

1 AN ACT regarding 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 24A-2, 24A-5, 24A-5.1, 24A-5.2, 24A-6, 24A-7, 24A-8,  
6 24A-9, 24A-9.1, 24A-10.1, 24A-15.01, and 24A-15.1 as follows:

7 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)

8 Sec. 24A-2. As used in this Article: "Computer",  
9 "Automatic tabulating equipment" or "equipment" includes  
10 apparatus necessary to automatically examine and count votes  
11 as designated on ballots, and data processing machines which  
12 can be used for counting ballots and tabulating results.

13 "Ballot card" means a ballot which is voted by the  
14 process of punching.

15 "Ballot configuration" means the particular combination  
16 of political subdivision ballots including, for each  
17 political subdivision, the particular combination of offices,  
18 candidate names and ballot position numbers for each  
19 candidate and question as it appears for each group of voters  
20 who may cast the same ballot.

21 "Ballot labels" means the cards, papers, booklet, pages  
22 or other material containing the names of officers and  
23 candidates and statements of measures to be voted on.

24 "Ballot sheet" means a paper ballot printed on one or  
25 both sides which is (1) designed and prepared so that the  
26 voter may indicate his or her votes in designated areas,  
27 which must be enclosed areas clearly printed or otherwise  
28 delineated for such purpose, and (2) capable of having votes  
29 marked in the designated areas automatically examined,  
30 counted, and tabulated by an electronic scanning process.

31 "Ballot" may include ballot cards, ballot labels and

1 paper ballots and electronic ballot forms.

2 "Separate ballot", with respect to ballot sheets, means a  
3 separate portion of the ballot sheet in which the color of  
4 the ink used in printing that portion of the ballot sheet is  
5 distinct from the color of the ink used in printing any other  
6 portion of the ballot sheet.

7 "Column" in an electronic voting system which utilizes a  
8 ballot card means a space on a ballot card for punching the  
9 voter's vote arranged in a row running lengthwise on the  
10 ballot card.

11 "Central Counting" means the counting of ballots in one  
12 or more locations selected by the election authority for the  
13 processing or counting, or both, of ballots. A location for  
14 central counting shall be within the territorial jurisdiction  
15 of such election authority unless there is no suitable  
16 tabulating equipment available within his territorial  
17 jurisdiction. However, in any event a counting location shall  
18 be within this State.

19 "In-precinct counting" means the counting of ballots on  
20 automatic tabulating equipment provided by the election  
21 authority in the same precinct polling place in which those  
22 ballots have been cast.

23 "Data pack" means an electronic media container upon  
24 which electronic data processing instructions and vote  
25 results are stored.

26 "Electronic ballot form" means a ballot that may be  
27 displayed upon a video terminal screen.

28 "Computer operator" means any person or persons  
29 designated by the election authority to operate the automatic  
30 tabulating equipment during any portion of the vote tallying  
31 process in an election, but shall not include judges of  
32 election operating vote tabulating equipment in the precinct.

33 "Computer program" or "program" means the set of  
34 operating instructions for the automatic tabulating equipment

1 by which it examines, counts, tabulates, canvasses and prints  
2 votes recorded by a voter on a ballot card or other medium.

3 "Edit listing" means a computer generated listing of the  
4 names and ballot position numbers for each candidate and  
5 proposition as they appear in the program for each precinct.

6 "Voting System" or "Electronic Voting System" means that  
7 combination of equipment and programs used in the casting,  
8 examination and tabulation of ballots and the cumulation and  
9 reporting of results by electronic means.

10 "Header card" means a data processing card which is coded  
11 to indicate to the computer the precinct identity of the  
12 ballot cards that will follow immediately and may indicate to  
13 the computer how such ballot cards are to be tabulated.

