



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 1752

2 AMENDMENT NO. _____. Amend House Bill 1752 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 1A-8, 4-105, 5-105, 6-105, 7-8, 7-13.1, 7-41, 7-43,
6 9-9.5, 10-3, 10-6, 10-15, 12A-10, 12A-35, 13-4, 13-10, 14-1,
7 16-3, 16-10, 17-11, 17-16.1, 17-23, 17-29, 18-5, 18-9.1, 18-40,
8 19-8, 19A-10, 19A-35, 19A-50, 20-8, 24-1, 24A-6, 24A-10.1,
9 24A-15, 24A-16, 24B-6, 24B-10.1, 24B-15, 24B-16, 24B-20,
10 24C-11, 24C-12, 24C-15, 24C-16, 28-6, and 28-8 as follows:

11 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

12 Sec. 1A-8. The State Board of Elections shall exercise the
13 following powers and perform the following duties in addition
14 to any powers or duties otherwise provided for by law:

15 (1) Assume all duties and responsibilities of the State
16 Electoral Board and the Secretary of State as heretofore

1 provided in this Act;

2 (2) Disseminate information to and consult with
3 election authorities concerning the conduct of elections
4 and registration in accordance with the laws of this State
5 and the laws of the United States;

6 (3) Furnish to each election authority prior to each
7 primary and general election and any other election it
8 deems necessary, a manual of uniform instructions
9 consistent with the provisions of this Act which shall be
10 used by election authorities in the preparation of the
11 official manual of instruction to be used by the judges of
12 election in any such election. In preparing such manual,
13 the State Board shall consult with representatives of the
14 election authorities throughout the State. The State Board
15 may provide separate portions of the uniform instructions
16 applicable to different election jurisdictions which
17 administer elections under different options provided by
18 law. The State Board may by regulation require particular
19 portions of the uniform instructions to be included in any
20 official manual of instructions published by election
21 authorities. Any manual of instructions published by any
22 election authority shall be identical with the manual of
23 uniform instructions issued by the Board, but may be
24 adapted by the election authority to accommodate special or
25 unusual local election problems, provided that all manuals
26 published by election authorities must be consistent with

1 the provisions of this Act in all respects and must receive
2 the approval of the State Board of Elections prior to
3 publication; provided further that if the State Board does
4 not approve or disapprove of a proposed manual within 60
5 days of its submission, the manual shall be deemed
6 approved.

7 (4) Prescribe and require the use of such uniform
8 forms, notices, and other supplies not inconsistent with
9 the provisions of this Act as it shall deem advisable which
10 shall be used by election authorities in the conduct of
11 elections and registrations;

12 (5) Prepare and certify the form of ballot for any
13 proposed amendment to the Constitution of the State of
14 Illinois, or any referendum to be submitted to the electors
15 throughout the State or, when required to do so by law, to
16 the voters of any area or unit of local government of the
17 State;

18 (6) Require such statistical reports regarding the
19 conduct of elections and registration from election
20 authorities as may be deemed necessary;

21 (7) Review and inspect procedures and records relating
22 to conduct of elections and registration as may be deemed
23 necessary, and to report violations of election laws to the
24 appropriate State's Attorney or the Attorney General;

25 (8) Recommend to the General Assembly legislation to
26 improve the administration of elections and registration;

1 (9) Adopt, amend or rescind rules and regulations in
2 the performance of its duties provided that all such rules
3 and regulations must be consistent with the provisions of
4 this Article 1A or issued pursuant to authority otherwise
5 provided by law;

6 (10) Determine the validity and sufficiency of
7 petitions filed under Article XIV, Section 3, of the
8 Constitution of the State of Illinois of 1970;

9 (11) Maintain in its principal office a research
10 library that includes, but is not limited to, abstracts of
11 votes by precinct for general primary elections and general
12 elections, current precinct maps and current precinct poll
13 lists from all election jurisdictions within the State. The
14 research library shall be open to the public during regular
15 business hours. Such abstracts, maps and lists shall be
16 preserved as permanent records and shall be available for
17 examination and copying at a reasonable cost;

18 (12) Supervise the administration of the registration
19 and election laws throughout the State;

20 (13) Obtain from the Department of Central Management
21 Services, under Section 405-250 of the Department of
22 Central Management Services Law (20 ILCS 405/405-250),
23 such use of electronic data processing equipment as may be
24 required to perform the duties of the State Board of
25 Elections and to provide election-related information to
26 candidates, public and party officials, interested civic

1 organizations and the general public in a timely and
2 efficient manner; and

3 (14) To take such action as may be necessary or
4 required to give effect to directions of the national
5 committee or State central committee of an established
6 political party under Sections 7-8, 7-11 and 7-14.1 or such
7 other provisions as may be applicable pertaining to the
8 selection of delegates and alternate delegates to an
9 established political party's national nominating
10 conventions or, notwithstanding any candidate
11 certification schedule contained within the Election Code,
12 the certification of the Presidential and Vice
13 Presidential candidate selected by the established party's
14 national nominating convention in 2004.

15 The Board may by regulation delegate any of its duties or
16 functions under this Article, except that final determinations
17 and orders under this Article shall be issued only by the
18 Board.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Legislative Research Unit, as
24 required by Section 3.1 of "An Act to revise the law in
25 relation to the General Assembly", approved February 25, 1874,
26 as amended, and filing such additional copies with the State

1 Government Report Distribution Center for the General Assembly
2 as is required under paragraph (t) of Section 7 of the State
3 Library Act.

4 (Source: P.A. 93-686, eff. 7-8-04.)

5 (10 ILCS 5/4-105)

6 Sec. 4-105. First time voting. A person must vote for the
7 first time in person and not by a mailed absentee ballot if the
8 person registered to vote by mail, unless the person first
9 provides the appropriate election authority with sufficient
10 proof of identity and the election authority verifies the
11 person's proof of identity. Sufficient proof of identity shall
12 be demonstrated by submission of the person's driver's license
13 number or State identification card number or, if the person
14 does not have either of those, verification by the last 4
15 digits of the person's social security number, a copy of a
16 current and valid photo identification, or a copy of a current
17 utility bill, bank statement, paycheck, government check, or
18 other government document that shows the person's name and
19 address. Persons who apply to register to vote by mail but
20 provide inadequate proof of identity to the election authority
21 shall be notified by the election authority that the
22 registration has not been fully completed and that the person
23 remains ineligible to vote by mail or in person until such
24 proof is presented. ~~If a person registered to vote by mail, the~~
25 ~~person must vote for the first time in person and not by an~~

1 ~~absentee ballot, except that the person may vote by absentee~~
2 ~~ballot in person if the person first provides the appropriate~~
3 ~~election authority with sufficient proof of identity by the~~
4 ~~person's driver's license number or State identification card~~
5 ~~number or, if the person does not have either of those, by the~~
6 ~~last 4 digits of the person's social security number, a copy of~~
7 ~~a current and valid photo identification, or a copy of any of~~
8 ~~the following current documents that show the person's name and~~
9 ~~address: utility bill, bank statement, paycheck, government~~
10 ~~check, or other government document.~~

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

12 (10 ILCS 5/5-105)

13 Sec. 5-105. First time voting. A person must vote for the
14 first time in person and not by a mailed absentee ballot if the
15 person registered to vote by mail, unless the person first
16 provides the appropriate election authority with sufficient
17 proof of identity and the election authority verifies the
18 person's proof of identity. Sufficient proof of identity shall
19 be demonstrated by submission of the person's driver's license
20 number or State identification card number or, if the person
21 does not have either of those, verification by the last 4
22 digits of the person's social security number, a copy of a
23 current and valid photo identification, or a copy of a current
24 utility bill, bank statement, paycheck, government check, or
25 other government document that shows the person's name and

