



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1697

Introduced 2/24/2005, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-15	from Ch. 46, par. 7-15
10 ILCS 5/12-1	from Ch. 46, par. 12-1
10 ILCS 5/17-9	from Ch. 46, par. 17-9
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/Art. 19A heading new	
10 ILCS 5/19A-5 new	
10 ILCS 5/19A-10 new	
10 ILCS 5/19A-15 new	
10 ILCS 5/19A-20 new	
10 ILCS 5/19A-25 new	
10 ILCS 5/19A-25.5 new	
10 ILCS 5/19A-30 new	
10 ILCS 5/19A-35 new	
10 ILCS 5/19A-40 new	
10 ILCS 5/19A-45 new	
10 ILCS 5/19A-50 new	
10 ILCS 5/19A-55 new	
10 ILCS 5/19A-60 new	
10 ILCS 5/19A-65 new	
10 ILCS 5/19A-70 new	
10 ILCS 5/19A-75 new	
10 ILCS 5/24A-10	from Ch. 46, par. 24A-10
10 ILCS 5/24A-10.1	from Ch. 46, par. 24A-10.1
10 ILCS 5/24A-15.1	from Ch. 46, par. 24A-15.1
10 ILCS 5/24B-10	
10 ILCS 5/24B-15.1	
30 ILCS 805/8.29 new	

Amends the Election Code. Allows registered voters to vote by personal appearance during an early voting period. Provides that the early voting period begins on the third Saturday preceding a general primary, consolidated primary, consolidated, or general election and ends on the Friday before the election. Provides for permanent and temporary polling places for early voting. Provides that the election authority must publish a schedule of locations and times for early voting. Sets procedures for the issuance, return, and casting of early ballots. Prohibits advertising or campaigning within 100 feet of a polling place for early voting. Removes provisions permitting an absentee voter to vote on election day by cancelling or revoking his or her absentee ballot. Amends the State Mandates Act to require implementation without reimbursement.

LRB094 09998 JAM 40256 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 7-15, 12-1, 17-9, 18-5, 24A-10, 24A-10.1, 24A-15.1,  
6 24B-10, and 24B-15.1 and by adding Article 19A and Sections  
7 19A-5, 19A-10, 19A-15, 19A-20, 19A-25, 19A-25.5, 19A-30,  
8 19A-35, 19A-40, 19A-45, 19A-50, 19A-55, 19A-60, 19A-65,  
9 19A-70, and 19A-75 as follows:

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

11 Sec. 7-15. At least 60 days prior to each general and  
12 consolidated primary, the election authority shall provide  
13 public notice, calculated to reach elderly and handicapped  
14 voters, of the availability of registration and voting aids  
15 under the Federal Voting Accessibility for the Elderly and  
16 Handicapped Act, of the availability of assistance in marking  
17 the ballot, ~~and~~ procedures for voting by absentee ballot, and  
18 procedures for early voting by personal appearance. At least 20  
19 days before the general primary the county clerk of each  
20 county, and not more than 30 nor less than 10 days before the  
21 consolidated primary the election authority, shall prepare in  
22 the manner provided in this Act, a notice of such primary which  
23 notice shall state the time and place of holding the primary,  
24 the hours during which the polls will be open, the offices for  
25 which candidates will be nominated at such primary and the  
26 political parties entitled to participate therein,  
27 notwithstanding that no candidate of any such political party  
28 may be entitled to have his name printed on the primary ballot.  
29 Such notice shall also include the list of addresses of  
30 precinct polling places for the consolidated primary unless  
31 such list is separately published by the election authority not  
32 less than 10 days before the consolidated primary.

1           In counties, municipalities, or towns having fewer than  
2 500,000 inhabitants notice of the general primary shall be  
3 published once in two or more newspapers published in the  
4 county, municipality or town, as the case may be, or if there  
5 is no such newspaper, then in any two or more newspapers  
6 published in the county and having a general circulation  
7 throughout the community.

