated; and 4 copies of a "Certificate of Results" shall be  
29 generated by the automatic tabulating equipment; one copy shall  
30 be posted in a conspicuous place inside the polling place; and  
31 every effort shall be made by the judges of election to provide  
32 a copy for each authorized pollwatcher or other official  
33 authorized to be present in the polling place to observe the  
34 counting of ballots; but in no case shall the number of copies

1 to be made available to pollwatchers be fewer than 4, chosen by  
2 lot by the judges of election. In addition, sufficient time  
3 shall be provided by the judges of election to the pollwatchers  
4 to allow them to copy information from the copy which has been  
5 posted.

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

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

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

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

9 (10 ILCS 5/24B-15)

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

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

31 As part of the retabulation, the election authority shall  
32 test the computer program in the selected precincts. The test  
33 shall be conducted by processing a preaudited group of ballots  
34 marked to record a predetermined number of valid votes for each



1 candidate and on each public question, and shall include for  
2 each office one or more ballots which have votes in excess of  
3 the number allowed by law to test the ability of the equipment  
4 and the marking device to reject such votes. If any error is  
5 detected, the cause shall be determined and corrected, and an  
6 errorless count shall be made prior to the official canvass and  
7 proclamation of election results.

8 The State Board of Elections, the State's Attorney and  
9 other appropriate law enforcement agencies, the county  
10 chairman of each established political party and qualified  
11 civic organizations shall be given prior written notice of the  
12 time and place of the retabulation and may be represented at  
13 the retabulation.

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

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

26 (10 ILCS 5/24B-16)

27 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan  
28 Technology Voting Systems; Requisites. The State Board of  
29 Elections shall approve all Precinct Tabulation Optical Scan  
30 Technology voting systems provided by this Article.

31 No Precinct Tabulation Optical Scan Technology voting  
32 system shall be approved unless it fulfills the following  
33 requirements:

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

2 (b) (Blank);

3 (c) It enables a voter to vote a ticket selected in  
4 part from the nominees of one party, and in part from the  
5 nominees of any or all parties, and in part from  
6 independent candidates, and in part of candidates whose  
7 names are written in by the voter;

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

11 (e) It will reject all votes for an office or upon a  
12 proposition when the voter has cast more votes for the  
13 office or upon the proposition than he or she is entitled  
14 to cast; and

15 (f) It will accommodate all propositions to be  
16 submitted to the voters in the form provided by law or,  
17 where no form is provided, then in brief form, not to  
18 exceed 75 words.

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

22 The State Board of Elections is authorized to withdraw its  
23 approval of a Precinct Tabulation Optical Scan Technology  
24 voting system if the system fails to fulfill the above  
25 requirements.

26 The vendor, person, or other private entity shall be solely  
27 responsible for the production and cost of: all ballots;  
28 additional temporary workers; and other equipment or  
29 facilities needed and used in the testing of the vendor's,  
30 person's, or other private entity's respective equipment and  
31 software.

32 No vendor, person, or other entity may sell, lease, or  
33 loan, or have a written contract, including a contract  
34 contingent upon State Board approval of the voting system or

1 voting system component, to sell, lease, or loan, a voting  
2 system or Precinct Tabulation Optical Scan Technology voting  
3 system component to any election jurisdiction unless the voting  
4 system or voting system component is first approved by the  
5 State Board of Elections pursuant to this Section.

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

7 (10 ILCS 5/24C-9)

8 Sec. 24C-9. Testing of Direct Recording Electronic Voting  
9 System Equipment and Programs; Custody of Programs, Test  
10 Materials and Ballots. Prior to the public test, the election  
11 authority shall conduct an errorless pre-test of the Direct  
12 Recording Electronic Voting System equipment and programs to  
13 determine that they will correctly detect voting defects and  
14 count the votes cast for all offices and all public questions.  
15 On any day not less than 5 days prior to the election day, the  
16 election authority shall publicly test the Direct Recording  
17 Electronic Voting System equipment and programs to determine  
18 that they will correctly detect voting errors and accurately  
19 count the votes legally cast for all offices and on all public  
20 questions. Public notice of the time and place of the test  
21 shall be given at least 48 hours before the test by publishing  
22 the notice in one or more newspapers within the election  
23 jurisdiction of the election authority, if a newspaper is  
24 published in that jurisdiction. If a newspaper is not published  
25 in that jurisdiction, notice shall be published in a newspaper  
26 of general circulation in that jurisdiction. Timely written  
27 notice stating the date, time, and location of the public test  
28 shall also be provided to the State Board of Elections. The  
29 test shall be open to representatives of the political parties,  
30 the press, representatives of the State Board of Elections, and  
31 the public. The test shall be conducted by entering a pre-  
32 audited group of votes designed to record a predetermined  
33 number of valid votes for each candidate and on each public