1 address. Persons who apply to register to vote by mail but
2 provide inadequate proof of identity to the election authority
3 shall be notified by the election authority that the
4 registration has not been fully completed and that the person
5 remains ineligible to vote by mail or in person until such
6 proof is presented. ~~If a person registered to vote by mail, the~~
7 ~~person must vote for the first time in person and not by an~~
8 ~~absentee ballot, except that the person may vote by absentee~~
9 ~~ballot in person if the person first provides the appropriate~~
10 ~~election authority with sufficient proof of identity by the~~
11 ~~person's driver's license number or State identification card~~
12 ~~number or, if the person does not have either of those, by the~~
13 ~~last 4 digits of the person's social security number, a copy of~~
14 ~~a current and valid photo identification, or a copy of any of~~
15 ~~the following current documents that show the person's name and~~
16 ~~address: utility bill, bank statement, paycheck, government~~
17 ~~check, or other government document.~~

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

19 (10 ILCS 5/6-105)

20 Sec. 6-105. First time voting. A person must vote for the
21 first time in person and not by a mailed absentee ballot if the
22 person registered to vote by mail, unless the person first
23 provides the appropriate election authority with sufficient
24 proof of identity and the election authority verifies the
25 person's proof of identity. Sufficient proof of identity shall

1 be demonstrated by submission of the person's driver's license
2 number or State identification card number or, if the person
3 does not have either of those, verification by the last 4
4 digits of the person's social security number, a copy of a
5 current and valid photo identification, or a copy of a current
6 utility bill, bank statement, paycheck, government check, or
7 other government document that shows the person's name and
8 address. Persons who apply to register to vote by mail but
9 provide inadequate proof of identity to the election authority
10 shall be notified by the election authority that the
11 registration has not been fully completed and that the person
12 remains ineligible to vote by mail or in person until such
13 proof is presented. ~~If a person registered to vote by mail, the~~
14 ~~person must vote for the first time in person and not by an~~
15 ~~absentee ballot, except that the person may vote by absentee~~
16 ~~ballot in person if the person first provides the appropriate~~
17 ~~election authority with sufficient proof of identity by the~~
18 ~~person's driver's license number or State identification card~~
19 ~~number or, if the person does not have either of those, by the~~
20 ~~last 4 digits of the person's social security number, a copy of~~
21 ~~a current and valid photo identification, or a copy of any of~~
22 ~~the following current documents that show the person's name and~~
23 ~~address: utility bill, bank statement, paycheck, government~~
24 ~~check, or other government document.~~

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

1 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

2 Sec. 7-8. The State central committee shall be composed of
3 one or two members from each congressional district in the
4 State and shall be elected as follows:

5 State Central Committee

6 (a) Within 30 days after the effective date of this
7 amendatory Act of the 95th General Assembly ~~1983~~ the State
8 central committee of each political party shall certify to the
9 State Board of Elections which of the following alternatives it
10 wishes to apply to the State central committee of that party.

11 Alternative A. At the primary held in 2010, and at the
12 primary held every 4 years thereafter, each primary elector may
13 vote for one candidate of his party for member of the State
14 central committee for the congressional district in which he
15 resides. The State central committee of the political party
16 under Alternative A shall be composed of members elected from
17 the several congressional districts of the State, or appointed
18 to fill a vacancy, as herein provided, and of no other person
19 or persons whomever. The members of the State central committee
20 shall, within 30 days after their election, meet in the city of
21 Springfield and organize by electing from among their own
22 number a chairman, and may at such time elect such officers
23 from among their own number (or otherwise), as they may deem
24 necessary or expedient. The outgoing chairman of the State
25 central committee of the party shall, within 10 days before the
26 meeting, notify each member of the State central committee

1 elected at the primary of the time and place of such meeting.
2 In the organization and proceedings of the State central
3 committee, each State central committeeman shall have one vote
4 for each ballot voted in his congressional district by the
5 primary electors of his party at the primary at which he was
6 elected. Whenever a vacancy occurs in the State central
7 committee of the political party, the vacancy may be filled by
8 appointment by the congressional committee of the political
9 party in the congressional district from which the appointee's
10 predecessor was elected, and the member so selected to fill the
11 vacancy shall be a resident of that congressional district. At
12 ~~the primary held on the third Tuesday in March 1970, and at the~~
13 ~~primary held every 4 years thereafter, each primary elector may~~
14 ~~vote for one candidate of his party for member of the State~~
15 ~~central committee for the congressional district in which he~~
16 ~~resides. The candidate receiving the highest number of votes~~
17 ~~shall be declared elected State central committeeman from the~~
18 ~~district. A political party may, in lieu of the foregoing, by a~~
19 ~~majority vote of delegates at any State convention of such~~
20 ~~party, determine to thereafter elect the State central~~
21 ~~committeemen in the manner following:~~

22 ~~At the county convention held by such political party State~~
23 ~~central committeemen shall be elected in the same manner as~~
24 ~~provided in this Article for the election of officers of the~~
25 ~~county central committee, and such election shall follow the~~
26 ~~election of officers of the county central committee. Each~~

1 ~~elect~~ ward, township or precinct committeeman shall cast as
2 ~~his vote one vote for each ballot voted in his ward, township,~~
3 ~~part of a township or precinct in the last preceding primary~~
4 ~~election of his political party. In the case of a county lying~~
5 ~~partially within one congressional district and partially~~
6 ~~within another congressional district, each ward, township or~~
7 ~~precinct committeeman shall vote only with respect to the~~
8 ~~congressional district in which his ward, township, part of a~~
9 ~~township or precinct is located. In the case of a congressional~~
10 ~~district which encompasses more than one county, each ward,~~
11 ~~township or precinct committeeman residing within the~~
12 ~~congressional district shall cast as his vote one vote for each~~
13 ~~ballot voted in his ward, township, part of a township or~~
14 ~~precinct in the last preceding primary election of his~~
15 ~~political party for one candidate of his party for member of~~
16 ~~the State central committee for the congressional district in~~
17 ~~which he resides and the Chairman of the county central~~
18 ~~committee shall report the results of the election to the State~~
19 ~~Board of Elections. The State Board of Elections shall certify~~
20 ~~the candidate receiving the highest number of votes elected~~
21 ~~State central committeeman for that congressional district.~~

22 ~~The State central committee shall adopt rules to provide~~
23 ~~for and govern the procedures to be followed in the election of~~
24 ~~members of the State central committee.~~

25 ~~After the effective date of this amendatory Act of the 91st~~
26 ~~General Assembly, whenever a vacancy occurs in the office of~~

1 ~~Chairman of a State central committee, or at the end of the~~
2 ~~term of office of Chairman, the State central committee of each~~
3 ~~political party that has selected Alternative A shall elect a~~
4 ~~Chairman who shall not be required to be a member of the State~~
5 ~~Central Committee. The Chairman shall be a registered voter in~~
6 ~~this State and of the same political party as the State central~~
7 ~~committee.~~

8 Alternative B. Each congressional committee shall, within
9 30 days after the adoption of this alternative, appoint a
10 person of the sex opposite that of the incumbent member for
11 that congressional district to serve as an additional member of
12 the State central committee until his or her successor is
13 elected at the general primary election in 1986. Each
14 congressional committee shall make this appointment by voting
15 on the basis set forth in paragraph (e) of this Section. In
16 each congressional district at the general primary election
17 held in 1986 and every 4 years thereafter, the male candidate
18 receiving the highest number of votes of the party's male
19 candidates for State central committeeman, and the female
20 candidate receiving the highest number of votes of the party's
21 female candidates for State central committeewoman, shall be
22 declared elected State central committeeman and State central
23 committeewoman from the district. At the general primary
24 election held in 1986 and every 4 years thereafter, if all a
25 party's candidates for State central committeemen or State
26 central committeewomen from a congressional district are of the

1 same sex, the candidate receiving the highest number of votes
2 shall be declared elected a State central committeeman or State
3 central committeewoman from the district, and, because of a
4 failure to elect one male and one female to the committee, a
5 vacancy shall be declared to exist in the office of the second
6 member of the State central committee from the district. This
7 vacancy shall be filled by appointment by the congressional
8 committee of the political party, and the person appointed to
9 fill the vacancy shall be a resident of the congressional
10 district and of the sex opposite that of the committeeman or
11 committeewoman elected at the general primary election. Each
12 congressional committee shall make this appointment by voting
13 on the basis set forth in paragraph (e) of this Section.