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

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

23           (Source: P.A. 84-808.)

24           (10 ILCS 5/12-1) (from Ch. 46, par. 12-1)

25           Sec. 12-1. At least 60 days prior to each general and  
26 consolidated election, the election authority shall provide  
27 public notice, calculated to reach elderly and handicapped  
28 voters, of the availability of registration and voting aids  
29 under the Federal Voting Accessibility for the Elderly and  
30 Handicapped Act, of the availability of assistance in marking  
31 the ballot, ~~and~~ procedures for voting by absentee ballot, and  
32 procedures for voting early by personal appearance.

33           At least 30 days before any general election, and at least  
34 20 days before any special congressional election, the county  
35 clerk shall publish a notice of the election in 2 or more

1 newspapers published in the county, city, village,  
2 incorporated town or town, as the case may be, or if there is  
3 no such newspaper, then in any 2 or more newspapers published  
4 in the county and having a general circulation throughout the  
5 community. The notice may be substantially as follows:

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

12 Dated at .... on (insert date).

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

14 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

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

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

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

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

16 State of Illinois,)
   
17 ) ss.
   
18 County of ..... )
   
19 ..... Precinct ..... Ward

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

33 .....

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

35 .....

36 Judge of Election.

1 The affidavit of any such person shall be supported by the  
2 affidavit of a resident and qualified voter of any such  
3 precinct and ward, which affidavit shall be in substantially  
4 the following form:

5 State of Illinois,)

6 ) ss.

7 County of .....)

8 ..... Precinct ..... Ward

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

16 .....

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

18 .....

19 Judge of Election.

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

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

28 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

29 Sec. 18-5. Any person desiring to vote and whose name is  
30 found upon the register of voters by the person having charge  
31 thereof, shall then be questioned by one of the judges as to  
32 his nativity, his term of residence at present address,  
33 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 absentee and early ballots  
7 have been issued for that election, which shall be provided by  
8 the election authority and which list shall be available for  
9 inspection by pollwatchers. A voter applying to vote in the  
10 precinct on election day whose name appears on the list as  
11 having been issued an absentee or early ballot shall not be  
12 permitted to vote in the precinct ~~unless that voter submits to~~  
13 ~~the judges of election, for cancellation or revocation, his~~  
14 ~~absentee ballot. In the case that the voter's absentee ballot~~  
15 ~~is not present in the polling place, it shall be sufficient for~~  
16 ~~any such voter to submit to the judges of election in lieu of~~  
17 ~~his absentee ballot, either a portion of such ballot if torn or~~  
18 ~~mutilated, an affidavit executed before the judges of election~~  
19 ~~specifying that the voter never received an absentee ballot, or~~  
20 ~~an affidavit executed before the judges of election specifying~~  
21 ~~that the voter desires to cancel or revoke any absentee ballot~~  
22 ~~that may have been cast in the voter's name.~~ If such person so  
23 registered shall be challenged as disqualified, the party  
24 challenging shall assign his reasons therefor, and thereupon  
25 one of the judges shall administer to him an oath to answer  
26 questions, and if he shall take the oath he shall then be  
27 questioned by the judge or judges touching such cause of  
28 challenge, and touching any other cause of disqualification.  
29 And he may also be questioned by the person challenging him in  
30 regard to his qualifications and identity. But if a majority of  
31 the judges are of the opinion that he is the person so  
32 registered and a qualified voter, his vote shall then be  
33 received accordingly. But if his vote be rejected by such  
34 judges, such person may afterward produce and deliver an  
35 affidavit to such judges, subscribed and sworn to by him before  
36 one of the judges, in which it shall be stated how long he has



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

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

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

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

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

1 shall immediately put the ballots into the ballot box. If any  
2 voter who has failed to deliver all the ballots received by him  
3 refuses to return to the voting booth after being advised by  
4 the judge of election as herein provided, the judge shall  
5 inform the other judges of such refusal, and thereupon the  
6 ballot or ballots returned to the judge shall be deposited in  
7 the ballot box, the voter shall be permitted to depart from the  
8 polling place, and a new voter shall be permitted to enter the  
9 voting booth.