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

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

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

1 (10 ILCS 5/24C-13)

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

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

25 ~~(a-5) Early voting ballots cast in accordance with Article~~  
26 ~~19A shall be counted in precincts as provided in that Article.~~  
27 ~~Early votes cast through the use of Direct Recording Electronic~~  
28 ~~Voting System devices shall be counted using the procedures of~~  
29 ~~this Article. Early votes cast by a method other than the use~~  
30 ~~of Direct Recording Electronic Voting System devices shall be~~  
31 ~~counted using the procedures of this Code for that method.~~

32 (b) All proceedings at the location for central counting  
33 shall be under the direction of the county clerk or board of  
34 election commissioners. Except for any specially trained

1 technicians required for the operation of the Direct Recording  
2 Electronic Voting System, the employees at the counting station  
3 shall be equally divided between members of the 2 leading  
4 political parties and all duties performed by the employees  
5 shall be by teams consisting of an equal number of members of  
6 each political party. Thirty days before an election the county  
7 clerk or board of election commissioners shall submit to the  
8 chairman of each political party, for his or her approval or  
9 disapproval, a list of persons of his or her party proposed to  
10 be employed. If a chairman fails to notify the election  
11 authority of his or her disapproval of any proposed employee  
12 within a period of 10 days thereafter the list shall be deemed  
13 approved.

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

15 (10 ILCS 5/24C-15)

16 Sec. 24C-15. Official Return of Precinct; Check of Totals;  
17 Audit. The precinct return printed by the Direct Recording  
18 Electronic Voting System tabulating equipment shall include  
19 the number of ballots cast and votes cast for each candidate  
20 and public question and shall constitute the official return of  
21 each precinct. In addition to the precinct return, the election  
22 authority shall provide the number of applications for ballots  
23 in each precinct, the total number of ballots and absentee  
24 ballots counted in each precinct for each political subdivision  
25 and district and the number of registered voters in each  
26 precinct. However, the election authority shall check the  
27 totals shown by the precinct return and, if there is an obvious  
28 discrepancy regarding the total number of votes cast in any  
29 precinct, shall have the ballots for that precinct audited to  
30 correct the return. The procedures for this audit shall apply  
31 prior to and after the proclamation is completed; however,  
32 after the proclamation of results, the election authority must  
33 obtain a court order to unseal voted ballots or voting devices

1 except for election contests and discovery recounts. The  
2 certificate of results, which has been prepared and signed by  
3 the judges of election in the polling place after the ballots  
4 have been tabulated, shall be the document used for the canvass  
5 of votes for such precinct. Whenever a discrepancy exists  
6 during the canvass of votes between the unofficial results and  
7 the certificate of results, or whenever a discrepancy exists  
8 during the canvass of votes between the certificate of results  
9 and the set of totals reflected on the certificate of results,  
10 the ballots for that precinct shall be audited to correct the  
11 return.

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

28 The test shall be conducted by counting the votes marked on  
29 the permanent paper record of each ballot cast in the tested  
30 precinct printed by the voting system at the time that each  
31 ballot was cast and comparing the results of this count with  
32 the results shown by the certificate of results prepared by the  
33 Direct Recording Electronic Voting System in the test precinct.  
34 The election authority shall test count these votes either by



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

18 The State Board of Elections, the State's Attorney and  
19 other appropriate law enforcement agencies, the county  
20 chairman of each established political party and qualified  
21 civic organizations shall be given prior written notice of the  
22 time and place of the test and may be represented at the test.

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

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

27 (10 ILCS 5/24C-16)

28 Sec. 24C-16. Approval of Direct Recording Electronic  
29 Voting Systems; Requisites. The State Board of Elections shall  
30 approve all Direct Recording Electronic Voting Systems that  
31 fulfill the functional requirements provided by Section 24C-11  
32 of this Code, the mandatory requirements of the federal voting  
33 system standards pertaining to Direct Recording Electronic

1 Voting Systems promulgated by the Federal Election Commission  
2 or the Election Assistance Commission, the testing  
3 requirements of an approved independent testing authority and  
4 the rules of the State Board of Elections.

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

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

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

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

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

26 (10 ILCS 5/19-9 rep.)

27 (10 ILCS 5/19A-55 rep.)

28 (10 ILCS 5/20-9 rep.)

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

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