

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55,
6 7-66, 15-6, 16-11, 17-43, 18-40, 19-15, 20-15, 24A-2,
7 24A-6.1, 24A-7, 24A-8, 24A-9, 24A-10.1, 24A-14, 24B-2,
8 24B-10.1, and 24B-14 as follows:

9 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

10 Sec. 7-19. The primary ballot of each political party for
11 each precinct shall be arranged and printed substantially in
12 the manner following:

13 1. Designating words. At the top of the ballot shall be
14 printed in large capital letters, words designating the
15 ballot, if a Republican ballot, the designating words shall
16 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the
17 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and
18 in like manner for each political party.

19 2. Order of Names, Directions to Voters, etc. Beginning
20 not less than one inch below designating words, the name of
21 each office to be filled shall be printed in capital letters.
22 Such names may be printed on the ballot either in a single
23 column or in 2 or more columns and in the following order,
24 to-wit:

25 President of the United States, State offices,
26 congressional offices, delegates and alternate delegates to
27 be elected from the State at large to National nominating
28 conventions, delegates and alternate delegates to be elected
29 from congressional districts to National nominating
30 conventions, member or members of the State central
31 committee, trustees of sanitary districts, county offices,

1 judicial officers, city, village and incorporated town
2 offices, town offices, or of such of the said offices as
3 candidates are to be nominated for at such primary, and
4 precinct, township or ward committeemen. If two or more
5 columns are used, the foregoing offices to and including
6 member of the State central committee shall be listed in the
7 left-hand column and Senatorial offices, as defined in
8 Section 8-3, shall be the first offices listed in the second
9 column.

10 Below the name of each office shall be printed in small
11 letters the directions to voters: "Vote for one"; "Vote for
12 two"; "Vote for three"; or a spelled number designating how
13 many persons under that head are to be voted for.

14 Next to the name of each candidate for delegate or
15 alternate delegate to a national nominating convention shall
16 appear either (a) the name of the candidate's preference for
17 President of the United States or the word "uncommitted" or
18 (b) no official designation, depending upon the action taken
19 by the State central committee pursuant to Section 7-10.3 of
20 this Act.

21 Below the name of each office shall be printed in capital
22 letters the names of all candidates, arranged in the order in
23 which their petitions for nominations were filed, except as
24 otherwise provided in Sections 7-14 and 7-17 of this Article.
25 Opposite and in front of the name of each candidate shall be
26 printed a square and all squares upon the primary ballot
27 shall be of uniform size. Spaces between the names of
28 candidates under each office shall be uniform and sufficient
29 spaces shall separate the names of candidates for one office
30 from the names of candidates for another office, to avoid
31 confusion and to permit the writing in of the names of other
32 candidates.

33 Where voting machines or electronic voting systems are
34 used, the provisions of this Section may be modified as

1 required or authorized by Article 24, or Article 24A, or
2 Article 24B, whichever is applicable.

3 (Source: P.A. 83-33.)

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

5 Sec. 7-46. On receiving from the primary judges a primary
6 ballot of his party, the primary elector shall forthwith and
7 without leaving the polling place, retire alone to one of the
8 voting booths and prepare such primary ballot by marking a
9 cross (X) in the square in front of and opposite the name of
10 each candidate of his choice for each office to be filled,
11 and for delegates and alternate delegates to national
12 nominating conventions, and for committeemen, if committeemen
13 are being elected at such primary.

14 Any primary elector may, instead of voting for any
15 candidate for nomination or for committeeman or for delegate
16 or alternate delegate to national nominating conventions,
17 whose name is printed on the primary ballot, write in the
18 name of any other person affiliated with such party as a
19 candidate for the nomination for any office, or for
20 committeeman, or for delegates or alternate delegates to
21 national nominating conventions, and indicate his choice of
22 such candidate or committeeman or delegate or alternate
23 delegate, by placing to the left of and opposite the name
24 thus written a square and placing in the square a cross (X).

25 Where voting machines or electronic voting systems are
26 used, the provisions of this section may be modified as
27 required or authorized by Article 24, or Article 24A, or
28 Article 24B, whichever is applicable.

29 (Source: Laws 1965, p. 2220.)

30 (10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

31 Sec. 7-47. Before leaving the booth, the primary elector
32 shall fold his primary ballot in such manner as to conceal

1 the marks thereon. Such voter shall then vote forthwith by
2 handing the primary judge the primary ballot received by such
3 voter. Thereupon the primary judge shall deposit such primary
4 ballot in the ballot box. One of the judges shall thereupon
5 enter in the primary poll book the name of the primary
6 elector, his residence and his party affiliation or shall
7 make the entries on the official poll record as required by
8 articles 4, 5 and 6, if any one of them is applicable.

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

13 (Source: Laws 1965, p. 2220.)

14 (10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

15 Sec. 7-49. After the opening of the polls at a primary no
16 adjournment shall be had nor recess taken until the canvass
17 of all the votes is completed and the returns carefully
18 enveloped and sealed.

19 Where voting machines or electronic voting systems are
20 used, the provisions of this section may be modified as
21 required or authorized by Article 24, ~~or~~ Article 24A, or
22 Article 24B, whichever is applicable.

23 (Source: Laws 1965, p. 2220.)

24 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

25 Sec. 7-52. Immediately upon closing the polls, the
26 primary judges shall proceed to canvass the votes in the
27 manner following:

28 (1) They shall separate and count the ballots of each
29 political party.

30 (2) They shall then proceed to ascertain the number of
31 names entered on the applications for ballot under each party
32 affiliation.

1 (3) If the primary ballots of any political party exceed
2 the number of applications for ballot by voters of such
3 political party, the primary ballots of such political party
4 shall be folded and replaced in the ballot box, the box
5 closed, well shaken and again opened and one of the primary
6 judges, who shall be blindfolded, shall draw out so many of
7 the primary ballots of such political party as shall be equal
8 to such excess. Such excess ballots shall be marked
9 "Excess-Not Counted" and signed by a majority of the judges
10 and shall be placed in the "After 6:00 p.m. Defective Ballots
11 Envelope". The number of excess ballots shall be noted in the
12 remarks section of the Certificate of Results. "Excess"
13 ballots shall not be counted in the total of "defective"
14 ballots;

15 (4) The primary judges shall then proceed to count the
16 primary ballots of each political party separately; and as
17 the primary judges shall open and read the primary ballots, 3
18 of the judges shall carefully and correctly mark upon
19 separate tally sheets the votes which each candidate of the
20 party whose name is written or printed on the primary ballot
21 has received, in a separate column for that purpose, with the
22 name of such candidate, the name of his political party and
23 the name of the office for which he is a candidate for
24 nomination at the head of such column.