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

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

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

30 (10 ILCS 5/Art. 19A heading new)

31 ARTICLE 19A. EARLY VOTING BY PERSONAL APPEARANCE

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

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

34 (a) If a request is made to vote early by a registered

1 voter in person, the election authority shall issue a ballot  
2 for early voting to the voter. The ballot must be voted on the  
3 premises of the election authority and returned to the election  
4 authority.

5 (b) On the dates for early voting prescribed in Section  
6 19A-15, each election authority shall provide voting booths,  
7 with suitable equipment for voting, on the premises of the  
8 election authority for use by registered voters who are issued  
9 ballots for early voting in accordance with this Section.

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

17 (10 ILCS 5/19A-10 new)

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

19 (a) An election authority may establish permanent polling  
20 places for early voting by personal appearance at locations  
21 throughout the election authority's jurisdiction. Except as  
22 otherwise provided in subsection (b), any person entitled to  
23 vote early by personal appearance may do so at any polling  
24 place established for early voting.

25 (b) If it is impractical for the election authority to  
26 provide at each polling place for early voting a ballot in  
27 every form required in the election authority's jurisdiction,  
28 the election authority may:

29 (1) provide appropriate forms of ballots to the office  
30 of the municipal clerk in a municipality not having a board  
31 of election commissioners; the township clerk; or in  
32 counties not under township organization, the road  
33 district clerk; and

34 (2) limit voting at that polling place to registered  
35 voters in that municipality, ward or group of wards,

1 township, or road district.

2 (10 ILCS 5/19A-15 new)

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

4 (a) The period for early voting by personal appearance  
5 begins the third Saturday preceding a general primary,  
6 consolidated primary, consolidated, or general election and  
7 extends through the Thursday before election day, Sundays and  
8 holidays excepted.

9 (b) The election authority may include any Sunday or  
10 holiday that falls within the period for early voting.

11 (c) A permanent polling place for early voting must remain  
12 open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m.  
13 to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on  
14 Saturdays. If the election authority includes a Sunday or  
15 holiday that falls within the period for early voting, the  
16 permanent polling place must remain open during the hours that  
17 the election authority and municipal clerk, township clerk, or  
18 road district clerk establish.

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

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

21 (a) In addition to permanent polling places for early  
22 voting, the election authority may establish temporary branch  
23 polling places for early voting.

24 (b) The provisions of subsection (c) of Section 19A-15 do  
25 not apply to a temporary polling place. Voting at a temporary  
26 branch polling place may be conducted on any one or more days  
27 and during any hours within the period for early voting by  
28 personal appearance that are determined by the election  
29 authority.

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

32 (d) The legal rights and remedies which inure to the owner  
33 or lessor of private property are not impaired or otherwise  
34 affected by the leasing of the property for use as a temporary

1 branch polling place for early voting, except to the extent  
2 necessary to conduct early voting at that location.

3 (10 ILCS 5/19A-25 new)

4 Sec. 19A-25. Schedule of locations and times for early  
5 voting.

6 (a) The election authority shall publish during the week  
7 before the period for early voting and at least once each week  
8 during the period for early voting in a newspaper of general  
9 circulation in the election authority's jurisdiction a  
10 schedule stating:

11 (1) the location of each permanent and temporary  
12 polling place for early voting and the precincts served by  
13 each location; and

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

16 (b) The election authority shall post a copy of the  
17 schedule at the office of any municipal clerk, township clerk,  
18 or road district clerk that is to be used as a polling place  
19 for early voting. The schedule must be posted continuously for  
20 a period beginning not later than the 5th day before the first  
21 day of the period for early voting by personal appearance and  
22 ending on the last day of that period.