14 The Chairman of a State central committee composed as
15 provided in this Alternative B must be selected from the
16 committee's members.

17 ~~The Except as provided for in Alternative A with respect to~~
18 ~~the selection of the Chairman of the~~ State central committee,
19 under both of the foregoing alternatives, the State central
20 committee of the each political party under Alternative B shall
21 be composed of members elected or appointed from the several
22 congressional districts of the State, and of no other person or
23 persons whomsoever. The members of the State central committee
24 shall, within 41 days after each quadrennial election of the
25 full committee, meet in the city of Springfield and organize by
26 electing a chairman, and may at such time elect such officers

1 from among their own number (or otherwise), as they may deem
2 necessary or expedient. The outgoing chairman of the State
3 central committee of the party shall, 10 days before the
4 meeting, notify each member of the State central committee
5 elected at the primary of the time and place of such meeting.
6 In the organization and proceedings of the State central
7 committee, each State central committeeman and State central
8 committeewoman shall have one vote for each ballot voted in his
9 or her congressional district by the primary electors of his or
10 her party at the primary election immediately preceding the
11 meeting of the State central committee. Whenever a vacancy
12 occurs in the State central committee of the ~~any~~ political
13 party, the vacancy shall be filled by appointment of the
14 chairmen of the county central committees of the political
15 party of the counties located within the congressional district
16 in which the vacancy occurs and, if applicable, the ward and
17 township committeemen of the political party in counties of
18 2,000,000 or more inhabitants located within the congressional
19 district. If the congressional district in which the vacancy
20 occurs lies wholly within a county of 2,000,000 or more
21 inhabitants, the ward and township committeemen of the
22 political party in that congressional district shall vote to
23 fill the vacancy. In voting to fill the vacancy, each chairman
24 of a county central committee and each ward and township
25 committeeman in counties of 2,000,000 or more inhabitants shall
26 have one vote for each ballot voted in each precinct of the

1 congressional district in which the vacancy exists of his or
2 her county, township, or ward cast by the primary electors of
3 his or her party at the primary election immediately preceding
4 the meeting to fill the vacancy in the State central committee.
5 The person appointed to fill the vacancy shall be a resident of
6 the congressional district in which the vacancy occurs, shall
7 be a qualified voter, and, ~~in a committee composed as provided~~
8 ~~in Alternative B,~~ shall be of the same sex as his or her
9 predecessor. A political party under Alternative A may, by a
10 majority vote of the delegates at their ~~of any~~ State convention
11 of such party, select a different Alternative under this
12 subsection than selected by the State central committee
13 ~~determine to return to the election of State central~~
14 ~~committeeman and State central committeewoman by the vote of~~
15 ~~primary electors.~~ Any action taken by a political party at a
16 State convention in accordance with this Section shall be
17 reported to the State Board of Elections by the chairman and
18 secretary of such convention within 10 days after such action.

19 Ward, Township and Precinct Committeemen

20 (b) At the primary held on the third Tuesday in March,
21 1972, and every 4 years thereafter, each primary elector in
22 cities having a population of 200,000 or over may vote for one
23 candidate of his party in his ward for ward committeeman. Each
24 candidate for ward committeeman must be a resident of and in
25 the ward where he seeks to be elected ward committeeman. The
26 one having the highest number of votes shall be such ward

1 committeeman of such party for such ward. At the primary
2 election held on the third Tuesday in March, 1970, and every 4
3 years thereafter, each primary elector in counties containing a
4 population of 2,000,000 or more, outside of cities containing a
5 population of 200,000 or more, may vote for one candidate of
6 his party for township committeeman. Each candidate for
7 township committeeman must be a resident of and in the township
8 or part of a township (which lies outside of a city having a
9 population of 200,000 or more, in counties containing a
10 population of 2,000,000 or more), and in which township or part
11 of a township he seeks to be elected township committeeman. The
12 one having the highest number of votes shall be such township
13 committeeman of such party for such township or part of a
14 township. At the primary held on the third Tuesday in March,
15 1970 and every 2 years thereafter, each primary elector, except
16 in counties having a population of 2,000,000 or over, may vote
17 for one candidate of his party in his precinct for precinct
18 committeeman. Each candidate for precinct committeeman must be
19 a bona fide resident of the precinct where he seeks to be
20 elected precinct committeeman. The one having the highest
21 number of votes shall be such precinct committeeman of such
22 party for such precinct. The official returns of the primary
23 shall show the name of the committeeman of each political
24 party.

25 Terms of Committeemen. All precinct committeemen elected
26 under the provisions of this Article shall continue as such

1 committeemen until the date of the primary to be held in the
2 second year after their election. Except as otherwise provided
3 in this Section for certain State central committeemen who have
4 2 year terms, all State central committeemen, township
5 committeemen and ward committeemen shall continue as such
6 committeemen until the date of primary to be held in the fourth
7 year after their election. However, a vacancy exists in the
8 office of precinct committeeman when a precinct committeeman
9 ceases to reside in the precinct in which he was elected and
10 such precinct committeeman shall thereafter neither have nor
11 exercise any rights, powers or duties as committeeman in that
12 precinct, even if a successor has not been elected or
13 appointed.

14 (c) The Multi-Township Central Committee shall consist of
15 the precinct committeemen of such party, in the multi-township
16 assessing district formed pursuant to Section 2-10 of the
17 Property Tax Code and shall be organized for the purposes set
18 forth in Section 45-25 of the Township Code. In the
19 organization and proceedings of the Multi-Township Central
20 Committee each precinct committeeman shall have one vote for
21 each ballot voted in his precinct by the primary electors of
22 his party at the primary at which he was elected.

23 County Central Committee

24 (d) The county central committee of each political party in
25 each county shall consist of the various township committeemen,
26 precinct committeemen and ward committeemen, if any, of such

1 party in the county. In the organization and proceedings of the
2 county central committee, each precinct committeeman shall
3 have one vote for each ballot voted in his precinct by the
4 primary electors of his party at the primary at which he was
5 elected; each township committeeman shall have one vote for
6 each ballot voted in his township or part of a township as the
7 case may be by the primary electors of his party at the primary
8 election for the nomination of candidates for election to the
9 General Assembly immediately preceding the meeting of the
10 county central committee; and in the organization and
11 proceedings of the county central committee, each ward
12 committeeman shall have one vote for each ballot voted in his
13 ward by the primary electors of his party at the primary
14 election for the nomination of candidates for election to the
15 General Assembly immediately preceding the meeting of the
16 county central committee.