25 Where voting machines or electronic voting systems are
26 used, the provisions of this section may be modified as
27 required or authorized by Article 24, ~~or~~ Article 24A, or
28 Article 24B, whichever is applicable.

29 (Source: P.A. 80-484.)

30 (10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

31 Sec. 7-53. As soon as the ballots of a political party
32 shall have been read and the votes of the political party
33 counted, as provided in the last above section, the 3 judges

1 in charge of the tally sheets shall foot up the tally sheets
 2 so as to show the total number of votes cast for each
 3 candidate of the political party and for each candidate for
 4 State Central committeeman and precinct committeeman,
 5 township committeeman or ward committeeman, and delegate and
 6 alternate delegate to National nominating conventions, and
 7 certify the same to be correct. Thereupon, the primary judges
 8 shall set down in a certificate of results on the tally
 9 sheet, under the name of the political party, the name of
 10 each candidate voted for upon the primary ballot, written at
 11 full length, the name of the office for which he is a
 12 candidate for nomination or for committeeman, or delegate or
 13 alternate delegate to National nominating conventions, the
 14 total number of votes which the candidate received, and they
 15 shall also set down the total number of ballots voted by the
 16 primary electors of the political party in the precinct. The
 17 certificate of results shall be made substantially in the
 18 following form:

19 Party

20 At the primary election held in the precinct of the
 21 (1) *township of, or (2) *City of, or (3) *....
 22 ward in the city of on (insert date), the primary
 23 electors of the party voted ballots, and the
 24 respective candidates whose names were written or printed on
 25 the primary ballot of the party, received respectively
 26 the following votes:

27 Name of		No. of
28 Candidate,	Title of Office,	Votes
29 John Jones	Governor	100
30 Sam Smith	Governor	70
31 Frank Martin	Attorney General	150
32 William Preston	Rep. in Congress	200
33 Frederick John	Circuit Judge	50

34 *Fill in either (1), (2) or (3).

1 And so on for each candidate.

2 We hereby certify the above and foregoing to be true and
3 correct.

4 Dated (insert date).

5

6 Name Address

7

8 Name Address

9

10 Name Address

11

12 Name Address

13

14 Name Address

15 Judges of Primary

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

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

21 (10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

22 Sec. 7-54. After the votes of a political party have been
23 counted and set down and the tally sheets footed and the
24 entry made in the primary poll books or return, as above
25 provided, all the primary ballots of said political party,
26 except those marked "defective" or "objected to" shall be
27 securely bound, lengthwise and in width, with a soft cord
28 having a minimum tensile strength of 60 pounds separately for
29 each political party in the order in which said primary
30 ballots have been read, and shall thereupon be carefully
31 sealed in an envelope, which envelope shall be endorsed as
32 follows:

33 "Primary ballots of the.... party of the.... precinct of

1 the county of.... and State of Illinois."

2 Below each endorsement, each primary judge shall write
3 his name.

4 Immediately thereafter the judges shall designate one of
5 their number to go to the nearest telephone and report to the
6 office of the county clerk or board of election commissioners
7 (as the case may be) the results of such primary. Such clerk
8 or board shall keep his or its office open after the close of
9 the polls until he or it has received from each precinct
10 under his or its jurisdiction the report above provided for.
11 Immediately upon receiving such report such clerk or board
12 shall cause the same to be posted in a public place in his or
13 its office for inspection by the public. Immediately after
14 making such report such judge shall return to the polling
15 place.

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

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

21 (10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

22 Sec. 7-55. The primary poll books or the official poll
23 record, and the tally sheets with the certificates of the
24 primary judges written thereon, together with the envelopes
25 containing the ballots, including the envelope containing the
26 ballots marked "defective" or "objected to", shall be
27 carefully enveloped and sealed up together, properly
28 endorsed, and the primary judges shall elect 2 judges (one
29 from each of the major political parties), who shall
30 immediately deliver the same to the clerk from whom the
31 primary ballots were obtained, which clerk shall safely keep
32 the same for 2 months, and thereafter shall safely keep the
33 poll books until the next primary. Each election authority

1 shall keep the office of the election authority, or any
2 receiving stations designated by such authority, open for at
3 least 12 consecutive hours after the polls close, or until
4 the judges of each precinct under the jurisdiction of the
5 election authority have delivered to the election authority
6 all the above materials sealed up together and properly
7 endorsed as provided herein. Materials delivered to the
8 election authority which are not in the condition required by
9 this Section shall not be accepted by the election authority
10 until the judges delivering the same make and sign the
11 necessary corrections. Upon acceptance of the materials by
12 the election authority, the judges delivering the same shall
13 take a receipt signed by the election authority and stamped
14 with the time and date of such delivery. The election judges
15 whose duty it is to deliver any materials as above provided
16 shall, in the event such materials cannot be found when
17 needed, on proper request, produce the receipt which they are
18 to take as above provided.

19 The county clerk or board of election commissioners shall
20 deliver a copy of each tally sheet to the county chairmen of
21 the two largest political parties.

22 Where voting machines or electronic voting systems are
23 used, the provisions of this section may be modified as
24 required or authorized by Article 24, and Article 24A, or
25 Article 24B, whichever is applicable.

26 (Source: P.A. 83-764.)

27 (10 ILCS 5/7-66)

28 Sec. 7-66. Electronic voting systems; precinct
29 tabulation optical scan technology voting equipment.

30 If the election authority has adopted the use of
31 electronic voting systems pursuant to Article 24A of this
32 Code or Precinct Tabulation Optical Scan Technology voting
33 equipment pursuant to Article 24B of this Code, and the

1 provisions of those Articles ~~the-Articles~~ are in conflict with
 2 the provisions of this Article 7, the provisions of Article
 3 24A or Article 24B, as the case may be, shall govern the
 4 procedures followed by the election authority, its judges of
 5 elections, and all employees and agents. In following the
 6 provisions of Article 24A or Article 24B, the election
 7 authority is authorized to develop and implement procedures
 8 to fully utilize electronic voting systems or Precinct
 9 Tabulation Optical Scan Technology voting equipment
 10 authorized by the State Board of Elections as long as the
 11 procedure is not in conflict with Article 24A, either Article
 12 24B, or the administrative rules of the State Board of
 13 Elections.

