

SB3137



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3137

Introduced 2/9/2010, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Eliminates or changes various duties of election authorities and election judges and officials with respect to: applications and hearings for cancelation or restoration of voter registrations; voter registration reports from boards of registry and election judges; registrations of deceased voters; affidavits by election-day voters issued absentee ballots; verification of an in-person absentee voter's identity (now, signature); in-precinct processing and counting of ballots, including the handling of ballots illegally inserted into ballot boxes; and the processing and counting of early and absentee ballots. Makes other changes.

LRB096 20053 JAM 35564 b

A BILL FOR

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 17-9, 17-16, 17-18, 18-5, 18-9, 19-2.1, 19-5, 19-6,
6 19-7, 19-8, 19-10, 19A-35, 19A-40, 19A-50, 20-7, 20-8,
7 24B-10.1, and 24B-15.1 as follows:

8 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

9 Sec. 17-9. Any person desiring to vote shall give his name
10 and, if required to do so, his residence to the judges of
11 election, one of whom shall thereupon announce the same in a
12 loud and distinct tone of voice, clear, and audible; the judges
13 of elections shall check each application for ballot against
14 the list of voters registered in that precinct to whom grace
15 period, absentee, or early ballots have been issued for that
16 election, which shall be provided by the election authority and
17 which list shall be available for inspection by pollwatchers. A
18 voter applying to vote in the precinct on election day whose
19 name appears on the list as having been issued a grace period,
20 absentee, or early ballot shall not be permitted to vote in the
21 precinct, except that a voter to whom an absentee ballot was
22 issued may vote in the precinct if the voter submits to the
23 election judges that absentee ballot, or a portion of that

1 absentee ballot if that absentee ballot was torn or mutilated,
2 for cancellation. If the voter is unable to submit the absentee
3 ballot, the voter shall vote a provisional ballot in accordance
4 with Article 18A ~~it shall be sufficient for the voter to~~
5 ~~submit to the election judges (i) a portion of the absentee~~
6 ~~ballot if the absentee ballot was torn or mutilated or (ii) an~~
7 ~~affidavit executed before the election judges~~ specifying that
8 (A) the voter never received an absentee ballot or (B) the
9 voter completed and returned an absentee ballot and was
10 informed that the election authority did not receive that
11 absentee ballot. All applicable provisions of Articles 4, 5 or
12 6 shall be complied with and if such name is found on the
13 register of voters by the officer having charge thereof, he
14 shall likewise repeat said name, and the voter shall be allowed
15 to enter within the proximity of the voting booths, as above
16 provided. In election jurisdictions using paper ballots, one
17 ~~one~~ of the judges shall give the voter one, and only one of
18 each ballot to be voted at the election, on the back of which
19 ballots such judge shall indorse his initials in such manner
20 that they may be seen when each such ballot is properly
21 inserted into the ballot box ~~folded~~, and the voter's name shall
22 be immediately checked on the register list. In those election
23 jurisdictions where perforated ballot cards are utilized of the
24 type on which write-in votes can be cast above the perforation,
25 the election authority shall provide a space both above and
26 below the perforation for the judge's initials, and the judge

1 shall endorse his or her initials in both spaces. Whenever a
2 proposal for a constitutional amendment or for the calling of a
3 constitutional convention is to be voted upon at the election,
4 the separate blue ballot or ballots pertaining thereto shall,
5 when being handed to the voter, be placed on top of the other
6 ballots to be voted at the election in such manner that the
7 legend appearing on the back thereof, as prescribed in Section
8 16-6 of this Act, shall be plainly visible to the voter. At all
9 elections, when a registry may be required, if the name of any
10 person so desiring to vote at such election is not found on the
11 register of voters, he or she shall not receive a ballot until
12 he or she shall have complied with the law prescribing the
13 manner and conditions of voting by unregistered voters. If any
14 person desiring to vote at any election shall be challenged, he
15 or she shall not receive a ballot until he or she shall have
16 established his right to vote in the manner provided
17 hereinafter; and if he or she shall be challenged after he has
18 received his ballot, he shall not be permitted to vote until he
19 or she has fully complied with such requirements of the law
20 upon being challenged. Besides the election officer, not more
21 than 2 voters in excess of the whole number of voting booths
22 provided shall be allowed within the proximity of the voting
23 booths at one time. The provisions of this Act, so far as they
24 require the registration of voters as a condition to their
25 being allowed to vote shall not apply to persons otherwise
26 entitled to vote, who are, at the time of the election, or at

1 any time within 60 days prior to such election have been
2 engaged in the military or naval service of the United States,
3 and who appear personally at the polling place on election day
4 and produce to the judges of election satisfactory evidence
5 thereof, but such persons, if otherwise qualified to vote,
6 shall be permitted to vote at such election without previous
7 registration.

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

10 State of Illinois,)

11) ss.

12 County of)

13 Precinct Ward

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

1
2

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

3
4

Judge of Election.

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

9 State of Illinois,)

10) ss.

11 County of)

12 Precinct Ward

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

20
21

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

22
23

Judge of Election.

24 All affidavits made under the provisions of this Section

1 shall be enclosed in a separate envelope securely sealed, and
2 shall be transmitted with the returns of the elections to the
3 county clerk or to the board of election commissioners, who
4 shall preserve the said affidavits for the period of 6 months,
5 during which period such affidavits shall be deemed public
6 records and shall be freely open to examination as such.