17 Cook County Board of Review Election District Committee

18 (d-1) Each board of review election district committee of
19 each political party in Cook County shall consist of the
20 various township committeemen and ward committeemen, if any, of
21 that party in the portions of the county composing the board of
22 review election district. In the organization and proceedings
23 of each of the 3 election district committees, each township
24 committeeman shall have one vote for each ballot voted in his
25 or her township or part of a township, as the case may be, by
26 the primary electors of his or her party at the primary

1 election immediately preceding the meeting of the board of
2 review election district committee; and in the organization and
3 proceedings of each of the 3 election district committees, each
4 ward committeeman shall have one vote for each ballot voted in
5 his or her ward or part of that ward, as the case may be, by the
6 primary electors of his or her party at the primary election
7 immediately preceding the meeting of the board of review
8 election district committee.

9 Congressional Committee

10 (e) The congressional committee of each party in each
11 congressional district shall be composed of the chairmen of the
12 county central committees of the counties composing the
13 congressional district, except that in congressional districts
14 wholly within the territorial limits of one county, ~~or partly~~
15 ~~within 2 or more counties, but not coterminous with the county~~
16 ~~lines of all of such counties,~~ the precinct committeemen,
17 township committeemen and ward committeemen, if any, of the
18 party representing the precincts within the limits of the
19 congressional district, shall compose the congressional
20 committee. A State central committeeman in each district shall
21 be a member and the chairman or, when a district has 2 State
22 central committeemen, a co-chairman of the congressional
23 committee, but shall not have the right to vote except in case
24 of a tie.

25 In the organization and proceedings of congressional
26 committees composed of precinct committeemen or township

1 committeemen or ward committeemen, or any combination thereof,
2 each precinct committeeman shall have one vote for each ballot
3 voted in his precinct by the primary electors of his party at
4 the primary at which he was elected, each township committeeman
5 shall have one vote for each ballot voted in his township or
6 part of a township as the case may be by the primary electors
7 of his party at the primary election immediately preceding the
8 meeting of the congressional committee, and each ward
9 committeeman shall have one vote for each ballot voted in each
10 precinct of his ward located in such congressional district by
11 the primary electors of his party at the primary election
12 immediately preceding the meeting of the congressional
13 committee; and in the organization and proceedings of
14 congressional committees composed of the chairmen of the county
15 central committees of the counties within such district, each
16 chairman of such county central committee shall have one vote
17 for each ballot voted in his county by the primary electors of
18 his party at the primary election immediately preceding the
19 meeting of the congressional committee.

20 Judicial District Committee

21 (f) The judicial district committee of each political party
22 in each judicial district shall be composed of the chairman of
23 the county central committees of the counties composing the
24 judicial district.

25 In the organization and proceedings of judicial district
26 committees composed of the chairmen of the county central

1 committees of the counties within such district, each chairman
2 of such county central committee shall have one vote for each
3 ballot voted in his county by the primary electors of his party
4 at the primary election immediately preceding the meeting of
5 the judicial district committee.

6 Circuit Court Committee

7 (g) The circuit court committee of each political party in
8 each judicial circuit outside Cook County shall be composed of
9 the chairmen of the county central committees of the counties
10 composing the judicial circuit.

11 In the organization and proceedings of circuit court
12 committees, each chairman of a county central committee shall
13 have one vote for each ballot voted in his county by the
14 primary electors of his party at the primary election
15 immediately preceding the meeting of the circuit court
16 committee.

17 Judicial Subcircuit Committee

18 (g-1) The judicial subcircuit committee of each political
19 party in each judicial subcircuit in a judicial circuit divided
20 into subcircuits shall be composed of (i) the ward and township
21 committeemen of the townships and wards composing the judicial
22 subcircuit in Cook County and (ii) the precinct committeemen of
23 the precincts composing the judicial subcircuit in any county
24 other than Cook County.

25 In the organization and proceedings of each judicial
26 subcircuit committee, each township committeeman shall have

1 one vote for each ballot voted in his township or part of a
2 township, as the case may be, in the judicial subcircuit by the
3 primary electors of his party at the primary election
4 immediately preceding the meeting of the judicial subcircuit
5 committee; each precinct committeeman shall have one vote for
6 each ballot voted in his precinct or part of a precinct, as the
7 case may be, in the judicial subcircuit by the primary electors
8 of his party at the primary election immediately preceding the
9 meeting of the judicial subcircuit committee; and each ward
10 committeeman shall have one vote for each ballot voted in his
11 ward or part of a ward, as the case may be, in the judicial
12 subcircuit by the primary electors of his party at the primary
13 election immediately preceding the meeting of the judicial
14 subcircuit committee.

15 Municipal Central Committee

16 (h) The municipal central committee of each political party
17 shall be composed of the precinct, township or ward
18 committeemen, as the case may be, of such party representing
19 the precincts or wards, embraced in such city, incorporated
20 town or village. The voting strength of each precinct, township
21 or ward committeeman on the municipal central committee shall
22 be the same as his voting strength on the county central
23 committee.

24 For political parties, other than a statewide political
25 party, established only within a municipality or township, the
26 municipal or township managing committee shall be composed of

1 the party officers of the local established party. The party
2 officers of a local established party shall be as follows: the
3 chairman and secretary of the caucus for those municipalities
4 and townships authorized by statute to nominate candidates by
5 caucus shall serve as party officers for the purpose of filling
6 vacancies in nomination under Section 7-61; for municipalities
7 and townships authorized by statute or ordinance to nominate
8 candidates by petition and primary election, the party officers
9 shall be the party's candidates who are nominated at the
10 primary. If no party primary was held because of the provisions
11 of Section 7-5, vacancies in nomination shall be filled by the
12 party's remaining candidates who shall serve as the party's
13 officers.

14 Powers

15 (i) Each committee and its officers shall have the powers
16 usually exercised by such committees and by the officers
17 thereof, not inconsistent with the provisions of this Article.
18 The several committees herein provided for shall not have power
19 to delegate any of their powers, or functions to any other
20 person, officer or committee, but this shall not be construed
21 to prevent a committee from appointing from its own membership
22 proper and necessary subcommittees.

23 (j) The State central committee of a political party which
24 elects its members by Alternative B under paragraph (a) of this
25 Section shall adopt a plan to give effect to the delegate
26 selection rules of the national political party and file a copy

1 of such plan with the State Board of Elections when approved by
2 a national political party.

3 (k) For the purpose of the designation of a proxy by a
4 Congressional Committee to vote in place of an absent State
5 central committeeman or committeewoman at meetings of the State
6 central committee of a political party which elects its members
7 by Alternative B under paragraph (a) of this Section, the proxy
8 shall be appointed by the vote of the ward and township
9 committeemen, if any, of the wards and townships which lie
10 entirely or partially within the Congressional District from
11 which the absent State central committeeman or committeewoman
12 was elected and the vote of the chairmen of the county central
13 committees of those counties which lie entirely or partially
14 within that Congressional District and in which there are no
15 ward or township committeemen. When voting for such proxy the
16 county chairman, ward committeeman or township committeeman,
17 as the case may be shall have one vote for each ballot voted in
18 his county, ward or township, or portion thereof within the
19 Congressional District, by the primary electors of his party at
20 the primary at which he was elected. However, the absent State
21 central committeeman or committeewoman may designate a proxy
22 when permitted by the rules of a political party which elects
23 its members by Alternative B under paragraph (a) of this
24 Section.

25 Notwithstanding any law to the contrary, a person is
26 ineligible to hold the position of committeeperson in any

1 committee established pursuant to this Section if he or she is
2 statutorily ineligible to vote in a general election because of
3 conviction of a felony. When a committeeperson is convicted of
4 a felony, the position occupied by that committeeperson shall
5 automatically become vacant.