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

15 (10 ILCS 5/15-6)

16 Sec. 15-6. Electronic voting systems; precinct
 17 tabulation optical scan technology voting equipment.

18 If the election authority has adopted the use of
 19 electronic voting systems pursuant to Article 24A of this
 20 Code or Precinct Tabulation Optical Scan Technology voting
 21 equipment pursuant to Article 24B of this Code, and the
 22 provisions of those Articles ~~the-Articles~~ are in conflict with
 23 the provisions of this Article 15, the provisions of Article
 24 24A or Article 24B, as the case may be, shall govern the
 25 procedures followed by the election authority, its judges of
 26 elections, and all employees and agents. In following the
 27 provisions of Article 24A or Article 24B, the election
 28 authority is authorized to develop and implement procedures
 29 to fully utilize electronic voting systems or Precinct
 30 Tabulation Optical Scan Technology voting equipment
 31 authorized by the State Board of Elections as long as the
 32 procedure is not in conflict with Article 24A, either Article
 33 24B, or the administrative rules of the State Board of

1 Elections.

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

3 (10 ILCS 5/16-11)

4 Sec. 16-11. Electronic voting systems; precinct
5 tabulation optical scan technology voting equipment.

6 If the election authority has adopted the use of
7 electronic voting systems pursuant to Article 24A of this
8 Code or Precinct Tabulation Optical Scan Technology voting
9 equipment pursuant to Article 24B of this Code, and the
10 provisions of those Articles ~~the Article~~ are in conflict with
11 the provisions of this Article 16, the provisions of Article
12 24A or Article 24B, as the case may be, shall govern the
13 procedures followed by the election authority, its judges of
14 elections, and all employees and agents. In following the
15 provisions of Article 24A or Article 24B, the election
16 authority is authorized to develop and implement procedures
17 to fully utilize electronic voting systems or Precinct
18 Tabulation Optical Scan Technology voting equipment
19 authorized by the State Board of Elections as long as the
20 procedure is not in conflict with Article 24A, either Article
21 24B, or the administrative rules of the State Board of
22 Elections.

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

24 (10 ILCS 5/17-43)

25 Sec. 17-43. Electronic voting systems; precinct
26 tabulation optical scan technology voting equipment.

27 If the election authority has adopted the use of
28 electronic voting systems pursuant to Article 24A of this
29 Code or Precinct Tabulation Optical Scan Technology voting
30 equipment pursuant to Article 24B of this Code, and the
31 provisions of those Articles ~~the Article~~ are in conflict with
32 the provisions of this Article 17, the provisions of Article

1 24A or Article 24B, as the case may be, shall govern the
 2 procedures followed by the election authority, its judges of
 3 elections, and all employees and agents. In following the
 4 provisions of Article 24A or Article 24B, the election
 5 authority is authorized to develop and implement procedures
 6 to fully utilize electronic voting systems or Precinct
 7 Tabulation Optical Scan Technology voting equipment
 8 authorized by the State Board of Elections as long as the
 9 procedure is not in conflict with either Article 24A, Article
 10 24B, or the administrative rules of the State Board of
 11 Elections.

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

13 (10 ILCS 5/18-40)

14 Sec. 18-40. Electronic voting systems; precinct
 15 tabulation optical scan technology voting equipment.

16 If the election authority has adopted the use of
 17 electronic voting systems pursuant to Article 24A of this
 18 Code or Precinct Tabulation Optical Scan Technology voting
 19 equipment pursuant to Article 24B of this Code, and the
 20 provisions of those Articles ~~the-Artiele~~ are in conflict with
 21 the provisions of this Article 18, the provisions of Article
 22 24A or Article 24B, as the case may be, shall govern the
 23 procedures followed by the election authority, its judges of
 24 elections, and all employees and agents. In following the
 25 provisions of Article 24A or Article 24B, the election
 26 authority is authorized to develop and implement procedures
 27 to fully utilize electronic voting systems or Precinct
 28 Tabulation Optical Scan Technology voting equipment
 29 authorized by the State Board of Elections as long as the
 30 procedure is not in conflict with either Article 24A, Article
 31 24B, or the administrative rules of the State Board of
 32 Elections.

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

1 (10 ILCS 5/19-15)

2 Sec. 19-15. Electronic voting systems; precinct
3 tabulation optical scan technology voting equipment.

4 If the election authority has adopted the use of
5 electronic voting systems pursuant to Article 24A of this
6 Code or Precinct Tabulation Optical Scan Technology voting
7 equipment pursuant to Article 24B of this Code, and the
8 provisions of those Articles ~~the-Artiele~~ are in conflict with
9 the provisions of this Article 19, the provisions of Article
10 24A or Article 24B, as the case may be, shall govern the
11 procedures followed by the election authority, its judges of
12 elections, and all employees and agents. In following the
13 provisions of Article 24A or Article 24B, the election
14 authority is authorized to develop and implement procedures
15 to fully utilize electronic voting systems or Precinct
16 Tabulation Optical Scan Technology voting equipment
17 authorized by the State Board of Elections as long as the
18 procedure is not in conflict with Article 24A, either Article
19 24B, or the administrative rules of the State Board of
20 Elections.

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

22 (10 ILCS 5/20-15)

23 Sec. 20-15. Electronic voting systems; precinct
24 tabulation optical scan technology voting equipment.

25 If the election authority has adopted the use of
26 electronic voting systems pursuant to Article 24A of this
27 Code or Precinct Tabulation Optical Scan Technology voting
28 equipment pursuant to Article 24B of this Code, and the
29 provisions of those Articles ~~the-Artiele~~ are in conflict with
30 the provisions of this Article 20, the provisions of Article
31 24A or Article 24B, as the case may be, shall govern the
32 procedures followed by the election authority, its judges of
33 elections, and all employees and agents. In following the

1 provisions of Article 24A or Article 24B, the election
2 authority is authorized to develop and implement procedures
3 to fully utilize electronic voting systems or Precinct
4 Tabulation Optical Scan Technology voting equipment
5 authorized by the State Board of Elections as long as the
6 procedure is not in conflict with Article 24A, either Article
7 24B, or the administrative rules of the State Board of
8 Elections.

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

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

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

16 "Ballot card" means a ballot which is voted by the
17 process of punching.

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

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

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

1 "Ballot" may include ballot cards, ballot labels and
2 paper ballots.

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

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

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

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

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

29 "Computer program" or "program" means the set of
30 operating instructions for the automatic tabulating equipment
31 by which it examines, counts, tabulates, canvasses and prints
32 votes recorded by a voter on a ballot card or other medium.

33 "Edit listing" means a computer generated listing of the
34 names and ballot position numbers for each candidate and

1 proposition as they appear in the program for each precinct.

2 "Voting System" or "Electronic Voting System" means that
3 combination of equipment and programs used in the casting,
4 examination and tabulation of ballots and the cumulation and
5 reporting of results by electronic means.