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

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

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

30 (10 ILCS 5/19A-25.5 new)

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

34 (a) In all jurisdictions in which voting machines are used,

1 the provisions of this Code that are not inconsistent with this  
2 Article relating to the furnishing of ballot boxes, printing  
3 and furnishing ballots and supplies, the canvassing of ballots,  
4 and the making of returns, apply with full force and effect to  
5 the extent necessary to make this Article effective, provided  
6 that the number of ballots to be printed shall be in the  
7 discretion of the election authority.

8 (b) If the election authority has adopted the use of  
9 automatic tabulating equipment under Article 24A of this Code,  
10 and the provisions of that Article are in conflict with the  
11 provisions of this Article 19A, the provisions of Article 24A  
12 shall govern the procedures followed by the election authority,  
13 its judges of election, and all employees and agents.

14 (c) If the election authority has adopted the use of  
15 precinct tabulation optical scan technology voting equipment  
16 under Article 24B of this Code, and the provisions of that  
17 Article are in conflict with the provisions of this Article  
18 19A, the provisions of Article 24B shall govern the procedures  
19 followed by the election authority, its judges of election, and  
20 all employees and agents.

21 (d) If the election authority has adopted the use of Direct  
22 Recording Electronic Voting Systems under Article 24C of this  
23 Code, and the provisions of that Article are in conflict with  
24 the provisions of this Article 19A, the provisions of Article  
25 24C shall govern the procedures followed by the election  
26 authority, its judges of election, and all employees and  
27 agents.

28 (10 ILCS 5/19A-30 new)

29 Sec. 19A-30. Appointment of election officials.

30 (a) The election authority must appoint an employee or  
31 designate a municipal clerk, township clerk, or road district  
32 clerk to serve as the election official in charge of each  
33 polling place for early voting.

34 (b) The election authority may also appoint as many  
35 additional election officials as it deems necessary for the

1 proper conduct of the election.

2 (10 ILCS 5/19A-35 new)

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

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

17 (b) In conducting early voting under this Article, the  
18 election official is not required to verify the signature of  
19 the early voter by comparison with the signature on the  
20 official registration card, however, the official must verify  
21 (i) the identity of the applicant, (ii) that the applicant is a  
22 registered voter, (iii) the precinct in which the applicant is  
23 registered, and (iv) the proper ballots of the political  
24 subdivision in which the applicant resides and is entitled to  
25 vote before providing an early ballot to the applicant. The  
26 election official must verify the applicant's registration  
27 from the most recent poll list provided by the election  
28 authority, and if the applicant is not listed on that poll  
29 list, by telephoning the office of the election authority.

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

34 (10 ILCS 5/19A-40 new)



1 Sec. 19A-40. Enclosure of ballots in envelope.

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

10 I state that I am a resident of the .... precinct of the  
11 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
12 the city of .... residing at .... in that city or town in the  
13 county of .... and State of Illinois, that I have lived at that  
14 address for .... months last past; that I am lawfully entitled  
15 to vote in that precinct at the .... election to be held on  
16 .....

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

18 I further state that I personally marked the enclosed  
19 ballot in secret.

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

24 .....

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

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

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

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

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

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

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

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

1 election as provided in Section 19A-35.

2 (10 ILCS 5/19A-55 new)

3 Sec. 19A-55. Casting the ballots.

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

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

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

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

9           (10 ILCS 5/19A-60 new)

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

20       In the polling place on election day, pollwatchers are  
21 permitted to be present during the casting of the early ballots  
22 and the vote of an early voter may be challenged for cause the  
23 same as if the voter were present and voted on election day.  
24 The judges of election, or a majority of them, have the power  
25 and authority to hear and determine the legality of the early  
26 ballot, provided, however, that if a challenge to any early  
27 voter's right to vote is sustained, notice of the challenge  
28 must be given by the judges of election by mail addressed to  
29 the voter's place of residence.