14 "Marking device" means either an apparatus in which  
15 ballots or ballot cards are inserted and used in connection  
16 with a punch apparatus for the piercing of ballots by the  
17 voter, or any approved device for marking a paper ballot with  
18 ink or other substance which will enable the ballot to be  
19 tabulated by means of automatic tabulating equipment or by an  
20 electronic scanning process.

21 "Redundant count" means a verification of the original  
22 computer count by another count using compatible equipment or  
23 by hand as part of a discovery recount.

24 "Security punch" means a punch placed on a ballot card to  
25 identify to the computer program the offices and propositions  
26 for which votes may be cast and to indicate the manner in  
27 which votes cast should be tabulated while negating any  
28 inadmissible votes.

29 (Source: P.A. 86-867.)

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

31 Sec. 24A-5. In precincts where an electronic voting  
32 system is used, a sufficient number of voting booths shall be  
33 provided for the use of such systems according to the

1 requirements determined by the State Board of Elections, and  
2 the booths shall be arranged in the same manner as provided  
3 for use with paper ballots. Each such booth shall be placed  
4 so that the entrance to each booth faces a wall in such a  
5 manner that no judge of election or pollwatcher is able to  
6 observe a voter casting a ballot.

7 Whenever at a primary election at which an electronic  
8 voting system is used there is also an election for officers  
9 or on propositions in which qualified voters have the right  
10 to vote without participating in the primary of any party, a  
11 separate voting booth may be provided for those voters who do  
12 not wish to participate in the primary of any party. Such  
13 determination shall be made by resolution of the county  
14 board, municipal board of election commissioners or county  
15 board of election commissioners, whichever is applicable.  
16 Unless paper ballots or electronic ballot forms are used for  
17 such other election, such separate voting booth shall contain  
18 a ballot label booklet containing only those officers and  
19 propositions on which such voters are entitled to vote.

20 (Source: P.A. 84-659.)

21 (10 ILCS 5/24A-5.1) (from Ch. 46, par. 24A-5.1)

22 Sec. 24A-5.1. For the instruction of voters on election  
23 day, the election official in charge of the election shall  
24 provide at each polling place one instruction-model  
25 electronic voting system marking device. Each such  
26 instruction-model shall show the arrangement of party rows,  
27 office columns and questions. Such model shall be located at  
28 a place which voters must pass to reach the official marking  
29 device used in the actual casting of votes.

30 Before entering the voting booth each voter shall be  
31 offered instruction in the operation of the marking device by  
32 use of the instruction-model and the voter shall be given  
33 ample opportunity to operate the model by himself. In

1 instructing voters, no precinct official may show partiality  
2 to any political party. The duties of instruction shall be  
3 discharged by a judge from each of the political parties  
4 represented and they shall alternate serving as instructor so  
5 that each judge shall serve a like time at such duties. No  
6 instructions may be given after the voter has entered the  
7 voting booth, except when an electronic ballot form is  
8 utilized.

9 When an electronic ballot form is utilized, instruction  
10 may be offered on the voting terminal, provided the terminal  
11 is set to display an instruction mode ballot using fictitious  
12 names, parties, and questions of public policy.

13 No precinct official, or person assisting a voter may in  
14 any manner request, suggest, or seek to persuade or induce  
15 any voter to cast his vote for any particular ticket,  
16 candidate, amendment, question or proposition. All  
17 instructions shall be given by precinct officials in such a  
18 manner that it may be observed by other persons in the  
19 polling place.

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

21 (10 ILCS 5/24A-5.2) (from Ch. 46, par. 24A-5.2)

22 Sec. 24A-5.2. When an electronic voting system is used in  
23 a forthcoming election, the election authority may provide,  
24 for the purpose of instructing voters in such election, one  
25 demonstrator electronic voting system marking device or  
26 voting terminal for placement in any public library within  
27 the political subdivision in which the election occurs. If  
28 such placement of a demonstrator takes place it shall be made  
29 available at least 30 days before the election.

30 (Source: P.A. 80-1469.)