6 "Header card" or "program card" means a data processing
7 card which is coded to indicate to the computer the precinct
8 identity of the ballot cards that will follow immediately and
9 may indicate to the computer how such ballot cards are to be
10 tabulated.

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

18 "Precinct program memory medium" or "PPMM" means the
19 program disc or pack of an in-precinct computer tabulator
20 that is programmed for a single precinct and that may be
21 activated by means other than a header card or precinct
22 identifier card to indicate to the automatic tabulating
23 equipment the precinct identity of the ballot cards to be
24 counted by the tabulator and how such ballot cards are to be
25 counted.

26 "Public counter" means a mechanical or electronic display
27 on in-precinct automatic tabulating equipment that displays
28 the number of ballots counted by the equipment. Public
29 counters shall not display any vote totals.

30 "Redundant count" means a verification of the original
31 computer count by another count using compatible equipment or
32 by hand as part of a discovery recount.

33 "Security punch" means a punch placed on a ballot card to
34 identify to the computer program the offices and propositions

1 for which votes may be cast and to indicate the manner in
2 which votes cast should be tabulated while negating any
3 inadmissible votes.

4 "Security sleeve" or "security envelope" means an opaque
5 envelope or sleeve into which a voted ballot card shall be
6 inserted that fully covers all votes cast on the ballot and
7 that permits the ballot to be inserted into the automatic
8 tabulating equipment from within the envelope or sleeve
9 without public observation of the votes cast on the ballot.

10 "Undervote" means a ballot that does not contain a vote
11 that can be read by automatic tabulating equipment for any of
12 the candidates in a contested election appearing on the
13 ballot.

14 "Voting defect" means an overvoted ballot, a ballot that
15 cannot be read by automatic tabulating equipment, or a ballot
16 that does not contain the initials of a judge of election.

17 "Voting defect identification" means the capability to
18 detect ballots that contain a voting defect.

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

20 (10 ILCS 5/24A-6.1) (from Ch. 46, par. 24A-6.1)

21 Sec. 24A-6.1. In all elections conducted pursuant to
22 this Article, ballot cards shall have a security punch. In
23 precincts where more than one ballot configuration may be
24 voted upon, ballot cards shall have a different security
25 punch for each ballot configuration. If a precinct has only
26 one possible ballot configuration, the ballot cards must have
27 a security punch to identify the election. Where ballot
28 cards from more than one precinct are being tabulated,
29 precinct header cards or program cards shall also be used:
30 official results shall not be generated unless the precinct
31 identification of the header cards or program cards for any
32 precinct correspond. Where the tabulating equipment being
33 used requires entering the program immediately prior to

1 tabulating the ballot cards for each precinct, the precinct
2 program may be used in lieu of header cards.
3 (Source: P.A. 82-1014.)

4 (10 ILCS 5/24A-7) (from Ch. 46, par. 24A-7)
5 Sec. 24A-7. A separate write-in ballot, which may be in
6 the form of a paper ballot, card, extended stub of a ballot
7 card, security or envelope, or security sleeve in which the
8 elector places his ballot card after voting, shall be
9 designated and provided by the election authority if
10 necessary to permit electors to write in the names of persons
11 whose names are not on the ballot. The ballots, ballot cards,
12 and security ballot-card envelopes or sleeves may, at the
13 discretion of the election authority, be printed on white
14 paper and then striped with the appropriate colors. When an
15 electronic voting system is used which utilizes a ballot stub
16 of the ballot card, each ballot card envelope shall contain
17 the write-in form and information required by Section 16-3 of
18 this Act.

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

20 (10 ILCS 5/24A-8) (from Ch. 46, par. 24A-8)
21 Sec. 24A-8. The county clerk or board of election
22 commissioners, as the case may be, shall cause the marking
23 devices to be put in order, set, adjusted and made ready for
24 voting when delivered to the polling places. Before the
25 opening of the polls the judges of election shall compare the
26 ballots used in the marking devices with the specimen ballots
27 furnished and see that the names, numbers and letters thereon
28 agree and shall certify thereto on forms provided by the
29 county clerk or board of election commissioners, as the case
30 may be.

31 In addition, in those polling places where in-precinct
32 counting equipment is utilized, the judges of election shall

1 make an operational check of the automatic tabulating
2 equipment before the opening of the polls. Either
3 instructions for activating the precincts program memory
4 medium or a precinct identification card provided by the
5 election authority shall be entered into the automatic
6 tabulating equipment to ensure that the totals are all zeroes
7 in the count column on the printing unit.

8 Pollwatchers as provided by law shall be permitted to
9 closely observe the judges in these procedures and to
10 periodically inspect the equipment when not in use by the
11 voters to see that the ballot labels are in proper position
12 and have not been marked upon or mutilated.

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

14 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

15 Sec. 24A-9. Prior to the public test, the election
16 authority shall conduct an errorless pre-test of the
17 automatic tabulating equipment and program to ascertain that
18 they will correctly count the votes cast for all offices and
19 all measures. On any day not less than 5 days prior to the
20 election day, the election authority shall publicly test the
21 automatic tabulating equipment and program to ascertain that
22 they will correctly count the votes cast for all offices and
23 on all measures. Public notice of the time and place of the
24 test shall be given at least 48 hours prior thereto by
25 publication once in one or more newspapers published within
26 the election jurisdiction of the election authority if a
27 newspaper is published therein, otherwise in a newspaper of
28 general circulation therein. Timely written notice stating
29 the date, time and location of the public test shall also be
30 provided to the State Board of Elections. The test shall be
31 open to representatives of the political parties, the press,
32 representatives of the State Board of Elections, and the
33 public. The test shall be conducted by processing a

1 preaudited group of ballots so punched or marked as to record
2 a predetermined number of valid votes for each candidate and
3 on each measure, and shall include for each office one or
4 more ballots which have votes in excess of the number allowed
5 by law in order to test the ability of the automatic
6 tabulating equipment to reject such votes. Such test shall
7 also include the use of precinct header cards or precinct
8 program memory medium and may include the production of an
9 edit listing. In those election jurisdictions where
10 in-precinct counting equipment is utilized, a public test of
11 both such equipment and program shall be conducted as nearly
12 as possible in the manner prescribed above. The State Board
13 of Elections may select as many election jurisdictions as the
14 Board deems advisable in the interests of the election
15 process of this State in which to order a special test of the
16 automatic tabulating equipment and program prior to any
17 regular election. The Board may order a special test in any
18 election jurisdiction where, during the preceding twelve
19 months, computer programming errors or other errors in the
20 use of electronic voting systems resulted in vote tabulation
21 errors. Not less than 30 days prior to any election, the
22 State Board of Elections shall provide written notice to
23 those selected jurisdictions of their intent to conduct a
24 test. Within 5 days of receipt of the State Board of
25 Elections' written notice of intent to conduct a test, the
26 selected jurisdictions shall forward to the principal office
27 of the State Board of Elections a copy of all specimen
28 ballots. The State Board of Elections' tests shall be
29 conducted and completed not less than 2 days prior to the
30 public test utilizing testing materials supplied by the Board
31 and under the supervision of the Board, and the Board shall
32 reimburse the election authority for the reasonable cost of
33 computer time required to conduct the special test. After
34 an errorless test, materials used in the public test,

