



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3548

Introduced 2/24/2005, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

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

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

LRB094 09177 JAM 39410 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning elections.

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

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

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

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

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

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

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

23 (Source: P.A. 84-808.)

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

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

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

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

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

12 Dated at on (insert date).

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

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

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

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

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

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

16 State of Illinois,)

17) ss.

18 County of)

19 Precinct Ward

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

33

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

35

36 Judge of Election.

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

5 State of Illinois,)

6) ss.

7 County of)

8 Precinct Ward

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

16

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

18

19 Judge of Election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 ARTICLE 19A. EARLY VOTING BY PERSONAL APPEARANCE

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

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

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

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

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

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

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

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

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

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

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

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

1 township, or road district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 proper conduct of the election.

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

1 election as provided in Section 19A-35.

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

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

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

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

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

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

9 (10 ILCS 5/19A-60 new)

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

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

30 (10 ILCS 5/19A-65 new)

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

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

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

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

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

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

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

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

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

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

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

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

31 As soon as the absentee and early ballots have been
32 deposited in the first ballot box, the judges of election shall
33 make out a slip indicating the number of persons who voted in
34 the precinct at the election. Such slip shall be signed by all
35 the judges of election and shall be inserted by them in the
36 first ballot box. The judges of election shall thereupon

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) Regardless of which procedure described in subsection

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

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

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

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

24 Immediately after the closing of the polls, the absentee
25 and early ballots delivered to the precinct judges of election
26 by the election authority shall be examined to determine that
27 such ballots comply with Sections 19-9 and 20-9 of this Act and
28 are entitled to be deposited in the ballot box; those entitled
29 to be deposited in the ballot box shall be initialed by the
30 precinct judges of election and deposited in the ballot box.
31 Those not entitled to be deposited in the ballot box shall be
32 marked "Rejected" and disposed of as provided in said Sections
33 19-9, 19A-55, and 20-9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (10 ILCS 5/24B-10)

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

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

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

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

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

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

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

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

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

36 The precinct transport judges shall then examine the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (10 ILCS 5/24B-15.1)

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

1 duplicates.

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

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

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

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

14 (30 ILCS 805/8.29 new)

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