7 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/17-16) (from Ch. 46, par. 17-16)

9 Sec. 17-16. If the voter marks more candidates than there
10 are persons to be elected to an office, or if for any reason it
11 is impossible to determine the voter's choice for any office to
12 be filled, his ballot shall not be counted for such office,
13 provided that if the name of a candidate appears in more than
14 one column on the ballot as authorized by this Act, and a
15 ballot has been marked in his or her favor in more than one
16 column and the voter's intention is otherwise ascertainable,
17 the candidate shall receive only one vote from such ballot and
18 the remaining votes cast for him or her on such ballot shall
19 not be counted. No ballot without the official endorsement
20 shall be deposited in the ballot box, and those ballots
21 determined to have been illegally inserted into a ballot box
22 shall not be counted. ~~and none but ballots provided in~~
23 ~~accordance with the provisions of this Act shall be counted.~~
24 ~~Ballots not counted shall be marked "defective" on the back~~
25 ~~thereof, and ballots to which objection has been made by either~~

1 ~~of the judges or challengers shall be marked "objected to" on~~
2 ~~the back thereof, and a memorandum signed by the judges stating~~
3 ~~how it was counted shall be written upon the back of each~~
4 ~~ballot so marked, and all ballots marked defective or objected~~
5 ~~to shall be enclosed in an envelope securely sealed and so~~
6 ~~marked and endorsed as to clearly disclose its contents. The~~
7 ~~envelope to be used for enclosing ballots marked "defective" or~~
8 ~~"objected to" shall bear upon its face, in large type, the~~
9 ~~legend: "This envelope is for use after 7:00 P.M. only."~~ The
10 envelope to be used for enclosing ballots spoiled by voters
11 while attempting to vote shall bear upon its face, in large
12 type, the legend: "This envelope is for use before 7:00 P.M.
13 only." All ballots not voted, and all that have been spoiled by
14 voters while attempting to vote, shall be returned by the
15 judges of election to the county clerk and a receipt taken
16 therefor, and shall be preserved 2 months; the county clerk
17 shall keep a record of the number of ballots delivered for each
18 polling place, the name of the person to whom and the time when
19 delivered, and he shall also enter upon such record the number
20 and character of ballots returned, with the time when and the
21 person by whom they are returned.

22 (Source: P.A. 84-861.)

23 (10 ILCS 5/17-18) (from Ch. 46, par. 17-18)

24 Sec. 17-18. Immediately upon closing the polls the judges
25 shall proceed to canvass the votes polled. They shall first

1 determine the ~~count the whole~~ number of ballots in the box. If
2 2 or more ballots are folded together so as to appear to have
3 been cast by the same person, all of the ballots so folded
4 together shall be marked and returned with the other ballots in
5 the same conditions, as near as may be, in which they were
6 found when first opened, but shall not be counted. If the
7 remaining ballots shall be found to exceed the number of
8 applications for ballot, then the ~~the ballots shall be replaced~~
9 ~~in the box, and the box closed and well shaken and again opened~~
10 ~~and one of the judges shall publicly draw out so many ballots~~
11 ~~unopened as shall be equal to such excess; and the number of~~
12 ~~the ballots agreeing with the poll lists, or being made to~~
13 ~~agree. Such excess ballots shall be marked "Excess Not Counted"~~
14 ~~and signed by a majority of the judges and shall be placed in~~
15 ~~the "After 6:00 p.m. Defective Ballots Envelope".~~ The number of
16 excess ballots shall be noted in the remarks section of the
17 Certificate of Results. "Excess" ballots shall not be counted
18 in the total of "defective" ballots.

19 The judges shall then proceed to count and record the
20 votes; and when the judges of election shall open and read the
21 ballots, 3 judges, with at least one from each political party
22 from which the precinct judges were chosen, shall carefully and
23 correctly mark down upon the three tally sheets the vote each
24 candidate has received, in a separate box prepared for that
25 purpose, with the name of such candidate at the head of such
26 box, and the office designated by the votes such candidate

1 shall fill. Whenever a proposition is submitted to the electors
2 at the same election, the ballots for or against such
3 proposition shall always be canvassed, counted or tallied. The
4 votes shall be canvassed in the room or place where the
5 election is held, and the judges shall not allow the ballot
6 box, or any of the ballots, or the applications for ballot, or
7 any of the tally sheets to be removed or carried away from such
8 room or place, until the canvass of the vote is completed, and
9 the returns carefully enveloped and sealed up as provided by
10 law.

11 Where voting machines or electronic voting systems are
12 used, the provisions of this section may be modified as
13 required or authorized by Article 24 or Article 24A, whichever
14 is applicable.

15 (Source: P.A. 83-333.)

16 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

17 Sec. 18-5. Any person desiring to vote and whose name is
18 found upon the register of voters by the person having charge
19 thereof, shall then be questioned by one of the judges as to
20 his nativity, his term of residence at present address,
21 precinct, State and United States, his age, whether naturalized
22 and if so the date of naturalization papers and court from
23 which secured, and he shall be asked to state his residence
24 when last previously registered and the date of the election
25 for which he then registered. The judges of elections shall

1 check each application for ballot against the list of voters
2 registered in that precinct to whom grace period, absentee, and
3 early ballots have been issued for that election, which shall
4 be provided by the election authority and which list shall be
5 available for inspection by pollwatchers. A voter applying to
6 vote in the precinct on election day whose name appears on the
7 list as having been issued a grace period, absentee, or early
8 ballot shall not be permitted to vote in the precinct, except
9 that a voter to whom an absentee ballot was issued may vote in
10 the precinct if the voter submits to the election judges that
11 absentee ballot, or a portion of that absentee ballot if that
12 absentee ballot was torn or mutilated, for cancellation. If the
13 voter is unable to submit the absentee ballot, the voter shall
14 vote a provisional ballot in accordance with Article 18A ~~it~~
15 ~~shall be sufficient for the voter to submit to the election~~
16 ~~judges (i) a portion of the absentee ballot if the absentee~~
17 ~~ballot was torn or mutilated or (ii) an affidavit executed~~
18 ~~before the election judges~~ specifying that (A) the voter never
19 received an absentee ballot or (B) the voter completed and
20 returned an absentee ballot and was informed that the election
21 authority did not receive that absentee ballot. If such person
22 so registered shall be challenged as disqualified, the party
23 challenging shall assign his reasons therefor, and thereupon
24 one of the judges shall administer to him an oath to answer
25 questions, and if he shall take the oath he shall then be
26 questioned by the judge or judges touching such cause of

1 challenge, and touching any other cause of disqualification.
2 And he may also be questioned by the person challenging him in
3 regard to his qualifications and identity. But if a majority of
4 the judges are of the opinion that he is the person so
5 registered and a qualified voter, his vote shall then be
6 received accordingly. But if his vote be rejected by such
7 judges, such person may afterward produce and deliver an
8 affidavit to such judges, subscribed and sworn to by him before
9 one of the judges, in which it shall be stated how long he has
10 resided in such precinct, and state; that he is a citizen of
11 the United States, and is a duly qualified voter in such
12 precinct, and that he is the identical person so registered. In
13 addition to such an affidavit, the person so challenged shall
14 provide to the judges of election proof of residence by
15 producing 2 forms of identification showing the person's
16 current residence address, provided that such identification
17 may include a lease or contract for a residence and not more
18 than one piece of mail addressed to the person at his current
19 residence address and postmarked not earlier than 30 days prior
20 to the date of the election, or the person shall procure a
21 witness personally known to the judges of election, and
22 resident in the precinct (or district), or who shall be proved
23 by some legal voter of such precinct or district, known to the
24 judges to be such, who shall take the oath following, viz:

25 I do solemnly swear (or affirm) that I am a resident of
26 this election precinct (or district), and entitled to vote at

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

7 The oath in each case may be administered by one of the
8 judges of election, or by any officer, resident in the precinct
9 or district, authorized by law to administer oaths. Also
10 supported by an affidavit by a registered voter residing in
11 such precinct, stating his own residence, and that he knows
12 such person; and that he does reside at the place mentioned and
13 has resided in such precinct and state for the length of time
14 as stated by such person, which shall be subscribed and sworn
15 to in the same way. For purposes of this Section, the
16 submission of a photo identification issued by a college or
17 university, accompanied by either (i) a copy of the applicant's
18 contract or lease for a residence or (ii) one piece of mail
19 addressed to the person at his or her current residence address
20 and postmarked not earlier than 30 days prior to the date of
21 the election, shall be sufficient to establish proof of
22 residence. Whereupon the vote of such person shall be received,
23 and entered as other votes. But such judges, having charge of
24 such registers, shall state in their respective books the facts
25 in such case, and the affidavits, so delivered to the judges,
26 shall be preserved and returned to the office of the

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

15 Immediately after voting, the voter shall be instructed
16 whether the voting equipment, if used, accepted or rejected the
17 ballot or identified the ballot as under-voted. A voter whose
18 ballot is identified as under-voted for a statewide
19 constitutional office may return to the voting booth and
20 complete the voting of that ballot. A voter whose ballot is not
21 accepted by the voting equipment may, upon surrendering the
22 ballot, request and vote another ballot. The voter's
23 surrendered ballot shall be initialed by the election judge and
24 handled as provided in the appropriate Article governing that
25 voting equipment.

26 The voter shall, upon quitting the voting booth, deliver to

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

1 inform the other judges of such refusal, and thereupon the
2 ballot or ballots returned to the judge shall be deposited in
3 the ballot box, the voter shall be permitted to depart from the
4 polling place, and a new voter shall be permitted to enter the
5 voting booth.

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

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

25 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

1 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

2 Sec. 18-9. The judges of election shall first count the
3 whole number of ballots in the box. If the ballots shall be
4 found to exceed the number of applications for ballot, then the
5 ~~they shall reject the ballots, if any, found folded inside of a~~
6 ~~ballot. And if the ballots and the applications for ballot~~
7 ~~still do not agree after such rejection, the ballots shall be~~
8 ~~replaced in the box and the box closed and well shaken, and~~
9 ~~again opened; and one of the judges shall publicly draw out so~~
10 ~~many ballots unopened as shall be equal to such excess. Such~~
11 ~~excess ballots shall be marked "Excess Not Counted" and signed~~
12 ~~by a majority of judges and shall be placed in the "After 6:00~~
13 ~~p.m. Defective Ballots Envelope".~~ The number of excess ballots
14 shall be noted in the remarks section of the Certificate of
15 Results. "Excess" ballots shall not be counted in the total of
16 "defective" ballots. And the ballots and applications for
17 ballot being made to agree in this way, the judges shall
18 proceed to count the votes in the following manner: The judges
19 shall open the ballots and place those which contain the same
20 names together, so that the several kinds shall be in separate
21 piles or on separate files. Each of the judges shall examine
22 the separate files which are, or are supposed to be, alike, and
23 exclude from such files any which may have a name or an
24 erasure, or in any manner shall be different from the others of
25 such file. One of the judges shall then take one file of the
26 kind of ballots which contain the same names, and count them by

1 tens, carefully examining each name on each of the ballots.
2 Such judge shall then pass the ten ballots aforesaid to the
3 judge sitting next to him, who shall count them in the same
4 manner, who shall then pass them to a third judge, who shall
5 also count them in the same manner. Then the third judge shall
6 call the names of the persons named in the ten ballots, and the
7 offices for which they are designated, and 2 of the judges, who
8 did not assist in the counting shall tally ten votes for each
9 of such persons, except as herein otherwise provided. When the
10 judges shall have gone through such file of ballots, containing
11 the same names, and shall count them by tens in the same way,
12 and shall call the names of the persons named in the ballots
13 and the office for which they are designated, the tally judges
14 shall tally the votes by tens for each of such persons in the
15 same manner as in the first instance. When the counting of each
16 file of ballots which contain the same names shall be
17 completed, the tally judges shall compare their tallies
18 together and ascertain the total number of ballots of that kind
19 so canvassed; and when they agree upon the number, one of them
20 shall announce it in a loud voice to the other judges. The
21 judges shall then canvass the other kinds of ballots which do
22 not correspond, those containing names partly from one kind of
23 ballots and partly from another, being those from which the
24 name of the person proper to be voted for on such ballots has
25 been omitted or erased, usually called "scratched tickets".
26 They shall be canvassed separately by one of the judges sitting

1 between 2 other judges, which judge shall call each name to the
2 tally judges and the office for which it is designated, and the
3 other judges looking at the ballot at the same time, and the
4 tally judges making tally of the same. When all the ballots
5 have been canvassed in this manner, the tally judges shall
6 compare their tallies together, and ascertain the total number
7 of votes received by each candidate and when they agree upon
8 the numbers one of them shall announce in a loud voice to the
9 judges the number of votes received by each candidate on each
10 of the kinds of ballots containing his name, the number
11 received by him on scratch tickets, and the total number of
12 votes received by him.

13 The votes for the offices of Governor and Lieutenant
14 Governor shall be counted and tallied jointly.

15 Where voting machines or electronic voting systems are
16 used, the provisions of this section may be modified as
17 required or authorized by Article 24 or Article 24A, whichever
18 is applicable.