1 including the program, if appropriate, shall be sealed and
2 remain so until the test is run again on election day. If any
3 error is detected, the cause therefor shall be ascertained
4 and corrected and an errorless public test shall be made
5 before the automatic tabulating equipment is approved. Each
6 election authority shall file a sealed copy of each tested
7 program to be used within its jurisdiction at an election
8 with the State Board of Elections prior to the election. The
9 Board shall secure the program or programs of each election
10 jurisdiction so filed in its office for the 60 days following
11 the canvass and proclamation of election results. Upon the
12 expiration of that time, if no election contest or appeal
13 therefrom is pending in an election jurisdiction, the Board
14 shall return the sealed program or programs to the election
15 authority of the jurisdiction. Except where in-precinct
16 counting equipment is utilized, the test shall be repeated
17 immediately before the start of the official count of the
18 ballots, in the same manner as set forth above. After the
19 completion of the count, the test shall be re-run using the
20 same program. An election jurisdiction that was employing,
21 as of January 1, 1983, an electronic voting system that,
22 because of its design, is not technically capable of
23 compliance with such a post-tabulation testing requirement
24 shall satisfy the post-tabulation testing requirement by
25 conducting the post-tabulation test on a duplicate program
26 until such electronic voting system is replaced or until
27 November 1, 1992, whichever is earlier. Immediately
28 thereafter the ballots, all material employed in testing the
29 program and the program shall be sealed and retained under
30 the custody of the election authority for a period of 60
31 days. At the expiration of that time the election authority
32 shall destroy the voted ballot cards, together with all
33 unused ballots returned from the precincts. Provided, if any
34 contest of election is pending at such time in which such

1 ballots may be required as evidence and such election
2 authority has notice thereof, the same shall not be destroyed
3 until after such contest is finally determined. If the use of
4 back-up equipment becomes necessary, the same testing
5 required for the original equipment shall be conducted.

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

7 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

8 Sec. 24A-10.1. In an election jurisdiction where
9 in-precinct counting equipment is utilized, the following
10 procedures for counting and tallying the ballots set forth in
11 this Section and in Section 24A-14 shall apply.†

12 (a) Voter ballot insertion during poll hours.

13 (1) In precincts where the election authority has
14 authorized voters to insert their ballots directly into
15 the automatic tabulating equipment, the procedures of
16 this subsection (a) and, to the extent applicable, the
17 procedures of subsection (b) shall apply.

18 (2) The in-precinct counting equipment shall be set
19 to count each ballot for candidates and for or against
20 propositions to be voted upon as the ballot is inserted
21 into the automatic tabulating equipment, and the
22 equipment shall internally tally accurate vote totals for
23 all such candidates and for and against all such
24 propositions. Before the opening of the polls and before
25 ballots are entered into the counting equipment, the
26 judges of election shall turn on the automatic tabulating
27 equipment, activate the precinct program memory medium,
28 and verify that the public counter is set at zero.

29 (3) After the polls have been declared open, each
30 ballot shall be inserted into the automatic tabulating
31 equipment by the voter immediately after the voter has
32 completed marking his or her ballot and placing it in a
33 security envelope or sleeve. The ballot shall be

1 inserted into the automatic tabulating equipment from
2 within the security envelope or sleeve without public
3 observation of the votes cast on the ballot. The judges
4 of election shall not handle any voted ballot except as
5 provided in this Code for uninitialed, spoiled, and
6 defective and damaged ballots. Each voted ballot shall
7 be deposited into a secure ballot box immediately after
8 it has been counted by the automatic tabulating
9 equipment.

10 (4) In precincts where the automatic tabulating
11 equipment has voting defect identification capability,
12 the equipment shall be set to automatically return to the
13 voter any ballot that does not contain a judge's initial
14 in the area required by this Code. If the judges of
15 election reasonably believe that the failure to initial
16 the ballot was due to an error by the judges and that no
17 fraud or other irregularity has occurred affecting the
18 integrity of the ballots, the ballot shall then be
19 initialed by one of the judges of election and
20 re-inserted by the voter into the automatic tabulating
21 equipment. Otherwise, the ballot shall be marked
22 "Spoiled Ballot", initialed by all judges immediately
23 under the words "Spoiled Ballot", and not counted. The
24 judges shall initial and issue a new ballot to the voter
25 in lieu of the original "Spoiled Ballot" and the voter
26 shall then be permitted to vote the new ballot.

27 If the precinct's automatic tabulating
28 equipment does not have voting defect identification
29 capability, such uninitialed ballots shall be treated in
30 the same manner as provided for uninitialed ballots in
31 subsection (c)(3) of this Section.

32 (5) In precincts where the automatic tabulating
33 equipment has voting defect identification capability,
34 the counting equipment shall be set to automatically

1 return to the voter any ballot on which the number of
2 votes for an office or proposition exceeds the number of
3 votes that the voter is entitled to cast. If the voter,
4 after being informed that an overvote has occurred,
5 determines to have the ballot counted despite containing
6 an overvote, the automatic tabulating equipment shall be
7 set to accept the ballot and count the votes for or
8 against propositions and for candidates for offices for
9 which there is no overvote. If the voter determines to
10 have the overvoted ballot rejected and to vote a new
11 ballot, the original ballot shall be marked "Spoiled
12 Ballot", initialed by all judges immediately under the
13 words "Spoiled Ballot", and not counted. The judges
14 shall issue a new ballot to the voter in lieu of the
15 original "Spoiled Ballot" and the voter shall then be
16 permitted to vote the new ballot.

17 If the precinct's automatic tabulating equipment
18 does not have voting defect identification capability,
19 such overvoted ballots shall be treated in the same
20 manner as provided for overvoted ballots in subsection
21 (c)(4) of this Section.