6 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;
7 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

8 (10 ILCS 5/7-13.1) (from Ch. 46, par. 7-13.1)

9 Sec. 7-13.1. Certification of Candidates-Consolidated
10 primary. Not less than 61 days before the date of the
11 consolidated primary, each local election official of each
12 political subdivision required to nominate candidates for the
13 respective offices by primary shall certify to each election
14 authority whose duty it is to prepare the official ballot for
15 the consolidated primary in such political subdivision the
16 names of all candidates in whose behalf nomination papers have
17 been filed in the office of such local election official and
18 direct the election authority to place upon the official ballot
19 for the consolidated primary election the names of such
20 candidates in the same manner and in the same order as shown
21 upon the certification. However, subject to appeal, the names
22 of candidates whose nomination papers have been held invalid by
23 the appropriate electoral board provided in Section 10-9 of
24 this Code shall not be so certified. The certification shall be
25 modified as necessary to comply with the requirements of any

1 other statute or any ordinance adopted pursuant to Article VII
2 of the Constitution prescribing specific provisions for
3 nonpartisan elections, including without limitation Articles
4 3, 4 and 5 of "The Municipal Code".

5 The names of candidates shall be listed on the
6 certification for the respective offices in the order in which
7 the candidates have filed their nomination papers, or as
8 determined by lot, or as otherwise specified by statute.

9 In every instance where applicable, the following shall
10 also be indicated in the certification:

11 (1) Where there is to be more than one candidate elected to
12 an office from a political subdivision or district;

13 (2) Where a voter has the right to vote for more than one
14 candidate for an office;

15 (3) The terms of the office to be on the ballot, when a
16 vacancy is to be filled for less than a full term, or when
17 offices of a particular subdivision to be on the ballot at the
18 same election are to be filled for different terms; ~~and~~

19 (4) The territory in which a candidate is required by law
20 to reside, when such residency requirement is not identical to
21 the territory of the political subdivision from which the
22 candidate is to be elected or nominated; ~~and~~

23 (5) Where a candidate's nominating papers or petitions have
24 been objected to and the objection has been sustained by the
25 electoral board established in Section 10-10, the words
26 "OBJECTION SUSTAINED" shall be placed under the title of the

1 office being sought by the candidate and the name of the
2 aggrieved candidate shall not appear; and

3 (6) Where a candidate's nominating papers or petitions have
4 been objected to and the decision of the electoral board
5 established in Section 10-10 is either unknown or known to be
6 in judicial review, the words "OBJECTION PENDING" shall be
7 placed under the title of the office being sought by the
8 candidate and next to the name of the candidate.

9 The local election official shall issue an amended
10 certification whenever it is discovered that the original
11 certification is in error.

12 (Source: P.A. 84-757.)

13 (10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

14 Sec. 7-41. (a) All officers upon whom is imposed by law the
15 duty of designating and providing polling places for general
16 elections, shall provide in each such polling place so
17 designated and provided, a sufficient number of booths for such
18 primary election, which booths shall be provided with shelves,
19 such supplies and pencils as will enable the voter to prepare
20 his ballot for voting and in which voters may prepare their
21 ballots screened from all observation as to the manner in which
22 they do so. Such booths shall be within plain view of the
23 election officers and both they and the ballot boxes shall be
24 within plain view of those within the proximity of the voting
25 booths. No person other than election officers and the

1 challengers allowed by law and those admitted for the purpose
2 of voting, as hereinafter provided, shall be permitted within
3 the proximity of the voting booths, except by authority of the
4 primary officers to keep order and enforce the law.

5 (b) The number of such voting booths shall not be less than
6 one to every seventy-five voters or fraction thereof, who voted
7 at the last preceding election in the precinct or election
8 district.

9 (c) No person shall do any electioneering or soliciting of
10 votes on primary day within any polling place or within one
11 hundred feet of any polling place, or, at the option of a
12 church or private school, on any of the property of that church
13 or private school that is a polling place. Election officers
14 shall place 2 or more cones, small United States national
15 flags, or some other marker a distance of 100 horizontal feet
16 from each entrance to the room used by voters to engage in
17 voting, which shall be known as the polling room. If the
18 polling room is located within a building that is a private
19 business, a public or private school, or a church or other
20 organization founded for the purpose of religious worship and
21 the distance of 100 horizontal feet ends within the interior of
22 the building, then the markers shall be placed outside of the
23 building at each entrance used by voters to enter that building
24 on the grounds adjacent to the thoroughfare or walkway. If the
25 polling room is located within a public or private building
26 with 2 or more floors and the polling room is located on the

1 ground floor, then the markers shall be placed 100 horizontal
2 feet from each entrance to the polling room used by voters to
3 engage in voting. If the polling room is located in a public or
4 private building with 2 or more floors and the polling room is
5 located on a floor above or below the ground floor, then the
6 markers shall be placed a distance of 100 feet from the nearest
7 elevator or staircase used by voters on the ground floor to
8 access the floor where the polling room is located. The area
9 within where the markers are placed shall be known as a
10 campaign free zone, and electioneering is prohibited pursuant
11 to this subsection. Notwithstanding any other provision of this
12 Section, a church or private school may choose to apply the
13 campaign free zone to its entire property, and, if so, the
14 markers shall be placed near the boundaries on the grounds
15 adjacent to the thoroughfares or walkways leading to the
16 entrances used by the voters. At or near the door of each
17 polling place, the election judges shall place signage
18 indicating the proper entrance to the polling place. In
19 addition, the election judges shall ensure that a sign
20 identifying the location of the polling place is placed on a
21 nearby public roadway. The State Board of Elections shall
22 establish guidelines for the placement of polling place signage
23 by rule.

24 The area on polling place property beyond the campaign free
25 zone, whether publicly or privately owned, is a public forum
26 for the time that the polls are open on an election day. At the

1 request of election officers any publicly owned building must
2 be made available for use as a polling place. A person shall
3 have the right to congregate and engage in electioneering on
4 any polling place property while the polls are open beyond the
5 campaign free zone, including but not limited to, the placement
6 of temporary signs. This subsection shall be construed
7 liberally in favor of persons engaging in electioneering on all
8 polling place property beyond the campaign free zone for the
9 time that the polls are open on an election day.

10 (d) The regulation of electioneering on polling place
11 property on an election day, including but not limited to the
12 placement of temporary signs, is an exclusive power and
13 function of the State. A home rule unit may not regulate
14 electioneering and any ordinance or local law contrary to
15 subsection (c) is declared void. This is a denial and
16 limitation of home rule powers and functions under subsection
17 (h) of Section 6 of Article VII of the Illinois Constitution.

18 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

19 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

20 Sec. 7-43. Every person having resided in this State 6
21 months and in the precinct 30 days next preceding any primary
22 therein who shall be a citizen of the United States of the age
23 of 18 or more years, shall be entitled to vote at such primary.

24 The following regulations shall be applicable to
25 primaries:

1 No person shall be entitled to vote at a primary:

2 (a) Unless he declares his party affiliations as required
3 by this Article.

4 (b) (Blank.) ~~Who shall have signed the petition for~~
5 ~~nomination of a candidate of any party with which he does not~~
6 ~~affiliate, when such candidate is to be voted for at the~~
7 ~~primary.~~

8 (c) (Blank.) ~~Who shall have signed the nominating papers of~~
9 ~~an independent candidate for any office for which office~~
10 ~~candidates for nomination are to be voted for at such primary.~~

11 (c.5) If that person has participated in the town political
12 party caucus, under Section 45-50 of the Township Code, of
13 another political party by signing an affidavit of voters
14 attending the caucus within 45 days before the first day of the
15 calendar month in which the primary is held.

