



Adopted in House Comm. on Apr 18, 2007

09500HB1619ham001

LRB095 08861 JAM 35055 a

1 AMENDMENT TO HOUSE BILL 1619

2 AMENDMENT NO. _____. Amend House Bill 1619 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 16-3, 17-16.1, 18-9.1, 19-8, and 20-8 as follows:";
6 and

7 on page 15, by inserting below line 12 the following:

8 "(10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

9 Sec. 17-16.1. Write-in votes shall be counted only for
10 persons who have filed notarized declarations of intent to be
11 write-in candidates with the proper election authority or
12 authorities not later than 5:00 p.m. on the Tuesday immediately
13 preceding the election.

14 Forms for the declaration of intent to be a write-in
15 candidate shall be supplied by the election authorities. Such

1 declaration shall specify the office for which the person seeks
2 election as a write-in candidate.

3 The election authority or authorities shall deliver a list
4 of all persons who have filed such declarations to the election
5 judges in the appropriate precincts prior to the election.

6 A candidate for whom a nomination paper has been filed as a
7 partisan candidate at a primary election, and who is defeated
8 for his or her nomination at the primary election is ineligible
9 to file a declaration of intent to be a write-in candidate for
10 election in that general or consolidated election.

11 A candidate seeking election to an office for which
12 candidates of political parties are nominated by caucus who is
13 a participant in the caucus and who is defeated for his or her
14 nomination at such caucus is ineligible to file a declaration
15 of intent to be a write-in candidate for election in that
16 general or consolidated election.

17 A candidate seeking election to an office for which
18 candidates are nominated at a primary election on a nonpartisan
19 basis and who is defeated for his or her nomination at the
20 primary election is ineligible to file a declaration of intent
21 to be a write-in candidate for election in that general or
22 consolidated election.

23 When a ballot is otherwise validly marked for a candidate
24 whose name is printed on the ballot, any write-in vote or votes
25 for that or any other candidate for that office shall be void
26 if counting the write-in vote or votes would result in the

1 voter over-voting with respect to that office.

2 Nothing in this Section shall be construed to apply to
3 votes cast under the provisions of subsection (b) of Section
4 16-5.01.

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

6 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

7 Sec. 18-9.1. Write-in votes shall be counted only for
8 persons who have filed notarized declarations of intent to be
9 write-in candidates with the proper election authority or
10 authorities not later than 5:00 p.m. on the Tuesday immediately
11 preceding the election.

12 Forms for the declaration of intent to be a write-in
13 candidate shall be supplied by the election authorities. Such
14 declaration shall specify the office for which the person seeks
15 election as a write-in candidate.

16 The election authority or authorities shall deliver a list
17 of all persons who have filed such declarations to the election
18 judges in the appropriate precincts prior to the election.

19 A candidate for whom a nomination paper has been filed as a
20 partisan candidate at a primary election, and who is defeated
21 for his or her nomination at the primary election, is
22 ineligible to file a declaration of intent to be a write-in
23 candidate for election in that general or consolidated
24 election.

25 A candidate seeking election to an office for which

1 candidates of political parties are nominated by caucus who is
2 a participant in the caucus and who is defeated for his or her
3 nomination at such caucus is ineligible to file a declaration
4 of intent to be a write-in candidate for election in that
5 general or consolidated election.

6 A candidate seeking election to an office for which
7 candidates are nominated at a primary election on a nonpartisan
8 basis and who is defeated for his or her nomination at the
9 primary election is ineligible to file a declaration of intent
10 to be a write-in candidate for election in that general or
11 consolidated election.

12 When a ballot is otherwise validly marked for a candidate
13 whose name is printed on the ballot, any write-in vote or votes
14 for that or any other candidate for that office shall be void
15 if counting the write-in vote or votes would result in the
16 voter over-voting with respect to that office.

17 Nothing in this Section shall be construed to apply to
18 votes cast under the provisions of subsection (b) of Section
19 16-5.01.

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

21 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

23 (a) (Blank.)

24 (b) Each absent voter's ballot returned to an election
25 authority, by any means authorized by this Article, and

1 received by that election authority before the closing of the
2 polls on election day shall be endorsed by the receiving
3 election authority with the day and hour of receipt and shall
4 be counted in the central ballot counting location of the
5 election authority on the day of the election after 7:00 p.m.,
6 except as provided in subsections (g) and (g-5).

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

17 (d) Special write-in absentee voter's blank ballots
18 returned to an election authority, by any means authorized by
19 this Article, and received by the election authority at any
20 time before the closing of the polls on election day shall be
21 endorsed by the receiving election authority with the day and
22 hour of receipt and shall be counted at the central ballot
23 counting location of the election authority during the same
24 period provided for counting absent voters' ballots under
25 subsections (b), (g), and (g-5). Special write-in absentee
26 voter's blank ballots that are mailed to an election authority

1 and postmarked by the midnight preceding the opening of the
2 polls on election day, but that are received by the election
3 authority after the polls close on election day and before the
4 closing of the period for counting provisional ballots cast at
5 that election, shall be endorsed by the receiving authority
6 with the day and hour of receipt and shall be counted at the
7 central ballot counting location of the election authority
8 during the same periods provided for counting absent voters'
9 ballots under subsection (c).