22 (6) In precincts where the automatic tabulating
23 equipment has voting defect identification capability,
24 the in-precinct counting equipment shall be set to return
25 any ballot that is damaged or defective and cannot
26 properly be read by the automatic tabulating equipment.
27 The ballot shall be marked "Spoiled Ballot", initialed by
28 all judges immediately under the words "Spoiled Ballot",
29 and not counted. The judges shall initial and issue a
30 new ballot to the voter in lieu of the original "Spoiled
31 Ballot" and the voter shall then be permitted to vote the
32 new ballot.

33 If the precinct's automatic tabulating equipment
34 does not have voting defect identification capability,

1 such damaged or defective ballots shall be treated in the
2 same manner as provided for damaged and defective ballots
3 in subsection (c)(6) of this Section.

4 (7) In precincts where the automatic tabulating
5 equipment has voting defect identification capability,
6 the counting equipment may be set to automatically return
7 to the voter any ballot on which there is an undervote.
8 If the voter, after being informed that an undervote has
9 occurred, determines to have the ballot counted despite
10 containing an undervote, the automatic tabulating
11 equipment shall be set to accept the ballot and count the
12 votes for or against propositions and for candidates for
13 offices for which there is no undervote. If the voter
14 determines to have the undervoted ballot rejected and to
15 vote a new ballot, the original ballot shall be marked
16 "Spoiled Ballot", initialed by all judges immediately
17 under the words "Spoiled Ballot", and not counted. The
18 judges shall issue a new ballot to the voter in lieu of
19 the original "Spoiled Ballot" and the voter shall then be
20 permitted to vote the new ballot. If the voter determines
21 to continue voting on the original undervoted ballot, the
22 voter may return to a voting area and cast additional
23 votes.

24 (8) Immediately after the closing of the polls and
25 after the insertion of absentee ballots entitled to be
26 counted, the automatic tabulating equipment shall be
27 locked against further processing of ballots and the vote
28 totals shall be displayed and read.

29 (9) Throughout the election day and before the
30 close of the polls, no person shall be permitted to check
31 for vote totals for any candidate or proposition on the
32 automatic tabulating equipment. However, any voter,
33 judge of election, or poll watcher may examine the number
34 of counted ballots shown on the public counter of the

1 automatic tabulating equipment when the polls are open.
2 During the time that polling places are open for voting,
3 no person may reset the equipment for re-insertion of
4 ballots except upon the specific authorization of the
5 election authority; the automatic tabulating equipment
6 shall be programmed to prevent such re-insertion unless
7 provided a code by an authorized representative of the
8 election authority. If the automatic tabulating
9 equipment becomes inoperative during voting hours, until
10 such time as it is repaired and restarted by a
11 representative of the election authority, the voters
12 shall deposit their voted ballots into the secure portion
13 of the supply carrier case or other secure ballot
14 container supplied by the election authority and the
15 judges of election shall open the container used for this
16 purpose only after the close of the polls and shall then
17 insert each of the deposited ballots into the automatic
18 tabulating equipment to be tallied.

19 (b) Procedures after the close of the polls.

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

31 (2) The precinct judges of election shall open the
32 ballot box and count the number of ballots therein to
33 determine if such number agrees with the number of voters
34 voting as shown by the automatic tabulating equipment, by

1 the public counter on the automatic tabulating equipment
2 where available, and by applications for ballot. ~~or~~ If
3 the same do not agree, the judges of election shall make
4 such ballots agree with the applications for ballot in
5 the manner provided by Section 17-18 of this Code Act.

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

25 (4) ~~When--an-electronic-voting-system-is-used-which~~
26 ~~utilizes-a-ballot-card,~~ Before separating the ~~--remaining~~
27 ballot cards from their respective covering envelopes or
28 sleeves, the judges of election shall examine the ballot
29 cards, ballot card envelopes, ballot card stubs, or
30 security sleeves for write-in votes. When the voter has
31 cast a write-in vote, the judges of election shall
32 compare the write-in vote with the votes on the ballot
33 card to determine whether such write-in results in an
34 overvote for any office unless the automatic tabulating

1 equipment has already done so. In case of an overvote
2 for any office, the judges of election, consisting in
3 each case of at least one judge of election of each of
4 the 2 major political parties, shall make a true
5 duplicate ballot of all votes on such ballot card except
6 for the office which is overvoted, by using the ballot
7 label booklet of the precinct and one of the marking
8 devices of the precinct so as to transfer all votes of
9 the voter, except for the office overvoted, to a
10 duplicate card. The original ballot card and envelope
11 upon which there is an overvote shall be clearly labeled
12 "Overvoted Ballot", and each such "Overvoted Ballot" as
13 well as its "Replacement" shall contain the same serial
14 number which shall be placed thereon by the judges of
15 election, commencing with number 1 and continuing
16 consecutively for the ballots of that kind in that
17 precinct. The "Overvoted Ballot" card and ballot
18 envelope shall be placed in an envelope provided for that
19 purpose labeled "Duplicate Ballot" envelope, and the
20 judges of election shall initial the "Replacement" ballot
21 cards and shall place them with the other ballot cards to
22 be counted on the automatic tabulating equipment.
23 Envelopes, ballot cards, ballot card stubs, or security
24 envelopes or sleeves containing write-in votes marked in
25 the place designated therefor and containing the initials
26 of a precinct judge of election and not resulting in an
27 overvote and otherwise complying with the election laws
28 as to marking shall be counted and tallied and their
29 votes recorded on a tally sheet provided by the election
30 authority.

31 The ballot cards and ballot card envelopes or
32 sleeves shall be separated in preparation for counting by
33 the automatic tabulating equipment provided for that
34 purpose by the election authority.

1 (5) After closing the polls and examining the
2 absentee ballots pursuant to subsection (c)(1) of this
3 Section, the judges of election shall insert into the
4 automatic tabulating equipment all absentee ballots
5 entitled to be counted. Thereafter, the judges of
6 election shall generate vote totals for all candidates
7 and propositions. However, if the judges of election
8 have removed a ballot from the ballot box pursuant to
9 Section 17-18, have labeled "Defective" a ballot which is
10 not initialed, or have otherwise determined under this
11 Code to not count a ballot originally deposited into a
12 ballot box, the judges of election shall reset the totals
13 on the automatic tabulating equipment to all zeroes.
14 Thereafter the judges of election shall enter each ballot
15 to be counted in the automatic tabulating equipment.
16 Resetting of the automatic tabulating equipment to all
17 zeros and re-inserting of ballots to be counted may occur
18 at the polling place, the office of the election
19 authority, or any receiving station designated by the
20 election authority. The election authority shall
21 designate the place for resetting the equipment and
22 re-inserting ballots.

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

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

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

1 (7) The judges of election shall count all unused
2 ballot cards and enter the number on the "Statement of
3 Ballots". All "Spoiled", "Defective" and "Duplicated"
4 ballot cards shall be counted and the number entered on
5 the "Statement of Ballots".