16 (d) (Blank.) ~~If he has voted at a primary held under this~~
17 ~~Article 7 of another political party within a period of 23~~
18 ~~calendar months next preceding the calendar month in which such~~
19 ~~primary is held: Provided, participation by a primary elector~~
20 ~~in a primary of a political party which, under the provisions~~
21 ~~of Section 7-2 of this Article, is a political party within a~~
22 ~~city, village or incorporated town or town only and entitled~~
23 ~~hereunder to make nominations of candidates for city, village~~
24 ~~or incorporated town or town offices only, and for no other~~
25 ~~office or offices, shall not disqualify such primary elector~~
26 ~~from participating in other primaries of his party: And,~~

1 ~~provided, that no qualified voter shall be precluded from~~
2 ~~participating in the primary of any purely city, village or~~
3 ~~incorporated town or town political party under the provisions~~
4 ~~of Section 7-2 of this Article by reason of such voter having~~
5 ~~voted at the primary of another political party within a period~~
6 ~~of 23 calendar months next preceding the calendar month in~~
7 ~~which he seeks to participate is held.~~

8 (e) In cities, villages and incorporated towns having a
9 board of election commissioners only voters registered as
10 provided by Article 6 of this Act shall be entitled to vote at
11 such primary.

12 (f) No person shall be entitled to vote at a primary unless
13 he is registered under the provisions of Articles 4, 5 or 6 of
14 this Act, when his registration is required by any of said
15 Articles to entitle him to vote at the election with reference
16 to which the primary is held.

17 (Source: P.A. 89-331, eff. 8-17-95.)

18 (10 ILCS 5/9-9.5)

19 Sec. 9-9.5. Disclosures in political communications.

20 (a) Any political committee, organized under the Election
21 Code, that makes an expenditure for a pamphlet, circular,
22 handbill, Internet or telephone communication, radio,
23 television, or print advertisement, or other communication
24 directed at voters and mentioning the name of a candidate in
25 the next upcoming election shall ensure that the name of the

1 political committee paying for any part of the communication,
2 including, but not limited to, its preparation and
3 distribution, is identified clearly within the communication
4 as the payor. This subsection does not apply to items that are
5 too small to contain the required disclosure. Nothing in this
6 subsection shall require disclosure on any telephone
7 communication using random sampling or other scientific survey
8 methods to gauge public opinion for or against any candidate or
9 question of public policy.

10 Whenever any vendor or other person provides any of the
11 services listed in this subsection, other than any telephone
12 communication using random sampling or other scientific survey
13 methods to gauge public opinion for or against any candidate or
14 question of public policy, the vendor or person shall keep and
15 maintain records showing the name and address of the person who
16 purchased or requested the services and the amount paid for the
17 services. The records required by this subsection shall be kept
18 for a period of one year after the date upon which payment was
19 received for the services.

20 (b) Any political committee, organized under this Code,
21 that makes an expenditure for a pamphlet, circular, handbill,
22 Internet or telephone communication, radio, television, or
23 print advertisement, or other communication directed at voters
24 and (i) mentioning the name of a candidate in the next upcoming
25 election, without that candidate's permission, or ~~and~~ (ii)
26 advocating for or against a public policy position shall ensure

1 that the name of the political committee paying for any part of
2 the communication, including, but not limited to, its
3 preparation and distribution, is identified clearly within the
4 communication. Nothing in this subsection shall require
5 disclosure on any telephone communication using random
6 sampling or other scientific survey methods to gauge public
7 opinion for or against any candidate or question of public
8 policy.

9 (c) A political committee organized under this Code shall
10 not make an expenditure for any unsolicited telephone call to
11 the line of a residential telephone customer in this State
12 using any method to block or otherwise circumvent that
13 customer's use of a caller identification service.

14 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04;
15 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

16 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

17 Sec. 10-3. Nomination of independent candidates (not
18 candidates of any political party), for any office to be filled
19 by the voters of the State at large may also be made by
20 nomination papers signed in the aggregate for each candidate by
21 1% of the number of voters who voted in the next preceding
22 Statewide general election or 25,000 qualified voters of the
23 State, whichever is less. Nominations of independent
24 candidates for public office within any district or political
25 subdivision less than the State, may be made by nomination

1 papers signed in the aggregate for each candidate by qualified
2 voters of such district, or political subdivision, equaling not
3 less than 5%, nor more than 8% (or 50 more than the minimum,
4 whichever is greater) of the number of persons, who voted at
5 the next preceding regular election in such district or
6 political subdivision in which such district or political
7 subdivision voted as a unit for the election of officers to
8 serve its respective territorial area, ~~except that independent~~
9 ~~candidates for the General Assembly shall require not less than~~
10 ~~10%, nor more than 16% of the number of persons who voted at~~
11 ~~the next preceding general election in such district or~~
12 ~~political subdivision in which such district or political~~
13 ~~subdivision voted as a unit for the election of officers to~~
14 ~~serve its respective territorial area.~~ However, whenever the
15 minimum signature requirement for an independent candidate
16 petition for a district or political subdivision office shall
17 exceed the minimum number of signatures for an independent
18 candidate petition for an office to be filled by the voters of
19 the State at large at the next preceding State-wide general
20 election, such State-wide petition signature requirement shall
21 be the minimum for an independent candidate petition for such
22 district or political subdivision office. For the first
23 election following a redistricting of congressional districts,
24 nomination papers for an independent candidate for congressman
25 shall be signed by at least 5,000 qualified voters of the
26 congressional district. For the first election following a

1 redistricting of legislative districts, nomination papers for
2 an independent candidate for State Senator in the General
3 Assembly shall be signed by at least 3,000 qualified voters of
4 the legislative district. For the first election following a
5 redistricting of representative districts, nomination papers
6 for an independent candidate for State Representative in the
7 General Assembly shall be signed by at least 1,500 qualified
8 voters of the representative district. For the first election
9 following redistricting of county board districts, or of
10 municipal wards or districts, or for the first election
11 following the initial establishment of such districts or wards
12 in a county or municipality, nomination papers for an
13 independent candidate for county board member, or for alderman
14 or trustee of such municipality, shall be signed by qualified
15 voters of the district or ward equal to not less than 5% nor
16 more than 8% (or 50 more than the minimum, whichever is
17 greater) of the total number of votes cast at the preceding
18 general or general municipal election, as the case may be, for
19 the county or municipal office voted on throughout such county
20 or municipality for which the greatest total number of votes
21 were cast for all candidates, divided by the number of
22 districts or wards, but in any event not less than 25 qualified
23 voters of the district or ward. Each voter signing a nomination
24 paper shall add to his signature his place of residence, and
25 each voter may subscribe to one nomination for such office to
26 be filled, and no more: Provided that the name of any candidate

1 whose name may appear in any other place upon the ballot shall
2 not be so added by petition for the same office.

3 The person circulating the petition, or the candidate on
4 whose behalf the petition is circulated, may strike any
5 signature from the petition, provided that;

6 (1) the person striking the signature shall initial the
7 petition at the place where the signature is struck; and

8 (2) the person striking the signature shall sign a
9 certification listing the page number and line number of
10 each signature struck from the petition. Such
11 certification shall be filed as a part of the petition.

12 (3) the persons striking signatures from the petition
13 shall each sign an additional certificate specifying the
14 number of certification pages listing stricken signatures
15 which are attached to the petition and the page numbers
16 indicated on such certifications. The certificate shall be
17 filed as a part of the petition, shall be numbered, and
18 shall be attached immediately following the last page of
19 voters' signatures and before the certifications of
20 stricken signatures.

21 (4) all of the foregoing requirements shall be
22 necessary to effect a valid striking of any signature. The
23 provisions of this Section authorizing the striking of
24 signatures shall not impose any criminal liability on any
25 person so authorized for signatures which may be
26 fraudulent.