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

20 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

21 Sec. 19-2.1. At the consolidated primary, general primary,
22 consolidated, and general elections, electors entitled to vote
23 by absentee ballot under the provisions of Section 19-1 may
24 vote in person at the office of the municipal clerk, if the
25 elector is a resident of a municipality not having a board of

1 election commissioners, or at the office of the township clerk
2 or, in counties not under township organization, at the office
3 of the road district clerk if the elector is not a resident of
4 a municipality; provided, in each case that the municipal,
5 township or road district clerk, as the case may be, is
6 authorized to conduct in-person absentee voting pursuant to
7 this Section. Absentee voting in such municipal and township
8 clerk's offices under this Section shall be conducted from the
9 22nd day through the day before the election.

10 Municipal and township clerks (or road district clerks) who
11 have regularly scheduled working hours at regularly designated
12 offices other than a place of residence and whose offices are
13 open for business during the same hours as the office of the
14 election authority shall conduct in-person absentee voting for
15 said elections. Municipal and township clerks (or road district
16 clerks) who have no regularly scheduled working hours but who
17 have regularly designated offices other than a place of
18 residence shall conduct in-person absentee voting for said
19 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
20 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
21 Saturdays, but not during such hours as the office of the
22 election authority is closed, unless the clerk files a written
23 waiver with the election authority not later than July 1 of
24 each year stating that he or she is unable to conduct such
25 voting and the reasons therefor. Such clerks who conduct
26 in-person absentee voting may extend their hours for that

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

24 In conducting in-person absentee voting under this
25 Section, the respective clerks shall be required to verify the
26 identity ~~signature~~ of the absentee voter ~~by comparison with the~~

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

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

1 authorities shall apply to the respective local clerks, except
2 where inconsistent with this Section.

3 The sealed absentee ballots ~~in their carrier envelope~~ shall
4 be delivered by the respective clerks, or by the election
5 authority on behalf of a clerk if the clerk and the election
6 authority agree, to the election authority's central ballot
7 counting location before the close of the polls on the day of
8 the general primary, consolidated primary, consolidated, or
9 general election.

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

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

1 The clerks of all municipalities, townships and road
2 districts may distribute applications for absentee ballot for
3 the use of voters who wish to mail such applications to the
4 appropriate election authority. Such applications for absentee
5 ballots shall be made on forms provided by the election
6 authority. Duplication of such forms by the municipal, township
7 or road district clerk is prohibited.

8 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
9 94-1000, eff. 7-3-06.)

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

11 Sec. 19-5. When a ballot is to be mailed to a voter, it ~~it~~
12 shall be the duty of the election authority to fold the ballot
13 or ballots in the manner specified by the statute for folding
14 ballots prior to their deposit in the ballot box, and to
15 enclose such ballot or ballots in an envelope unsealed to be
16 furnished by him, which envelope shall bear upon the face
17 thereof the name, official title and post office address of the
18 election authority, and upon the other side a printed
19 certification in substantially the following form:

20 I state that I am a resident of the precinct of the
21 (1) *township of (2) *City of or (3) *.... ward in
22 the city of residing at in such city or town in the
23 county of and State of Illinois, that I have lived at such
24 address for months last past; and that I am lawfully
25 entitled to vote in such precinct at the election to be

1 held on

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

3 I further state that I personally marked the enclosed
4 ballot in secret.

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

9

10 If the ballot is to go to an elector who is physically
11 incapacitated and needs assistance marking the ballot, the
12 envelope shall bear upon the back thereof a certification in
13 substantially the following form:

14 I state that I am a resident of the precinct of the
15 (1) *township of (2) *City of or (3) *.... ward in
16 the city of residing at in such city or town in the
17 county of and State of Illinois, that I have lived at such
18 address for months last past; that I am lawfully entitled
19 to vote in such precinct at the election to be held on
20; that I am physically incapable of personally marking the
21 ballot for such election.

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

23 I further state that I marked the enclosed ballot in secret
24 with the assistance of

25

26 (Individual rendering assistance)

1
2

(Residence Address)

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

7
8

9 In the case of a voter with a physical incapacity, marking
10 a ballot in secret includes marking a ballot with the
11 assistance of another individual, other than a candidate whose
12 name appears on the ballot (unless the voter is the spouse or a
13 parent, child, brother, or sister of the candidate), the
14 voter's employer, an agent of that employer, or an officer or
15 agent of the voter's union, when the voter's physical
16 incapacity necessitates such assistance.

17 In the case of a physically incapacitated voter, marking a
18 ballot in secret includes marking a ballot with the assistance
19 of another individual, other than a candidate whose name
20 appears on the ballot (unless the voter is the spouse or a
21 parent, child, brother, or sister of the candidate), the
22 voter's employer, an agent of that employer, or an officer or
23 agent of the voter's union, when the voter's physical
24 incapacity necessitates such assistance.

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

1 In addition to the above, the election authority shall
2 provide printed slips giving full instructions regarding the
3 manner of marking and returning the ballot in order that the
4 same may be counted, and shall furnish one of such printed
5 slips to each of such applicants at the same time the ballot is
6 delivered to him. Such instructions shall include the following
7 statement: "In signing the certification on the absentee ballot
8 envelope, you are attesting that you personally marked this
9 absentee ballot in secret. If you are physically unable to mark
10 the ballot, a friend or relative may assist you after
11 completing the enclosed affidavit. Federal and State laws
12 prohibit a candidate whose name appears on the ballot (unless
13 you are the spouse or a parent, child, brother, or sister of
14 the candidate), your employer, your employer's agent or an
15 officer or agent of your union from assisting physically
16 disabled voters."

17 In addition to the above, if a ballot to be provided to an
18 elector pursuant to this Section contains a public question
19 described in subsection (b) of Section 28-6 and the territory
20 concerning which the question is to be submitted is not
21 described on the ballot due to the space limitations of such
22 ballot, the election authority shall provide a printed copy of
23 a notice of the public question, which shall include a
24 description of the territory in the manner required by Section
25 16-7. The notice shall be furnished to the elector at the same
26 time the ballot is delivered to the elector.

1 When a voter casts a ballot in the office of the election
2 authority or a municipal or township clerk, the election
3 authority may allow for the insertion of the ballot into a
4 ballot tabulator and the direct deposit of the ballot into a
5 sealed ballot box.