31 (10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)

32 Sec. 24A-6. The ballot information, whether placed on the

1 ballot or on the marking device, shall, as far as  
2 practicable, be in the order of arrangement provided for  
3 paper ballots, except that such information may be in  
4 vertical or horizontal rows, or in a number of separate  
5 pages. Ballots for all questions or propositions to be voted  
6 on must be provided in the same manner and must be arranged  
7 on the electronic ballot form, on or in the marking device,  
8 or on the ballot sheet in the places provided for such  
9 purposes. Color distinctions provided by law for paper  
10 ballots shall be required of electronic ballot forms.

11 When an electronic voting system utilizes a ballot label  
12 booklet and ballot card, ballots for candidates, ballots  
13 calling for a constitutional convention, constitutional  
14 amendment ballots, judicial retention ballots, public  
15 measures, and all propositions to be voted upon may be placed  
16 on the electronic voting device by providing in the ballot  
17 booklet separate ballot label pages or series of pages  
18 distinguished by differing colors as provided below. When an  
19 electronic voting system utilizes a ballot sheet, ballots  
20 calling for a constitutional convention, constitutional  
21 amendment ballots and judicial retention ballots shall be  
22 placed on the ballot sheet by providing a separate portion of  
23 the ballot sheet for each such kind of ballot which shall be  
24 printed in ink of a color distinct from the color of ink used  
25 in printing any other portion of the ballot sheet. Ballots  
26 for candidates, public measures and all other propositions to  
27 be voted upon shall be placed on the ballot sheet by  
28 providing a separate portion of the ballot sheet for each  
29 such kind of ballot. Below the name of the last candidate  
30 listed for an office shall be printed a line on which the  
31 name of a candidate may be written by the voter, and  
32 immediately to the left of such line an area shall be  
33 provided for marking a vote for such write-in candidate.  
34 More than one amendment to the constitution may be placed on

1 the same ballot page or series of pages or on the same  
2 portion of the ballot sheet, as the case may be. Ballot  
3 label pages for constitutional conventions or constitutional  
4 amendments shall be on paper of blue color and shall precede  
5 all other ballot label pages in the ballot label booklet.  
6 More than one public measure or proposition may be placed on  
7 the same ballot label page or series of pages or on the same  
8 portion of the ballot sheet, as the case may be. More than  
9 one proposition for retention of judges in office may be  
10 placed on the same ballot label page or series of pages or on  
11 the same portion of the ballot sheet, as the case may be.  
12 Ballot label pages for candidates shall be on paper of white  
13 color, except that in primary elections the ballot label page  
14 or pages for the candidates of each respective political  
15 party shall be of the color designated by the election  
16 official in charge of the election for that political party's  
17 candidates; provided that the ballot label pages or pages for  
18 candidates for use at the nonpartisan and consolidated  
19 elections may be on paper of different colors, except blue,  
20 whenever necessary or desirable to facilitate distinguishing  
21 between the pages for different political subdivisions. On  
22 each page of the candidate booklet, where the election is  
23 made to list ballot information vertically, the party  
24 affiliation of each candidate or the word "independent" shall  
25 appear immediately to the left of the candidate's name, and  
26 the name of candidates for the same office shall be listed  
27 vertically under the title of that office. In the case of  
28 nonpartisan elections for officers of political subdivisions,  
29 unless the statute or an ordinance adopted pursuant to  
30 Article VII of the Constitution requires otherwise, the  
31 listing of such nonpartisan candidates shall not include any  
32 party or "independent" designation. Ballot label pages for  
33 judicial retention ballots shall be on paper of green color,  
34 and ballot label pages for all public measures and other

1 propositions shall be on paper of some other distinct and  
2 different color. In primary elections, a separate ballot  
3 label booklet, marking device and voting booth shall be used  
4 for each political party holding a primary, with the ballot  
5 label booklet arranged to include ballot label pages of the  
6 candidates of the party and public measures and other  
7 propositions to be voted upon on the day of the primary  
8 election. One ballot card may be used for recording the  
9 voter's vote or choice on all such ballots, proposals, public  
10 measures or propositions, and such ballot card shall be  
11 arranged so as to record the voter's vote or choice in a  
12 separate column or columns for each such kind of ballot,  
13 proposal, public measure or proposition.