30           (10 ILCS 5/19A-65 new)

31       Sec. 19A-65. Death of voter before opening of polls.  
32 Whenever due proof is made to the judges of election that any  
33 voter who has marked an early ballot as provided in this  
34 Article has died before the opening of the polls on the date of

1 the election, the ballot of the deceased voter shall be  
2 returned by the judges of election in the same manner provided  
3 for rejected ballots; but the casting of the ballot of a  
4 deceased voter shall not invalidate the election.

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

6 Sec. 19A-70. Advertising or campaigning in proximity of  
7 polling place; penalty. During the period prescribed in Section  
8 19A-15 for early voting by personal appearance, no advertising  
9 pertaining to any candidate or proposition to be voted on may  
10 be displayed in or within 100 feet of any polling place used by  
11 voters under this Article. No person may engage in  
12 electioneering in or within 100 feet of any polling place used  
13 by voters under this Article.

14 Any person who violates this Section may be punished for  
15 contempt of court.

16 (10 ILCS 5/19A-75 new)

17 Sec. 19A-75. Early voting in jurisdictions using Direct  
18 Recording Electronic Voting Systems under Article 24C.  
19 Election authorities that have adopted for use Direct Recording  
20 Electronic Voting Systems under Article 24C may either use  
21 those voting systems to conduct early voting or use whatever  
22 method the election authority uses for absentee balloting  
23 conducted by mail.

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

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

30 (a) Two ballot boxes shall be provided for each polling  
31 place. The first ballot box is for the depositing of votes cast  
32 on the electronic voting system; and the second ballot box is  
33 for all votes cast on paper ballots, including absentee paper

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

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

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

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

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

34 The precinct transport judges shall then examine the  
35 remaining ballots for write-in votes and shall count and  
36 tabulate the write-in vote; or



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

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

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

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

1 in an envelope provided for that purpose labeled "Duplicate  
2 Ballots."

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

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

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

31 The "Defective Ballots" envelope, and "Duplicated Ballots"  
32 envelope each shall be securely sealed and the flap or end  
33 thereof of each signed by the precinct judges of election and  
34 returned to the central counting location with the box for  
35 return of the ballots, enclosed ballots and returns.

36 At the central counting location, a team of tally judges

1 designated by the election official in charge of the election  
2 shall check the box returned containing the ballots to  
3 determine that all seals are intact, and thereupon shall open  
4 the box, check the voters' slip and compare the number of  
5 ballots so delivered against the total number of voters of the  
6 precinct who voted, remove the ballots or ballot cards and  
7 deliver them to the technicians operating the automatic  
8 tabulating equipment. Any discrepancies between the number of  
9 ballots and total number of voters shall be noted on a sheet  
10 furnished for that purpose and signed by the tally judges; or

11 (c) A single ballot box, for the deposit of all votes cast,  
12 shall be used. Immediately after the closing of the polls the  
13 judges of election shall examine the absentee and early ballots  
14 received by the precinct judges of election from the election  
15 authority of voters in that precinct to determine that they  
16 comply with the provisions of Sections 19-9, 19A-55, 20-8, and  
17 20-9 of the Election Code, as amended, and are entitled to be  
18 deposited in the ballot box; those entitled to be deposited in  
19 the ballot box shall be initialed by the precinct judges and  
20 deposited in the ballot box. Those not entitled to be deposited  
21 in the ballot box, in accordance with Sections 19-9, 19A-55,  
22 20-8, and 20-9 of the Election Code, as amended, shall be  
23 marked "Rejected" and preserved in the manner provided in The  
24 Election Code for the retention and preservation of official  
25 ballots rejected at such election. Immediately upon the  
26 completion of the absentee and early balloting, the precinct  
27 judges of election shall securely lock the ballot box; provided  
28 that if such box is not of a type which may be securely locked,  
29 such box shall be sealed with filament tape provided for such  
30 purpose which shall be wrapped around the box lengthwise and  
31 crosswise, at least twice each way. A separate adhesive seal  
32 label signed by each of the judges of election of the precinct  
33 shall be affixed to the box so as to cover any slot therein and  
34 to identify the box of the precinct; and if such box is sealed  
35 with filament tape as provided herein rather than locked, such  
36 tape shall be wrapped around the box as provided herein, but in