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

1 produce the receipt which they are to take as above
2 provided.

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

4 (10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)

5 Sec. 24A-14. Damaged ballots; duplicates.

6 (a) In precincts that do not utilize in-precinct
7 automatic tabulating equipment having voting defect
8 identification capability, the procedures of this subsection
9 shall apply. If any ballot is damaged or defective so that it
10 cannot properly be counted by the automatic tabulating
11 equipment, a true duplicate copy shall be made of the damaged
12 ballot in the presence of witnesses and substituted for the
13 damaged ballot. Likewise, a duplicate ballot shall be made of
14 a defective ballot which shall not include the invalid votes.
15 All duplicate ballots shall be clearly labeled "duplicate",
16 shall bear a serial number which shall be registered on the
17 damaged or defective ballot, and shall be counted in lieu of
18 the damaged or defective ballot.

19 (b) In precincts that utilize in-precinct automatic
20 tabulating equipment having voting defect identification
21 capability and in which voters insert their ballots into the
22 automatic tabulating equipment, if any ballot is damaged or
23 defective so that it cannot properly be counted by the
24 automatic tabulating equipment, that ballot shall be treated
25 as a spoiled ballot, and the voter shall be provided a new
26 ballot to vote, which shall be initialed by a judge of
27 election.

28 (Source: Laws 1965, p. 2220.)

29 (10 ILCS 5/24B-2)

30 Sec. 24B-2. Definitions. As used in this Article:

31 "Computer", "automatic tabulating equipment" or
32 "equipment" includes apparatus necessary to automatically

1 examine and count votes as designated on ballots, and data
2 processing machines which can be used for counting ballots
3 and tabulating results.

4 "Ballot" means paper ballot sheets.

5 "Ballot configuration" means the particular combination
6 of political subdivision ballots including, for each
7 political subdivision, the particular combination of offices,
8 candidate names and questions as it appears for each group of
9 voters who may cast the same ballot.

10 "Ballot sheet" means a paper ballot printed on one or
11 both sides which is (1) designed and prepared so that the
12 voter may indicate his or her votes in designated areas,
13 which must be areas clearly printed or otherwise delineated
14 for such purpose, and (2) capable of having votes marked in
15 the designated areas automatically examined, counted, and
16 tabulated by an electronic scanning process.

17 "Central counting" means the counting of ballots in one
18 or more locations selected by the election authority for the
19 processing or counting, or both, of ballots. A location for
20 central counting shall be within the territorial jurisdiction
21 of the election authority unless there is no suitable
22 tabulating equipment available within his territorial
23 jurisdiction. However, in any event a counting location
24 shall be within this State.

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

30 "Computer program" or "program" means the set of
31 operating instructions for the automatic tabulating equipment
32 that examines, counts, tabulates, canvasses and prints votes
33 recorded by a voter on a ballot.

34 "Edit listing" means a computer generated listing of the

1 names of each candidate and proposition as they appear in the
2 program for each precinct.

3 "Header sheet" means a data processing document which is
4 coded to indicate to the computer the precinct identity of
5 the ballots that will follow immediately and may indicate to
6 the computer how such ballots are to be tabulated.

7 "In-precinct counting" means the counting of ballots on
8 automatic tabulating equipment provided by the election
9 authority in the same precinct polling place in which those
10 ballots have been cast.

11 "Marking device" means a pen or similar device approved
12 by the State Board of Elections for marking a paper ballot
13 with ink or other substance which will enable the ballot to
14 be tabulated by automatic tabulating equipment or by an
15 electronic scanning process.

16 "Precinct Tabulation Optical Scan Technology" means the
17 capability to examine a ballot through electronic means and
18 tabulate the votes at one or more counting places.

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

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

27 "Separate ballot", with respect to ballot sheets, means a
28 separate portion of the ballot sheet which is clearly defined
29 by a border or borders or shading.

30 "Voting defect identification" means the capability to
31 detect ~~overvoted~~ ballots that contain a voting defect ~~or~~
32 ~~ballots-which-cannot-be--read--by--the--automatic--tabulating~~
33 ~~equipment.~~

34 "Voting defects" means an overvoted ballot, or a ballot

1 which cannot be read by the automatic tabulating equipment,
2 or a ballot that does not contain the initials of a judge of
3 election.

4 "Voting system" or "electronic voting system" means that
5 combination of equipment and programs used in the casting,
6 examination and tabulation of ballots and the cumulation and
7 reporting of results by electronic means.

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

9 (10 ILCS 5/24B-10.1)

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

15 (a) The in-precinct counting equipment shall be set to
16 count each ballot for candidates and for or against
17 propositions to be voted upon as the ballot is inserted into
18 the automatic tabulating equipment, and the equipment shall
19 internally tally accurate vote totals for all such candidates
20 and for and against all such propositions. Before the opening
21 of the polls, and before the ballots are entered into the
22 automatic tabulating equipment, the judges of election shall
23 turn on the automatic tabulating equipment, activate the
24 precinct program memory medium, and verify that the public
25 counter is set at zero shall-be-sure-that-the-totals-are-all
26 zeros-in-the-counting-column. Ballots-may-then-be-counted-by
27 entering-each-ballot-into-the-automatic-tabulating-equipment.

28 After the polls have been declared open, each ballot
29 shall be inserted into the automatic tabulating equipment by
30 the voter immediately after the voter has completed marking
31 his or her ballot. The ballot shall be inserted into the
32 automatic tabulating equipment without public observation of
33 the votes cast on the ballot. The judges of election shall

1 not handle any voted ballot except as provided in this Code
2 for uninitialed, spoiled, and defective and damaged ballots.
3 Each voted ballot shall be deposited into a secure ballot box
4 immediately after it has been counted by the automatic
5 tabulating equipment.

6 Immediately after the closing of the polls and after the
7 insertion of absentee ballots entitled to be counted, the
8 automatic tabulating equipment shall be locked against
9 further processing of ballots and the vote totals shall be
10 displayed and read.