1 In the case of the offices of Governor and Lieutenant
2 Governor a joint petition including one candidate for each of
3 those offices must be filed.

4 ~~Every petition for nomination of an independent candidate~~
5 ~~for any office for which candidates of established political~~
6 ~~parties are nominated at the general primary shall be filed~~
7 ~~within the time designated in Section 7-12 of this Act in~~
8 ~~regard to nomination at the general primary of any other~~
9 ~~candidate for such office.~~

10 A candidate for whom a nomination paper has been filed as a
11 partisan candidate at a primary election, and who is defeated
12 for his or her nomination at the primary election, is
13 ineligible to be placed on the ballot as an independent
14 candidate for election in that general or consolidated
15 election.

16 A candidate seeking election to an office for which
17 candidates of political parties are nominated by caucus who is
18 a participant in the caucus and who is defeated for his or her
19 nomination at such caucus, is ineligible to be listed on the
20 ballot at that general or consolidated election as an
21 independent candidate.

22 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

23 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

24 Sec. 10-6. Time and manner of filing. Certificates ~~Except~~
25 ~~as provided in Section 10-3, certificates~~ of nomination and

1 nomination papers for the nomination of candidates for offices
2 to be filled by electors of the entire State, or any district
3 not entirely within a county, or for congressional, state
4 legislative or judicial offices, shall be presented to the
5 principal office of the State Board of Elections not more than
6 141 nor less than 134 days previous to the day of election for
7 which the candidates are nominated. The State Board of
8 Elections shall endorse the certificates of nomination or
9 nomination papers, as the case may be, and the date and hour of
10 presentment to it. Except as otherwise provided in this
11 section, all other certificates for the nomination of
12 candidates shall be filed with the county clerk of the
13 respective counties not more than 141 but at least 134 days
14 previous to the day of such election. Certificates of
15 nomination and nomination papers for the nomination of
16 candidates for the offices of political subdivisions to be
17 filled at regular elections other than the general election
18 shall be filed with the local election official of such
19 subdivision:

20 (1) (Blank);

21 (2) not more than 78 nor less than 71 days prior to the
22 consolidated election; or

23 (3) not more than 78 nor less than 71 days prior to the
24 general primary in the case of municipal offices to be
25 filled at the general primary election; or

26 (4) not more than 78 nor less than 71 days before the

1 consolidated primary in the case of municipal offices to be
2 elected on a nonpartisan basis pursuant to law (including
3 without limitation, those municipal offices subject to
4 Articles 4 and 5 of the Municipal Code); or

5 (5) not more than 78 nor less than 71 days before the
6 municipal primary in even numbered years for such
7 nonpartisan municipal offices where annual elections are
8 provided; or

9 (6) in the case of petitions for the office of
10 multi-township assessor, such petitions shall be filed
11 with the election authority not more than 78 nor less than
12 71 days before the consolidated election.

13 However, where a political subdivision's boundaries are
14 co-extensive with or are entirely within the jurisdiction of a
15 municipal board of election commissioners, the certificates of
16 nomination and nomination papers for candidates for such
17 political subdivision offices shall be filed in the office of
18 such Board.

19 (Source: P.A. 90-358, eff. 1-1-98; 91-317, eff. 7-29-99.)

20 (10 ILCS 5/10-15) (from Ch. 46, par. 10-15)

21 Sec. 10-15. Not less than 61 days before the date of the
22 consolidated and nonpartisan elections, each local election
23 official with whom certificates of nomination or nominating
24 petitions have been filed shall certify to each election
25 authority having jurisdiction over any of the territory of his

1 political subdivision the names of all candidates entitled to
2 be printed on the ballot for offices of that political
3 subdivision to be voted upon at such election and direct the
4 election authority to place upon the official ballot for such
5 election the names of such candidates in the same manner and in
6 the same order as shown upon the certification.

7 The local election officials shall certify such candidates
8 for each office in the order in which such candidates'
9 certificates of nomination or nominating petitions were filed
10 in his office. However, subject to appeal, the names of
11 candidates whose petitions have been held invalid by the
12 appropriate electoral board provided in Section 10-9 of this
13 Act shall not be so certified. The certification shall be
14 modified as necessary to comply with the requirements of any
15 other statute or any ordinance adopted pursuant to Article VII
16 of the Constitution prescribing specific provisions for
17 nonpartisan elections, including without limitation Articles 4
18 and 5 of "The Municipal Code" or Article 9 of The School Code.

19 In every instance where applicable, the following shall
20 also be indicated in the certification:

21 (1) The political party affiliation, if any, of the
22 candidates for the respective offices;

23 (2) Where there is to be more than one candidate elected to
24 an office from a political subdivision or district;

25 (3) Where a voter has the right to vote for more than one
26 candidate for an office;

1 (4) The terms of the office to be on the ballot, when a
2 vacancy is to be filled for less than a full term, or when
3 offices of a particular subdivision to be on the ballot at the
4 same election are to be filled for different terms; ~~and~~

5 (5) The territory in which a candidate is required by law
6 to reside, when such residency requirement is not identical to
7 the territory of the political subdivision from which the
8 candidate is to be elected or nominated; ~~-~~

9 (6) Where a candidate's nominating papers or petitions have
10 been objected to and the objection has been sustained by the
11 electoral board established in Section 10-10, the words
12 "OBJECTION SUSTAINED" shall be placed under the title of the
13 office being sought by the candidate and the name of the
14 aggrieved candidate shall not appear; and

15 (7) Where a candidate's nominating papers or petitions have
16 been objected to and the decision of the electoral board
17 established in Section 10-10 is either unknown or known to be
18 in judicial review, the words "OBJECTION PENDING" shall be
19 placed under the title of the office being sought by the
20 candidate and next to the name of the candidate.

21 For the consolidated election, and for the general primary
22 in the case of certain municipalities having annual elections,
23 the candidates of new political parties shall be placed on the
24 ballot for such elections after the established political party
25 candidates and in the order of new political party petition
26 filings.

1 The local election official shall issue an amended
2 certification whenever it is discovered that the original
3 certification is in error.

4 (Source: P.A. 86-874.)

5 (10 ILCS 5/12A-10)

6 Sec. 12A-10. Candidate statements and photographs in the
7 Internet Guide.

8 (a) Any candidate whose name appears in the Internet Guide
9 may submit a written statement and a photograph to appear in
10 the Internet Guide, provided that:

11 (1) No personal statement may exceed a brief biography
12 (name, age, education, and current employment) and an
13 additional 400 words.

14 (2) Personal statements may include contact
15 information for the candidate, including the address and
16 phone number of the campaign headquarters, and the
17 candidate's website.

18 (3) Personal statements may not mention a candidate's
19 opponents by name.

20 (4) No personal statement may include language that may
21 not be legally sent through the mail.

22 (5) The photograph shall be a conventional photograph
23 with a plain background and show only the face, or the
24 head, neck, and shoulders, of the candidate.

25 (6) The photograph shall not (i) show the candidate's

1 hands, anything in the candidate's hands, or the candidate
2 wearing a judicial robe, a hat, or a military, police, or
3 fraternal uniform or (ii) include the uniform or insignia
4 of any organization.

5 (b) The Board must note in the text of the Internet Guide
6 that personal statements were submitted by the candidate or his
7 or her designee and were not edited by the Board.

8 (c) Where a candidate declines to submit a statement, the
9 Board may note that the candidate declined to submit a
10 statement.