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

28 At the central counting location there shall be one or more  
29 teams of tally judges who possess the same qualifications as  
30 tally judges in election jurisdictions using paper ballots. The  
31 number of such teams shall be determined by the election  
32 authority. Each team shall consist of 5 tally judges, 3  
33 selected and approved by the county board from a certified list  
34 furnished by the chairman of the county central committee of  
35 the party with the majority of members on the county board and  
36 2 selected and approved by the county board from a certified

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

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

36 (2) Regardless of which procedure described in subsection



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

19 (Source: P.A. 83-1362.)

20 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

24 Immediately after the closing of the polls, the absentee  
25 and early ballots delivered to the precinct judges of election  
26 by the election authority shall be examined to determine that  
27 such ballots comply with Sections 19-9 and 20-9 of this Act 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.

34 The precinct judges of election shall open the ballot box  
35 and count the number of ballots therein to determine if such

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

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 cast a write-in vote, the judges of election  
27 shall compare the write-in vote with the votes on the ballot  
28 card to determine whether such write-in results in an overvote  
29 for any office. In case of an overvote for any office, the  
30 judges of election, consisting in each case of at least one  
31 judge of election of each of the 2 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  
35 devices of the precinct so as to transfer all votes of the  
36 voter, except for the office overvoted, to a duplicate card.

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

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

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

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

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

29 The judges of election shall count all unused ballot cards  
30 and enter the number on the "Statement of Ballots". All  
31 "Spoiled", "Defective" and "Duplicated" ballot cards shall be  
32 counted and the number entered on the "Statement of Ballots".

33 The precinct judges of election shall select a bi-partisan  
34 team of 2 judges, who shall immediately return the ballots in a  
35 sealed container, along with all other election materials as  
36 instructed by the election authority; provided, however, that

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

24 (Source: P.A. 83-1362.)

25 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

26 Sec. 24A-15.1. Except as herein provided, discovery  
27 recounts and election contests shall be conducted as otherwise  
28 provided for in "The Election Code", as amended. The automatic  
29 tabulating equipment shall be tested prior to the discovery  
30 recount or election contest as provided in Section 24A-9, and  
31 then the official ballots or ballot cards shall be recounted on  
32 the automatic tabulating equipment. In addition, (1) the ballot  
33 or ballot cards shall be checked for the presence or absence of  
34 judges' initials and other distinguishing marks, and (2) the  
35 ballots marked "Rejected", "Defective", Objected to", ~~and~~

1 "Absentee Ballot", and "Early Ballot" shall be examined to  
2 determine the propriety of the such labels, and (3) the  
3 "Duplicate Absentee Ballots", "Duplicate Early Ballots",  
4 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"  
5 shall be compared with their respective originals to determine  
6 the correctness of the duplicates.

7 Any person who has filed a petition for discovery recount  
8 may request that a redundant count be conducted in those  
9 precincts in which the discovery recount is being conducted.  
10 The additional costs of such a redundant count shall be borne  
11 by the requesting party.

12 The log of the computer operator and all materials retained  
13 by the election authority in relation to vote tabulation and  
14 canvass shall be made available for any discovery recount or  
15 election contest.

16 (Source: P.A. 82-1014.)

17 (10 ILCS 5/24B-10)

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

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

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

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

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



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

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

29 The excess ballots shall be marked "Excess-Not  
30 Counted" and signed by the 2 precinct transport judges and  
31 shall be placed in the "After 7:00 p.m. Defective Ballots  
32 Envelope". The number of excess ballots shall be noted in  
33 the remarks section of the Certificate of Results. "Excess"  
34 ballots shall not be counted in the total of "defective"  
35 ballots.