14 If the ballot label booklet includes both candidates for  
15 office and public measures or propositions to be voted on,  
16 the election official in charge of the election shall divide  
17 the pages by protruding tabs identifying the division of the  
18 pages, and printing on such tabs "Candidates" and  
19 "Propositions".

20 The ballot card and all of its columns and, when  
21 required, the ballot card envelope shall be of the color  
22 prescribed for candidate's ballots at the general or primary  
23 election, whichever is being held. At an election where no  
24 candidates are being nominated or elected, the ballot card,  
25 its columns, and the ballot card envelope shall be of a color  
26 designated by the election official in charge of the  
27 election.

28 The ballot cards, ballot card envelopes and ballot sheets  
29 may, at the discretion of the election authority, be printed  
30 on white paper and then striped with the appropriate colors.

31 When ballot sheets are used, the various portions thereof  
32 shall be arranged to conform to the foregoing format.

33 Absentee ballots may consist of electronic ballot forms,  
34 ballot cards, envelopes, paper ballots or ballot sheets voted



1 in person in the office of the election official in charge of  
2 the election or voted by mail. Where a ballot card is used  
3 for voting by mail it must be accompanied by a punching tool  
4 or other appropriate marking device, voter instructions and a  
5 specimen ballot showing the proper positions to vote on the  
6 ballot card or ballot sheet for each party, candidate,  
7 proposal, public measure or proposition, and in the case of a  
8 ballot card must be mounted on a suitable material to receive  
9 the punched out chip.

10 Any voter who spoils his ballot or makes an error may  
11 return the ballot to the judges of election and secure  
12 another. However, the protruding identifying tab for  
13 proposals for a constitutional convention or constitutional  
14 amendments shall have printed thereon "Constitutional  
15 Ballot", and the ballot label page or pages for such  
16 proposals shall precede the ballot label pages for candidates  
17 in the ballot label booklet.

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

19 (10 ILCS 5/24A-7) (from Ch. 46, par. 24A-7)

20 Sec. 24A-7. A separate write-in ballot, which may be in  
21 the form of a paper ballot, card or envelope in which the  
22 elector places his ballot card after voting, shall be  
23 provided if necessary to permit electors to write in the  
24 names of persons whose names are not on the ballot. The  
25 ballots, ballot cards and ballot card envelopes may, at the  
26 discretion of the election authority, be printed on white  
27 paper and then striped with the appropriate colors. When an  
28 electronic voting system is used which utilizes a ballot  
29 card, each ballot card envelope shall contain the write-in  
30 form and information required by Section 16-3 of this Act;  
31 except that when an electronic ballot form is utilized, the  
32 voting terminal shall contain a write in mode option to allow  
33 a voter to write in a name or names equal in number to the

1 names of candidates to be elected for an office on a line or  
2 lines below the list of candidates for the office.

3 (Source: P.A. 83-110.)

4 (10 ILCS 5/24A-8) (from Ch. 46, par. 24A-8)

5 Sec. 24A-8. The county clerk or board of election  
6 commissioners, as the case may be, shall cause the voting  
7 terminals and marking devices to be put in order, set,  
8 adjusted and made ready for voting when delivered to the  
9 polling places. Before the opening of the polls the judges of  
10 election shall compare the ballots used ~~in--the-marking~~  
11 ~~devicees~~ with the specimen ballots furnished and see that the  
12 names, numbers and letters thereon agree and shall certify  
13 thereto on forms provided by the county clerk or board of  
14 election commissioners, as the case may be.