11 Throughout the election day and before the closing of the
12 polls, no person shall be permitted to may check for any vote
13 totals for any candidate or proposition on the automatic
14 tabulating equipment. However, any voter, judge of election,
15 or poll watcher may examine the number of counted ballots
16 shown on the public counter of the automatic tabulating
17 equipment when the polls are open. During the time that
18 polling places are open for voting, no person may reset the
19 equipment for re-insertion of ballots except upon the
20 specific authorization of the election authority; the
21 automatic tabulating equipment shall be programmed to prevent
22 such re-insertion unless provided a code by an authorized
23 representative of the election authority. If the automatic
24 tabulating equipment becomes inoperative during voting hours,
25 until such time as it is repaired and restarted by a
26 representative of the election authority, the voters shall
27 deposit their voted ballots into the secure portion of the
28 supply carrier case or other secure ballot container supplied
29 by the election authority and the judges of election shall
30 open the container used for this purpose only after the close
31 of the polls and shall then insert each of the deposited
32 ballots into the automatic tabulating equipment to be
33 tallied. Such---automatic--tabulating--equipment--shall--be
34 programmed--so--that--no--person--may--reset--the--equipment--for

1 refeeding---of---ballots--unless--provided--a--code--from--an
2 authorized-representative-of-the-election-authority. At the
3 option of the election authority, the ballots may be inserted
4 fed into the Precinct Tabulation Optical Scan Technology
5 equipment by the voters under the direct supervision of the
6 judges of elections.

7 (b) In addition to the provisions of subsection (a) of
8 this Section, if the in-precinct automatic tabulating
9 equipment has the capability to identify voting defects, the
10 election authority may develop and implement procedures to
11 utilize one or more of the following options:

12 (1) The equipment may be set to automatically
13 return to the voter any ballot that does not contain a
14 judge's initial in the area required by this Code. If
15 the judges of election reasonably believe that the
16 failure to initial the ballot was due to an error by the
17 judges and that no fraud or other irregularity has
18 occurred affecting the integrity of the ballots, the
19 ballot shall then be initialed by one of the judges of
20 election and re-inserted by the voter into the automatic
21 tabulating equipment. Otherwise, the ballot shall be
22 marked "Spoiled Ballot", initialed by all judges
23 immediately under the words "Spoiled Ballot", and not
24 counted. The judges shall initial and issue a new ballot
25 to the voter in lieu of the original "Spoiled Ballot" and
26 the voter shall then be permitted to vote the new ballot.

27 If the election authority elects not to activate the
28 voting defect identification capability to detect and
29 return uninitialed ballots, such uninitialed ballots
30 shall be treated in the same manner as provided for
31 uninitialed ballots in subsection (c) of this Section.

32 (2) The counting equipment may be set to
33 automatically return to the voter any ballot on which the
34 number of votes for an office or proposition exceeds the

1 number of votes that the voter is entitled to cast. If
2 the voter, after being informed that an overvote has
3 occurred, determines to have the ballot counted despite
4 containing an overvote, the automatic tabulating
5 equipment shall be set to accept the ballot and count the
6 votes for or against propositions and for candidates for
7 offices for which there is no overvote. If the voter
8 determines to have the overvoted ballot rejected and to
9 vote a new ballot, the original ballot shall be marked
10 "Spoiled Ballot", initialed by all judges immediately
11 under the words "Spoiled Ballot", and not counted. The
12 judges shall issue a new ballot to the voter in lieu of
13 the original "Spoiled Ballot" and the voter shall then be
14 permitted to vote the new ballot.

15 If the election authority elects not to activate the
16 voting defect identification capability to detect and
17 return overvoted ballots, such overvoted ballots shall be
18 treated in the same manner as provided for overvoted
19 ballots in subsection (c) of this Section.

20 (3) The equipment may be set to return any ballot
21 that is damaged or defective and cannot properly be read
22 by the automatic tabulating equipment. The ballot shall
23 be marked "Spoiled Ballot", initialed by all judges
24 immediately under the words "Spoiled Ballot", and not
25 counted. The judges shall initial and issue a new ballot
26 to the voter in lieu of the original "Spoiled Ballot" and
27 the voter shall then be permitted to vote the new ballot.

28 If the election authority elects not to activate the
29 voting defect identification capability to detect and
30 return any ballot that is damaged or defective and cannot
31 properly be counted by the automatic tabulating
32 equipment, such damaged or defective ballots shall be
33 treated in the same manner as provided for damaged and
34 defective ballots in subsection (c) of this Section.

1 (c) Immediately after the closing of the polls, the
2 absentee ballots delivered to the precinct judges of election
3 by the election authority shall be examined to determine that
4 the ballots comply with Sections 19-9 and 20-9 of this Code
5 and are entitled to be scanned by the Precinct Tabulation
6 Optical Scan Technology equipment and then deposited in the
7 ballot box; those entitled to be scanned and deposited in the
8 ballot box shall be initialed by the precinct judges of
9 election and then scanned and deposited in the ballot box.
10 Those not entitled to be deposited in the ballot box shall be
11 marked "Rejected" and disposed of as provided in said
12 Sections 19-9 and 20-9.

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

1 "Defective Ballot Envelope" provided for that purpose.

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

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

1 which shall be placed thereon by the judges of election,
2 beginning with number 1 and continuing consecutively for the
3 ballots of that kind in that precinct. The "Overvoted
4 Ballot" shall be placed in an envelope provided for that
5 purpose labeled "Duplicate Ballot" envelope, and the judges
6 of election shall initial the "Replacement" ballots and shall
7 place them with the other ballots to be counted on the
8 automatic tabulating equipment.

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

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

14 The judges of election shall count all unused ballots and
15 enter the number on the "Statement of Ballots". All
16 "Spoiled", "Defective" and "Duplicated" ballots shall be
17 counted and the number entered on the "Statement of Ballots".

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

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

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

18 (10 ILCS 5/24B-14)

19 Sec. 24B-14. Damaged Ballots; Duplicates.

20 (a) In precincts that do not utilize in-precinct
21 automatic tabulating equipment having voting defect
22 identification capability, the procedures of this subsection
23 shall apply. If any ballot is damaged or defective so that it
24 cannot properly be counted by the automatic Precinct
25 Tabulation Optical Scan Technology tabulating equipment, a
26 true duplicate copy shall be made of the damaged ballot in
27 the presence of witnesses and substituted for the damaged
28 ballot. Likewise, a duplicate ballot shall be made of a
29 defective ballot which shall not include the invalid votes.
30 All duplicate ballots shall be clearly labeled "Duplicate",
31 shall bear a serial number which shall be registered on the
32 damaged or defective ballot, and shall be counted in lieu of
33 the damaged or defective ballot.

1 (b) In precincts that utilize in-precinct automatic
2 tabulating equipment having voting defect identification
3 capability and in which voters insert their ballots into the
4 automatic tabulating equipment, if any ballot is damaged or
5 defective so that it cannot properly be counted by the
6 automatic Precinct Tabulation Optical Scan Technology
7 tabulating equipment, that ballot shall be treated as a
8 spoiled ballot, and the voter shall be provided a new ballot
9 to vote, which shall be initialed by a judge of election.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.