6 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

7 (10 ILCS 5/19-6) (from Ch. 46, par. 19-6)

8 Sec. 19-6. Such absent voter shall make and subscribe to
9 the certifications provided for in the application and, if
10 provided, on the return envelope for the ballot, and such
11 ballot or ballots shall be folded by such voter in the manner
12 required to be folded before depositing the same in the ballot
13 box, and be (i) deposited in such envelope and the envelope
14 securely sealed or (ii) directly inserted into the ballot
15 tabulator. When the voter has been mailed a ballot, the ~~The~~
16 voter shall then endorse his certificate upon the back of the
17 envelope and the envelope shall be mailed in person by such
18 voter, postage prepaid, to the election authority issuing the
19 ballot or, if more convenient, it may be delivered in person,
20 by either the voter or by a spouse, parent, child, brother or
21 sister of the voter, or by a company licensed as a motor
22 carrier of property by the Illinois Commerce Commission under
23 the Illinois Commercial Transportation Law, which is engaged in
24 the business of making deliveries. It shall be unlawful for any
25 person not the voter, his or her spouse, parent, child,

1 brother, or sister, or a representative of a company engaged in
 2 the business of making deliveries to the election authority to
 3 take the ballot and ballot envelope of a voter for deposit into
 4 the mail unless the ballot has been issued pursuant to
 5 application by a physically incapacitated elector under
 6 Section 3-3 or a hospitalized voter under Section 19-13, in
 7 which case any employee or person under the direction of the
 8 facility in which the elector or voter is located may deposit
 9 the ballot and ballot envelope into the mail. If an absentee
 10 voter gives his ballot and ballot envelope to a spouse, parent,
 11 child, brother or sister of the voter or to a company which is
 12 engaged in the business of making deliveries for delivery to
 13 the election authority, the voter shall give an authorization
 14 form to the person making the delivery. The person making the
 15 delivery shall present the authorization to the election
 16 authority. The authorization shall be in substantially the
 17 following form:

18 I (absentee voter) authorize
 19 to take my ballot to the office of the election authority.

20
 21 Date Signature of voter

22
 23 Hour Address

24

1	Date	Signature of Authorized
2		Individual

3
---	-------	-------

4	Hour	Relationship (if any)
---	------	-----------------------

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

6 (10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

7 Sec. 19-7. Absentee ballots mailed to voters shall be
 8 received in one of the 2 following ways:

9 (1) Upon receipt of such absent voter's ballot, the
 10 election authority shall forthwith enclose the same
 11 unopened, together with the application made by said absent
 12 voter in a large or carrier envelope which shall be
 13 securely sealed and endorsed with the name and official
 14 title of such officer and the words, "This envelope
 15 contains an absent voter's ballot and must be opened on
 16 election day," together with the number and description of
 17 the precinct in which said ballot is to be voted, and such
 18 officer shall thereafter safely keep the same in his office
 19 until counted by him as provided in the next section.

20 (2) Upon receipt of an absent voter's ballot, the
 21 election authority shall appoint one election judge from
 22 each of the 2 leading political parties who, at a time
 23 publicly noticed in the office of the election authority at
 24 least 2 days prior to that time, shall verify the signature

1 of the voter on the certification envelope with the records
2 of the election authority and shall verify the compliance
3 of the ballot with other provisions of this Code. If the
4 election judges determine that the ballot has not been
5 properly submitted, they shall reject the ballot as set
6 forth in Section 19-8. If the ballot is not rejected, the
7 judges of election shall open the certification envelope,
8 initial the ballot, and insert it into the ballot tabulator
9 which shall directly deposit the ballot into the ballot
10 box.

11 (Source: P.A. 81-155.)

12 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

14 (a) For purposes of this Section, counting of absentee
15 ballots shall mean the public tabulation of election results.
16 Nothing in this Section shall be construed to prohibit the
17 casting of a ballot into a direct recording device or ballot
18 tabulator, except that the results of any votes cast prior to
19 election day shall not be revealed until after the close of the
20 polls on election day. ~~(Blank.)~~

21 (b) Each absent voter's ballot returned to an election
22 authority, by any means authorized by this Article, and
23 received by that election authority before the closing of the
24 polls on election day shall be endorsed by the receiving
25 election authority with the day and hour of receipt and shall

1 be counted in the central ballot counting location of the
2 election authority on the day of the election after 7:00 p.m.,
3 except as provided in subsections (g) and (g-5).

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

14 Each absent voter's ballot that is mailed to an election
15 authority absent a postmark, but that is received by the
16 election authority after the polls close on election day and
17 before the close of the period for counting provisional ballots
18 cast at that election, shall be endorsed by the receiving
19 authority with the day and hour of receipt, opened to inspect
20 the date inserted on the certification, and, if the
21 certification date is a date preceding the election day and the
22 ballot is otherwise found to be valid under the requirements of
23 this Section, counted at the central ballot counting location
24 of the election authority during the period for counting
25 provisional ballots. Absent a date on the certification, the
26 ballot shall not be counted.

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

20 (e) Except as otherwise provided in this Section, absent
21 voters' ballots and special write-in absentee voter's blank
22 ballots received by the election authority after the closing of
23 the polls on an election day shall be endorsed by the election
24 authority receiving them with the day and hour of receipt and
25 shall be safely kept unopened by the election authority for the
26 period of time required for the preservation of ballots used at

1 the election, and shall then, without being opened, be
2 destroyed in like manner as the used ballots of that election.

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

10 (g) The procedures set forth in Articles 17 and 18 of this
11 Code shall apply to all ballots counted under this Section. In
12 addition, within 2 days after an absentee ballot, other than an
13 in-person absentee ballot, is received, but in all cases before
14 the close of the period for counting provisional ballots, the
15 election judge or official shall compare the voter's signature
16 on the certification envelope of that absentee ballot with the
17 signature of the voter on file in the office of the election
18 authority. If the election judge or official determines that
19 the 2 signatures match, and that the absentee voter is
20 otherwise qualified to cast an absentee ballot, the election
21 authority shall cast and count the ballot on election day or
22 the day the ballot is determined to be valid, whichever is
23 later, adding the results to the precinct in which the voter is
24 registered. If the election judge or official determines that
25 the signatures do not match, or that the absentee voter is not
26 qualified to cast an absentee ballot, then without opening the

1 certification envelope, the judge or official shall mark across
2 the face of the certification envelope the word "Rejected" and
3 shall not cast or count the ballot.