15 In addition, in those polling places where in-precinct  
16 counting equipment is utilized, the judges of election shall  
17 make an operational check of the automatic tabulating  
18 equipment before the opening of the polls and shall ensure  
19 that all zeroes appear on the count column of the voting  
20 terminal. A precinct identification card provided by the  
21 election authority shall be entered into the automatic  
22 tabulating equipment, except when voting terminals are used,  
23 to ensure that the totals are all zeroes in the count column  
24 on the printing unit.

25 Pollwatchers as provided by law shall be permitted to  
26 closely observe the judges in these procedures and to  
27 periodically inspect the equipment when not in use by the  
28 voters to see that the ballot labels are in proper position  
29 and have not been marked upon or mutilated.

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

31 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

32 Sec. 24A-9. Prior to the public test, the election

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

1 and program prior to any regular election. The Board may  
2 order a special test in any election jurisdiction where,  
3 during the preceding twelve months, computer programming  
4 errors or other errors in the use of electronic voting  
5 systems resulted in vote tabulation errors. Not less than 30  
6 days prior to any election, the State Board of Elections  
7 shall provide written notice to those selected jurisdictions  
8 of their intent to conduct a test. Within 5 days of receipt  
9 of the State Board of Elections' written notice of intent to  
10 conduct a test, the selected jurisdictions shall forward to  
11 the principal office of the State Board of Elections a copy  
12 of all specimen ballots. The State Board of Elections' tests  
13 shall be conducted and completed not less than 2 days prior  
14 to the public test utilizing testing materials supplied by  
15 the Board and under the supervision of the Board, and the  
16 Board shall reimburse the election authority for the  
17 reasonable cost of computer time required to conduct the  
18 special test. After an errorless test, materials used in  
19 the public test, including the program, if appropriate, shall  
20 be sealed and remain so until the test is run again on  
21 election day. If any error is detected, the cause therefor  
22 shall be ascertained and corrected and an errorless public  
23 test shall be made before the automatic tabulating equipment  
24 is approved. Each election authority shall file a sealed  
25 copy of each tested program to be used within its  
26 jurisdiction at an election with the State Board of Elections  
27 prior to the election. The Board shall secure the program  
28 or programs of each election jurisdiction so filed in its  
29 office for the 60 days following the canvass and proclamation  
30 of election results. Upon the expiration of that time, if no  
31 election contest or appeal therefrom is pending in an  
32 election jurisdiction, the Board shall return the sealed  
33 program or programs to the election authority of the  
34 jurisdiction. Except where in-precinct counting equipment is

1 utilized, the test shall be repeated immediately before the  
2 start of the official count of the ballots, in the same  
3 manner as set forth above. After the completion of the count,  
4 the test shall be re-run using the same program. An election  
5 jurisdiction that was employing, as of January 1, 1983, an  
6 electronic voting system that, because of its design, is not  
7 technically capable of compliance with such a post-tabulation  
8 testing requirement shall satisfy the post-tabulation testing  
9 requirement by conducting the post-tabulation test on a  
10 duplicate program until such electronic voting system is  
11 replaced or until November 1, 1992, whichever is earlier.  
12 Immediately thereafter the ballots, all material employed in  
13 testing the program and the program shall be sealed and  
14 retained under the custody of the election authority for a  
15 period of 60 days. At the expiration of that time the  
16 election authority shall destroy the voted ballot cards,  
17 together with all unused ballots returned from the precincts.  
18 Provided, if any contest of election is pending at such time  
19 in which such ballots may be required as evidence and such  
20 election authority has notice thereof, the same shall not be  
21 destroyed until after such contest is finally determined. If  
22 the use of back-up equipment becomes necessary, the same  
23 testing required for the original equipment shall be  
24 conducted.