10 (e) Except as otherwise provided in this Section, absent
11 voters' ballots and special write-in absentee voter's blank
12 ballots received by the election authority after the closing of
13 the polls on an election day shall be endorsed by the election
14 authority receiving them with the day and hour of receipt and
15 shall be safely kept unopened by the election authority for the
16 period of time required for the preservation of ballots used at
17 the election, and shall then, without being opened, be
18 destroyed in like manner as the used ballots of that election.

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

26 (g) The procedures set forth in Articles 17 and 18 of this

1 Code shall apply to all ballots counted under this Section. In
2 addition, within 2 days after an absentee ballot, other than an
3 in-person absentee ballot, is received, but in all cases before
4 the close of the period for counting provisional ballots, the
5 election judge or official shall compare the voter's signature
6 on the certification envelope of that absentee ballot with the
7 signature of the voter on file in the office of the election
8 authority. If the election judge or official determines that
9 the 2 signatures match, and that the absentee voter is
10 otherwise qualified to cast an absentee ballot, the election
11 authority shall cast and count the ballot on election day or
12 the day the ballot is determined to be valid, whichever is
13 later, adding the results to the precinct in which the voter is
14 registered. If the election judge or official determines that
15 the signatures do not match, or that the absentee voter is not
16 qualified to cast an absentee ballot, then without opening the
17 certification envelope, the judge or official shall mark across
18 the face of the certification envelope the word "Rejected" and
19 shall not cast or count the ballot.

20 In addition to the voter's signatures not matching, an
21 absentee ballot may be rejected by the election judge or
22 official:

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

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

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

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

4 If the election judge or official determines that any of
5 these reasons apply, the judge or official shall mark across
6 the face of the certification envelope the word "Rejected" and
7 shall not cast or count the ballot.

8 (g-5) If an absentee ballot, other than an in-person
9 absentee ballot, is rejected by the election judge or official
10 for any reason, the election authority shall, within 2 days
11 after the rejection but in all cases before the close of the
12 period for counting provisional ballots, notify the absentee
13 voter that his or her ballot was rejected. The notice shall
14 inform the voter of the reason or reasons the ballot was
15 rejected and shall state that the voter may appear before the
16 election authority, on or before the 14th day after the
17 election, to show cause as to why the ballot should not be
18 rejected. The voter may present evidence to the election
19 authority supporting his or her contention that the ballot
20 should be counted. The election authority shall appoint a panel
21 of 3 election judges to review the contested ballot,
22 application, and certification envelope, as well as any
23 evidence submitted by the absentee voter. No more than 2
24 election judges on the reviewing panel shall be of the same
25 political party. The reviewing panel of election judges shall
26 make a final determination as to the validity of the contested

1 absentee ballot. The judges' determination shall not be
2 reviewable either administratively or judicially.

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

6 (g-8) When an absentee ballot is otherwise validly marked
7 for a candidate whose name is printed on the ballot, any
8 write-in vote or votes for that or any other candidate for that
9 office shall be void if counting the write-in vote or votes
10 would result in the voter over-voting with respect to that
11 office.

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

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

18 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

19 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

21 (a) (Blank.)

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

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

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

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

1 authority after the polls close on election day and before the
2 closing of the period for counting provisional ballots cast at
3 that election, shall be endorsed by the receiving authority
4 with the day and hour of receipt and shall be counted at the
5 central ballot counting location of the election authority
6 during the same periods provided for counting absent voters'
7 ballots under subsection (c).

8 (e) Except as otherwise provided in this Section, absent
9 voters' ballots and special write-in absentee voter's blank
10 ballots received by the election authority after the closing of
11 the polls on the day of election shall be endorsed by the
12 person receiving the ballots with the day and hour of receipt
13 and shall be safely kept unopened by the election authority for
14 the period of time required for the preservation of ballots
15 used at the election, and shall then, without being opened, be
16 destroyed in like manner as the used ballots of that election.

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

24 (g) The procedures set forth in Articles 17 and 18 of this
25 Code shall apply to all ballots counted under this Section. In
26 addition, within 2 days after a ballot subject to this Article

1 is received, but in all cases before the close of the period
2 for counting provisional ballots, the election judge or
3 official shall compare the voter's signature on the
4 certification envelope of that ballot with the signature of the
5 voter on file in the office of the election authority. If the
6 election judge or official determines that the 2 signatures
7 match, and that the voter is otherwise qualified to cast a
8 ballot under this Article, the election authority shall cast
9 and count the ballot on election day or the day the ballot is
10 determined to be valid, whichever is later, adding the results
11 to the precinct in which the voter is registered. If the
12 election judge or official determines that the signatures do
13 not match, or that the voter is not qualified to cast a ballot
14 under this Article, then without opening the certification
15 envelope, the judge or official shall mark across the face of
16 the certification envelope the word "Rejected" and shall not
17 cast or count the ballot.

18 In addition to the voter's signatures not matching, a
19 ballot subject to this Article may be rejected by the election
20 judge or official:

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

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

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

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

2 If the election judge or official determines that any of
3 these reasons apply, the judge or official shall mark across
4 the face of the certification envelope the word "Rejected" and
5 shall not cast or count the ballot.

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

26 A ballot subject to this subsection that is determined to

1 be valid shall be counted before the close of the period for
2 counting provisional ballots.

3 (g-8) When an absentee ballot is otherwise validly marked
4 for a candidate whose name is printed on the ballot, any
5 write-in vote or votes for that or any other candidate for that
6 office shall be void if counting the write-in vote or votes
7 would result in the voter over-voting with respect to that
8 office.

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

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

15 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)".