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

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

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

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

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

14 If the election judge or official determines that any of
15 these reasons apply, the judge or official shall mark across
16 the face of the certification envelope the word "Rejected" and
17 shall not cast or count the ballot.

18 (g-5) If an absentee ballot, other than an in-person
19 absentee ballot, is rejected by the election judge or official
20 for any reason, the election authority shall, within 2 days
21 after the rejection but in all cases before the close of the
22 period for counting provisional ballots, notify the absentee
23 voter that his or her ballot was rejected. The notice shall
24 inform the voter of the reason or reasons the ballot was
25 rejected and shall state that the voter may appear before the
26 election authority, on or before the 14th day after the

1 election, to show cause as to why the ballot should not be
2 rejected. The voter may present evidence to the election
3 authority supporting his or her contention that the ballot
4 should be counted. The election authority shall appoint a panel
5 of 3 election judges to review the contested ballot,
6 application, and certification envelope, as well as any
7 evidence submitted by the absentee voter. No more than 2
8 election judges on the reviewing panel shall be of the same
9 political party. The reviewing panel of election judges shall
10 make a final determination as to the validity of the contested
11 absentee ballot. The judges' determination shall not be
12 reviewable either administratively or judicially.

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

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

19 (h) Each political party, candidate, and qualified civic
20 organization shall be entitled to have present one pollwatcher
21 for each panel of election judges therein assigned.

22 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
23 95-699, eff. 11-9-07.)

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

25 Sec. 19-10. Pollwatchers may be appointed to observe

1 in-person absentee voting procedures and view all reasonably
2 requested records relating to the conduct of the election,
3 provided the secrecy of the ballot is not impinged, at the
4 office of the election authority as well as at municipal,
5 township or road district clerks' offices where such absentee
6 voting is conducted. Such pollwatchers shall qualify and be
7 appointed in the same manner as provided in Sections 7-34 and
8 17-23, except each candidate, political party or organization
9 of citizens may appoint only one pollwatcher for each location
10 where in-person absentee voting is conducted. Pollwatchers
11 must be registered to vote in Illinois and possess valid
12 pollwatcher credentials.

13 At the office of the election authority, during the period
14 for accepting absentee ballots through the mail ~~In the polling~~
15 ~~place on election day,~~ pollwatchers shall be permitted to be
16 present during the casting of the absent voters' ballots and
17 the vote of any absent voter may be challenged for cause the
18 same as if he were present and voted in person, and the judges
19 of the election or a majority thereof shall have power and
20 authority to hear and determine the legality of such ballot;
21 Provided, however, that if a challenge to any absent voter's
22 right to vote is sustained, notice of the same must be given by
23 the judges of election by mail addressed to the voter's place
24 of residence.

25 Where certain absent voters' ballots are counted on the day
26 of the election in the office of the election authority as

1 provided in Section 19-8 of this Act, each political party,
2 candidate and qualified civic organization shall be entitled to
3 have present one pollwatcher for each panel of election judges
4 therein assigned. Such pollwatchers shall be subject to the
5 same provisions as are provided for pollwatchers in Sections
6 7-34 and 17-23 of this Code, and shall be permitted to observe
7 the election judges making the signature comparison between
8 that which is on the ballot envelope and that which is on the
9 permanent voter registration record card taken from the master
10 file.

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

12 (10 ILCS 5/19A-35)

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

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

1 of officers or a referendum at that election.

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

21 (b-5) A person requesting an early voting ballot to whom an
22 absentee ballot was issued may vote early if the person submits
23 that absentee ballot to the judges of election or official
24 conducting early voting for cancellation. If the voter is
25 unable to submit the absentee ballot, it shall be sufficient
26 for the voter to submit to the judges or official (i) a portion

1 of the absentee ballot if the absentee ballot was torn or
2 mutilated or (ii) an affidavit executed before the judges or
3 official specifying that (A) the voter never received an
4 absentee ballot or (B) the voter completed and returned an
5 absentee ballot and was informed that the election authority
6 did not receive that absentee ballot.

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

14 (b-15) Immediately after voting an early ballot, the voter
15 shall be instructed whether the voting equipment accepted or
16 rejected the ballot or identified that ballot as under-voted
17 for a statewide constitutional office. A voter whose ballot is
18 identified as under-voted may return to the voting booth and
19 complete the voting of that ballot. A voter whose early voting
20 ballot is not accepted by the voting equipment may, upon
21 surrendering the ballot, request and vote another early voting
22 ballot. The voter's surrendered ballot shall be initialed by
23 the election judge or official conducting the early voting and
24 handled as provided in the appropriate Article governing the
25 voting equipment used.

26 (c) The sealed early ballots, either in a sealed ballot box

1 or in their carrier envelope, shall be delivered by the
2 election authority to the central ballot counting location
3 before the close of the polls on the day of the election.

4 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

5 (10 ILCS 5/19A-40)

6 Sec. 19A-40. Enclosure of ballots in envelope. It is the
7 duty of the election judge or official to fold the ballot or
8 ballots in the manner specified by the statute for folding
9 ballots prior to their deposit in the ballot box, and to
10 enclose the ballot or ballots in an envelope unsealed to be
11 furnished by him or her, which envelope shall bear upon the
12 face thereof the name, official title, and post office address
13 of the election authority, and upon the other side a printed
14 certification in substantially the following form:

15 I state that I am a resident of the precinct of the
16 (1) *township of (2) *City of or (3) *.... ward in
17 the city of residing at in that city or town in the
18 county of and State of Illinois, that I have lived at that
19 address for months last past; that I am lawfully entitled
20 to vote in that precinct at the election to be held on
21

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

23 I further state that I personally marked the enclosed
24 ballot in secret.

25 Under penalties of perjury as provided by law pursuant to

1 Section 29-10 of the Election Code, the undersigned certifies
2 that the statements set forth in this certification are true
3 and correct.

4

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

8 In addition to the above, the election authority shall
9 provide printed slips giving full instructions regarding the
10 manner of marking and returning the ballot in order that the
11 same may be counted, and shall furnish one of the printed slips
12 to each of such applicants at the same time the ballot is
13 delivered to him or her. The instructions shall include the
14 following statement: "In signing the certification on the early
15 ballot envelope, you are attesting that you personally marked
16 this early ballot in secret. If you are physically unable to
17 mark the ballot, a friend or relative may assist you. Federal
18 and State laws prohibit your employer, your employer's agent,
19 or an officer or agent of your union from assisting physically
20 disabled voters."