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

26 (10 ILCS 5/24A-9.1) (from Ch. 46, par. 24A-9.1)

27 Sec. 24A-9.1. Whenever an electronic scanning process is  
28 utilized to automatically examine and count the votes on  
29 ballot sheets, the provisions of this Section shall apply. A  
30 voter shall cast a proper vote on a ballot sheet by making a  
31 mark in the designated area for the casting of a vote for any  
32 party or candidate or for or against any proposition. For  
33 this purpose, a mark is an intentional darkening of the

1 designated area on the ballot sheet, ~~and shall not be an "X",~~  
2 ~~a check mark, or any other recognizable letter of the~~  
3 ~~alphabet, number, or other symbol which can be recognized as~~  
4 ~~an identifying mark.~~

5 Whenever the ballot sheet includes designated areas on  
6 both sides, the election authority shall provide an envelope,  
7 sleeve or other device to each voter by means of which the  
8 voter can deliver the voted ballot sheet to the ballot box  
9 without the votes indicated on the ballot sheet being visible  
10 to other persons in the polling place.

11 (Source: P.A. 81-1433.)

12 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

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

26 The precinct judges of election shall open the ballot box  
27 and count the number of ballots therein to determine if such  
28 number agrees with the number of voters voting as shown by  
29 the applications for ballot or, if the same do not agree, the  
30 judges of election shall make such ballots agree with the  
31 applications for ballot in the manner provided by Section  
32 17-18 of this Act. The judges of election shall then examine  
33 all ballot cards and ballot card envelopes which are in the

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

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

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

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

20 Before the ballots are entered into the automatic  
21 tabulating equipment, a precinct identification card provided  
22 by the election authority, except when electronic ballot  
23 forms are used, shall be entered into the device to ensure  
24 that the totals are all zeroes in the count column on the  
25 printing unit. When electronic ballot forms are used, a  
26 certificate of results showing zero votes shall be generated.

27 A precinct judge of election shall then count the ballots,  
28 except when electronic ballot forms are used, by entering  
29 each ballot card into the automatic tabulating equipment, and  
30 if any ballot or ballot card is damaged or defective so that  
31 it cannot properly be counted by the automatic tabulating  
32 equipment, the judges of election, consisting in each case of  
33 at least one judge of election of each of the 2 major  
34 political parties, shall make a true duplicate ballot of all



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

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

34 The judges of election shall count all unused ballot

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

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

1 to take as above provided.

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

3 (10 ILCS 5/24A-15.01) (from Ch. 46, par. 24A-15.01)

4 Sec. 24A-15.01. Upon completion of the tabulation and  
5 retabulation of votes pursuant to Sections 24A-11 through  
6 24A-15, the ballots, or data packs when voting terminals are  
7 used, from each precinct shall be replaced in the container  
8 in which they were transported to the central counting  
9 station. If such container is not a type which may be  
10 securely sealed ~~locked~~, then each such container - before  
11 being transferred from the counting station to storage -  
12 shall be sealed with filament tape wrapped around such  
13 container lengthwise and crosswise, at least twice each way,  
14 and in such manner that the ballots cannot be removed from  
15 the container without breaking the tape.

16 (Source: P.A. 88-45.)

17 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

18 Sec. 24A-15.1. Except as herein provided, discovery  
19 recounts and election contests shall be conducted as  
20 otherwise provided for in "The Election Code", as amended.  
21 The automatic tabulating equipment shall be tested prior to  
22 the discovery recount or election contest as provided in  
23 Section 24A-9, and then the official ballots or ballot cards  
24 shall be recounted on the automatic tabulating equipment. In  
25 addition, except when electronic ballot forms are being  
26 recounted, (1) the ballot or ballot cards shall be checked  
27 for the presence or absence of judges' initials and other  
28 distinguishing marks, and (2) the ballots marked "Rejected",  
29 "Defective", "Objected to" and "Absentee Ballot" shall be  
30 examined to determine the propriety of the such labels, and  
31 (3) the "Duplicate Absentee Ballots", "Duplicate Overvoted  
32 Ballots" and "Duplicate Damaged Ballots" shall be compared

1 with their respective originals to determine the correctness  
2 of the duplicates.

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

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

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