36 The precinct transport judges shall then examine the

1 remaining ballots for write-in votes and shall count and  
2 tabulate the write-in vote.

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

8 All ballots to be processed and tabulated with the  
9 electronic Precinct Tabulation Optical Scan Technology  
10 voting system shall be processed as follows:

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

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

1       "Duplicate Early Ballot" ballots and shall place them in  
2       the box for return of the ballots with all other ballots to  
3       be counted at the central counting location in lieu of the  
4       paper absentee and early ballots. The paper absentee  
5       ballots shall be placed in an envelope provided for that  
6       purpose labeled "Duplicate Ballots".

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

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

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

24 The "Defective Ballots" envelope, and "Duplicated  
25 Ballots" envelope each shall be securely sealed and the  
26 flap or end of each envelope signed by the precinct judges  
27 of election and returned to the central counting location  
28 with the box for return of the ballots, enclosed ballots  
29 and returns.

30 At the central counting location, a team of tally  
31 judges designated by the election official in charge of the  
32 election shall check the box returned containing the  
33 ballots to determine that all seals are intact, and shall  
34 open the box, check the voters' slip and compare the number  
35 of ballots so delivered against the total number of voters  
36 of the precinct who voted, remove the ballots and deliver

1           them to the technicians operating the automatic tabulating  
2           equipment. Any discrepancies between the number of ballots  
3           and total number of voters shall be noted on a sheet  
4           furnished for that purpose and signed by the tally judges.

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

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

24 At the central counting location there shall be one or  
25 more teams of tally judges who possess the same  
26 qualifications as tally judges in election jurisdictions  
27 using paper ballots. The number of the teams shall be  
28 determined by the election authority. Each team shall  
29 consist of 5 tally judges, 3 selected and approved by the  
30 county board from a certified list furnished by the  
31 chairman of the county central committee of the party with  
32 the majority of members on the county board and 2 selected  
33 and approved by the county board from a certified list  
34 furnished by the chairman of the county central committee  
35 of the party with the second largest number of members on  
36 the county board. At the central counting location a team



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

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

35 (b) Regardless of which procedure described in subsection  
36 (a) of this Section is used, the judges of election designated

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

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

19 (10 ILCS 5/24B-15.1)

20 Sec. 24B-15.1. Discovery, Recounts and Election Contests.  
21 Except as provided, discovery recounts and election contests  
22 shall be conducted as otherwise provided for in this Code. The  
23 automatic Precinct Tabulation Optical Scan Technology  
24 tabulating equipment shall be tested prior to the discovery  
25 recount or election contest as provided in Section 24B-9, and  
26 then the official ballots shall be recounted on the automatic  
27 tabulating equipment. In addition, (a) the ballots shall be  
28 checked for the presence or absence of judges' initials and  
29 other distinguishing marks, and (b) the ballots marked  
30 "Rejected", "Defective", "Objected To", "Early Ballot", and  
31 "Absentee Ballot" shall be examined to determine the propriety  
32 of the labels, and (c) the "Duplicate Absentee Ballots",  
33 "Duplicate Early Ballots", "Duplicate Overvoted Ballots" and  
34 "Duplicate Damaged Ballots" shall be compared with their  
35 respective originals to determine the correctness of the

1 duplicates.

2 Any person who has filed a petition for discovery recount  
3 may request that a redundant count be conducted in those  
4 precincts in which the discovery recount is being conducted.  
5 The additional costs of a redundant count shall be borne by the  
6 requesting party.

7 The log of the computer operator and all materials retained  
8 by the election authority in relation to vote tabulation and  
9 canvass shall be made available for any discovery recount or  
10 election contest.

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

12 Section 90. The State Mandates Act is amended by adding  
13 Section 8.29 as follows:

14 (30 ILCS 805/8.29 new)

15 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
16 of this Act, no reimbursement by the State is required for the  
17 implementation of any mandate created by this amendatory Act of  
18 the 94th General Assembly.