21 In addition to the above, if a ballot to be provided to a
22 voter pursuant to this Section contains a public question
23 described in subsection (b) of Section 28-6 and the territory
24 concerning which the question is to be submitted is not
25 described on the ballot due to the space limitations of the
26 ballot, the election authority shall provide a printed copy of

1 a notice of the public question, which shall include a
2 description of the territory in the manner required by Section
3 16-7. The notice shall be furnished to the voter at the same
4 time the ballot is delivered to the voter.

5 The voter shall make and subscribe the certification
6 provided for on the return envelope of the ballot. The ballot
7 or ballots shall be folded by the voter, in the manner required
8 before deposit of the ballot into the ballot box, and shall be
9 deposited into the envelope. The envelope then shall be
10 securely sealed. The voter shall then endorse his or her
11 certificate on the back of the envelope, and the envelope shall
12 be returned to the election judge or official conducting the
13 early voting.

14 When a voter casts an early ballot, the election authority
15 may allow for the insertion of the ballot into a ballot
16 tabulator and the direct deposit of the ballot into a sealed
17 ballot box.

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

19 (10 ILCS 5/19A-50)

20 Sec. 19A-50. Receipt of ballots. When certification
21 envelopes are used, then, upon ~~Upon~~ receipt of the voter's
22 ballot, the election judge or official shall enclose the
23 unopened ballot in a large or carrier envelope that shall be
24 securely sealed and endorsed with the name and official title
25 of the election judge or official and the words, "This envelope

1 contains a ballot and must be opened on election day", together
2 with the number and description of the precinct in which the
3 ballot is to be voted, and the election authority shall safely
4 keep the envelope in its office until delivered to the central
5 ballot counting location. The ballots determined to be valid
6 shall be added to the vote totals for the precincts for which
7 they were cast in the order in which the ballots were opened.

8 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

9 (10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

10 Sec. 20-7. Upon receipt of such absent voter's ballot, the
11 election authority shall process the ballot as set forth in
12 Article 19. ~~the officer or officers above described shall~~
13 ~~forthwith enclose the same unopened, together with the~~
14 ~~application made by said absent voter in a large or carrier~~
15 ~~envelope which shall be securely sealed and endorsed with the~~
16 ~~name and official title of such officer and the words, "This~~
17 ~~envelope contains an absent voter's ballot and must be opened~~
18 ~~on election day," together with the number and description of~~
19 ~~the precinct in which said ballot is to be voted, and such~~
20 ~~officer shall thereafter safely keep the same in his office~~
21 ~~until counted by him as provided in the next section.~~

22 (Source: P.A. 81-155.)

23 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

1 ballots received under this Article 20 shall be counted as set
2 forth in Article 19.

3 ~~(a) (Blank.)~~

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

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

22 ~~Each absent voter's ballot that is mailed to an election~~
23 ~~authority absent a postmark, but that is received by the~~
24 ~~election authority after the polls close on election day and~~
25 ~~before the close of the period for counting provisional ballots~~
26 ~~cast at that election, shall be endorsed by the receiving~~

1 ~~authority with the day and hour of receipt, opened to inspect~~
2 ~~the date inserted on the certification, and, if the~~
3 ~~certification date is a date preceding the election day and the~~
4 ~~ballot is otherwise found to be valid under the requirements of~~
5 ~~this Section, counted at the central ballot counting location~~
6 ~~of the election authority during the period for counting~~
7 ~~provisional ballots. Absent a date on the certification, the~~
8 ~~ballot shall not be counted.~~

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

1 ~~ballots under subsection (c).~~

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

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

18 ~~(g) The procedures set forth in Articles 17 and 18 of this~~
19 ~~Code shall apply to all ballots counted under this Section. In~~
20 ~~addition, within 2 days after a ballot subject to this Article~~
21 ~~is received, but in all cases before the close of the period~~
22 ~~for counting provisional ballots, the election judge or~~
23 ~~official shall compare the voter's signature on the~~
24 ~~certification envelope of that ballot with the signature of the~~
25 ~~voter on file in the office of the election authority. If the~~
26 ~~election judge or official determines that the 2 signatures~~

1 ~~match, and that the voter is otherwise qualified to cast a~~
2 ~~ballot under this Article, the election authority shall cast~~
3 ~~and count the ballot on election day or the day the ballot is~~
4 ~~determined to be valid, whichever is later, adding the results~~
5 ~~to the precinct in which the voter is registered. If the~~
6 ~~election judge or official determines that the signatures do~~
7 ~~not match, or that the voter is not qualified to cast a ballot~~
8 ~~under this Article, then without opening the certification~~
9 ~~envelope, the judge or official shall mark across the face of~~
10 ~~the certification envelope the word "Rejected" and shall not~~
11 ~~cast or count the ballot.~~

12 ~~In addition to the voter's signatures not matching, a~~
13 ~~ballot subject to this Article may be rejected by the election~~
14 ~~judge or official:~~

15 ~~(1) if the ballot envelope is open or has been opened~~
16 ~~and resealed;~~

17 ~~(2) if the voter has already cast an early or grace~~
18 ~~period ballot;~~

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

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

22 ~~If the election judge or official determines that any of~~
23 ~~these reasons apply, the judge or official shall mark across~~
24 ~~the face of the certification envelope the word "Rejected" and~~
25 ~~shall not cast or count the ballot.~~

26 ~~(g 5) If a ballot subject to this Article is rejected by~~

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

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

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

26 ~~(h) Each political party, candidate, and qualified civic~~

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

3 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
4 95-699, eff. 11-9-07.)

5 (10 ILCS 5/24B-10.1)

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

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

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

1 ~~shall be placed in the "Defective Ballot Envelope" provided for~~
2 ~~that purpose.~~

3 ~~If the judges of election have removed a ballot pursuant to~~
4 ~~Section 17-18, have labeled "Defective" a ballot which is not~~
5 ~~initialed, or have otherwise determined under this Code to not~~
6 ~~count a ballot originally deposited into a ballot box, the~~
7 ~~judges of election shall be sure that the totals on the~~
8 ~~automatic tabulating equipment are reset to all zeros in the~~
9 ~~counting column. Thereafter the judges of election shall enter~~
10 ~~or otherwise scan each ballot to be counted in the automatic~~
11 ~~tabulating equipment. Resetting the automatic tabulating~~
12 ~~equipment to all zeros and re-entering of ballots to be counted~~
13 ~~may occur at the precinct polling place, the office of the~~
14 ~~election authority, or any receiving station designated by the~~
15 ~~election authority. The election authority shall designate the~~
16 ~~place for resetting and re-entering or re-scanning.~~

17 ~~When a Precinct Tabulation Optical Scan Technology~~
18 ~~electronic voting system is used which uses a paper ballot, the~~
19 ~~judges of election shall examine the ballot for valid write-in~~
20 ~~votes as necessary. ~~When the voter has cast a write-in vote,~~~~
21 ~~the judges of election shall compare the write-in vote with the~~
22 ~~votes on the ballot to determine whether the write-in results~~
23 ~~in an overvote for any office, unless the Precinct Tabulation~~
24 ~~Optical Scan Technology equipment has already done so. In case~~
25 ~~of an overvote for any office, the judges of election,~~
26 ~~consisting in each case of at least one judge of election of~~

1 ~~each of the 2 major political parties, shall make a true~~
2 ~~duplicate ballot of all votes on such ballot except for the~~
3 ~~office which is overvoted, by using the ballot of the precinct~~
4 ~~and one of the marking devices, or equivalent ballot, of the~~
5 ~~precinct so as to transfer all votes of the voter, except for~~
6 ~~the office overvoted, to a duplicate ballot. The original~~
7 ~~ballot upon which there is an overvote shall be clearly labeled~~
8 ~~"Overvoted Ballot", and each such "Overvoted Ballot" as well as~~
9 ~~its "Replacement" shall contain the same serial number which~~
10 ~~shall be placed thereon by the judges of election, beginning~~
11 ~~with number 1 and continuing consecutively for the ballots of~~
12 ~~that kind in that precinct. The "Overvoted Ballot" shall be~~
13 ~~placed in an envelope provided for that purpose labeled~~
14 ~~"Duplicate Ballot" envelope, and the judges of election shall~~
15 ~~initial the "Replacement" ballots and shall place them with the~~
16 ~~other ballots to be counted on the automatic tabulating~~
17 ~~equipment.~~

18 If any ballot is damaged or defective, or if any ballot
19 contains a Voting Defect, so that it cannot properly be counted
20 by the automatic tabulating equipment, the voter or the judges
21 of election, consisting in each case of at least one judge of
22 election of each of the 2 major political parties, shall make a
23 true duplicate ballot of all votes on such ballot by using the
24 ballot of the precinct and one of the marking devices of the
25 precinct, or equivalent. If a damaged ballot, the original
26 ballot shall be clearly labeled "Damaged Ballot" and the ballot

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

17 The totals for all candidates and propositions shall be
18 tabulated. One copy of an "In-Precinct Totals Report" shall be
19 generated by the automatic tabulating equipment for return to
20 the election authority. One copy of an "In-Precinct Totals
21 Report" shall be generated and posted in a conspicuous place
22 inside the polling place, provided that any authorized
23 pollwatcher or other official authorized to be present in the
24 polling place to observe the counting of ballots is present.
25 The judges of election shall provide, if requested, a copy for
26 each authorized pollwatcher or other official authorized to be

1 present in the polling place to observe the counting of
2 ballots. In addition, sufficient time shall be provided by the
3 judges of election to the pollwatchers to allow them to copy
4 information from the copy which has been posted.

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

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

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

15 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
16 95-699, eff. 11-9-07.)

17 (10 ILCS 5/24B-15.1)

18 Sec. 24B-15.1. Discovery recounts and election contests.
19 Except as provided, discovery recounts and election contests
20 shall be conducted as otherwise provided for in this Code. The
21 automatic Precinct Tabulation Optical Scan Technology
22 tabulating equipment shall be tested prior to the discovery
23 recount or election contest as provided in Section 24B-9, and
24 then the official ballots shall be recounted on the automatic
25 tabulating equipment. ~~In addition, (a) the ballots shall be~~

1 ~~checked for the presence or absence of judges' initials and~~
2 ~~other distinguishing marks, and (b) the ballots marked~~
3 ~~"Rejected", "Defective", "Objected To", "Early Ballot", and~~
4 ~~"Absentee Ballot" shall be examined to determine the propriety~~
5 ~~of the labels, and (c) the "Duplicate Absentee Ballots",~~
6 ~~"Duplicate Overvoted Ballots", "Duplicate Early Ballot", and~~
7 ~~"Duplicate Damaged Ballots" shall be compared with their~~
8 ~~respective originals to determine the correctness of the~~
9 ~~duplicates.~~

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

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

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

20 (10 ILCS 5/4-12 rep.)

21 (10 ILCS 5/4-13 rep.)

22 (10 ILCS 5/4-14 rep.)

23 (10 ILCS 5/5-15 rep.)

24 (10 ILCS 5/5-16 rep.)

25 (10 ILCS 5/6-44 rep.)

1 (10 ILCS 5/6-45 rep.)

2 (10 ILCS 5/6-46 rep.)

3 (10 ILCS 5/6-47 rep.)

4 (10 ILCS 5/6-48 rep.)

5 (10 ILCS 5/19-11 rep.)

6 (10 ILCS 5/19A-45 rep.)

7 (10 ILCS 5/19A-65 rep.)

8 Section 10. The Election Code is amended by repealing
9 Sections 4-12, 4-13, 4-14, 5-15, 5-16, 6-44, 6-45, 6-46, 6-47,
10 6-48, 19-11, 19A-45, and 19A-65.

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6	10 ILCS 5/18-5	from Ch. 46, par. 18-5
7	10 ILCS 5/18-9	from Ch. 46, par. 18-9
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- 1 10 ILCS 5/6-44 rep.
- 2 10 ILCS 5/6-45 rep.
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- 5 10 ILCS 5/6-48 rep.
- 6 10 ILCS 5/19-11 rep.
- 7 10 ILCS 5/19A-45 rep.
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