11 (d) (Blank.) ~~The candidate must pay \$600 for inclusion of~~
12 ~~his or her personal statement and photograph, and the Board~~
13 ~~shall not include photographs or statements from candidates who~~
14 ~~do not pay the fee. The Board may adopt rules for refunding~~
15 ~~that fee at the candidate's request, provided that the Board~~
16 ~~may not include a statement or photograph from a candidate who~~
17 ~~has requested a refund of a fee. Fees collected pursuant to~~
18 ~~this subsection shall be deposited into the Voters' Guide Fund,~~
19 ~~a special fund created in the State treasury. Moneys in the~~
20 ~~Voters' Guide Fund shall be appropriated solely to the State~~
21 ~~Board of Elections for use in the implementation and~~
22 ~~administration of this Article 12A.~~

23 (e) Anyone other than the candidate submitting a statement
24 or photograph from a candidate must attest that he or she is
25 doing so on behalf and at the direction of the candidate. The
26 Board may assess a civil fine of no more than \$1,000 against a

1 person or entity who falsely submits a statement or photograph
2 not authorized by the candidate.

3 (f) Nothing in this Article makes the author of any
4 statement exempt from any civil or criminal action because of
5 any defamatory statements offered for posting or contained in
6 the Internet Guide. The persons writing, signing, or offering a
7 statement for inclusion in the Internet Guide are deemed to be
8 its authors and publishers, and the Board shall not be liable
9 in any case or action relating to the content of any material
10 submitted by any candidate.

11 (g) The Board may set reasonable deadlines for the
12 submission of personal statements and photographs, ~~provided~~
13 ~~that a deadline may not be less than 5 business days after the~~
14 ~~last day for filing new party petitions.~~

15 (h) The Board may set formats for the submission of
16 statements and photographs. The Board may require that
17 statements and photographs are submitted in an electronic
18 format.

19 (i) ~~Fines Fees and fines~~ collected pursuant to subsection
20 ~~subsections (d) and (e), respectively,~~ of this Section shall be
21 deposited into the Voters' Guide Fund, a special fund created
22 in the State treasury. Moneys in the Voters' Guide Fund shall
23 be appropriated solely to the State Board of Elections for use
24 in the implementation and administration of this Article 12A.

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

1 (10 ILCS 5/12A-35)

2 Sec. 12A-35. Board's review of candidate photograph and
3 statement; procedure for revision.

4 (a) If a candidate files a photograph and statement under
5 item (8) of Section 12A-5 in a voters' guide, the Board shall
6 review the photograph and statement to ensure that they comply
7 with the requirements of Section 12A-10. Review by the Board
8 under this Section shall be limited to determining whether the
9 photograph and statement comply with the requirements of
10 Section 12A-10 and may not include any determination relating
11 to the accuracy or truthfulness of the substance or contents of
12 the materials filed.

13 (b) The Board shall review each photograph and statement
14 ~~not later than 3 business days following the deadline for~~
15 ~~filing a photograph and statement.~~ If the Board determines that
16 the photograph or statement of a candidate must be revised in
17 order to comply with the requirements of Section 12A-10, the
18 Board shall attempt to contact the candidate ~~not later than the~~
19 ~~5th day after the deadline for filing a photograph and~~
20 ~~statement.~~ A candidate contacted by the Board under this
21 Section may file a revised photograph or statement no later
22 than the 5th ~~7th~~ business day following notification ~~the~~
23 ~~deadline for filing a photograph and statement.~~

24 (c) If the Board is required to attempt to contact a
25 candidate under subsection (b) of this Section, the Board shall
26 attempt to contact the candidate by telephone or by using an

1 electronic transmission facsimile machine, if such contact
2 information is provided by the candidate.

3 (d) If the Board is unable to contact a candidate, if the
4 candidate does not file a revised photograph or statement, or
5 if the revised filing under subsection (b) again fails to meet
6 the standards of review set by the Board:

7 (1) If a photograph does not comply with Section
8 12A-10, the Board may modify the photograph. The candidate
9 shall pay the expense of any modification before
10 publication of the photograph in the voters' guide. If the
11 photograph cannot be modified to comply with Section
12 12A-10, the photograph shall not be printed in the guide.

13 (2) If a statement does not comply with Section 12A-10,
14 the statement shall not be published in the voters' guide.

15 (e) If the photograph or statement of a candidate filed
16 under item (8) of Section 12A-5 does not comply with a
17 requirement of Section 12A-10 and the Board does not attempt to
18 contact the candidate by the deadline specified in subsection
19 (b) of this Section, then, for purposes of this Section only,
20 the photograph or statement shall be published as filed.

21 (f) A candidate revising a photograph or statement under
22 this Section shall make only those revisions necessary to
23 comply with Section 12A-10.

24 (g) The Board may by rule define the term "contact" as used
25 in this Section.

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

1 (10 ILCS 5/13-4) (from Ch. 46, par. 13-4)

2 Sec. 13-4. Qualifications.

3 (a) All persons elected or chosen judge of election must:

4 (1) be citizens of the United States and entitled to vote at
5 the next election, except as provided in subsection (b) or (c);

6 (2) be of good repute and character; (3) be able to speak, read
7 and write the English language; (4) be skilled in the four
8 fundamental rules of arithmetic; (5) be of good understanding
9 and capable; (6) not be candidates for any office at the

10 election and not be elected committeemen; and (7) reside in the
11 precinct in which they are selected to act, except that in each
12 precinct, not more than one judge of each party may be

13 appointed from outside such precinct. Any judge selected to
14 serve in any precinct in which he is not entitled to vote must
15 reside within and be entitled to vote elsewhere within the
16 county which encompasses the precinct in which such judge is
17 appointed, except as provided in subsection (b) or (c). Such

18 judge must meet the other qualifications of this Section.

19 (b) An election authority may establish a program to permit
20 a person who is not entitled to vote to be appointed as an
21 election judge if, as of the date of the election at which the
22 person serves as a judge, he or she:

23 (1) is a U.S. citizen;

24 (2) is a junior or senior in good standing enrolled in
25 a public or private secondary school;

1 (3) has a cumulative grade point average equivalent to
2 at least 3.0 on a 4.0 scale;

3 (4) has the written approval of the principal of the
4 secondary school he or she attends at the time of
5 appointment;

6 (5) has the written approval of his or her parent or
7 legal guardian;

8 (6) has satisfactorily completed the training course
9 for judges of election described in Sections 13-2.1 and
10 13-2.2; and

11 (7) meets all other qualifications for appointment and
12 service as an election judge.

13 No more than one election judge qualifying under this
14 subsection may serve per political party per precinct. Prior to
15 appointment, a judge qualifying under this subsection must
16 certify in writing to the election authority the political
17 party the judge chooses to affiliate with.

18 Students appointed as election judges under this
19 subsection shall not be counted as absent from school on the
20 day they serve as judges.

21 (c) An election authority may establish a program to permit
22 a person who is not entitled to vote in that precinct or county
23 to be appointed as an election judge if, as of the date of the
24 election at which the person serves as a judge, he or she:

25 (1) is a U.S. citizen;

26 (2) is currently enrolled in a community college, as

1 defined in the Public Community College Act, or a public or
2 private Illinois university or college;

3 (3) has a cumulative grade point average equivalent to
4 at least 3.0 on a 4.0 scale;

5 (4) has satisfactorily completed the training course
6 for judges of election described in Sections 13-2.1 and
7 13-2.2; and

8 (5) meets all other qualifications for appointment and
9 service as an election judge.

10 No more than one election judge qualifying under this
11 subsection may serve per political party per precinct. Prior to
12 appointment, a judge qualifying under this subsection must
13 certify in writing to the election authority the political
14 party the judge chooses to affiliate with.

15 Students appointed as election judges under this
16 subsection shall not be counted as absent from school on the
17 day they serve as judges.

18 (Source: P.A. 91-352, eff. 1-1-00.)

19 (10 ILCS 5/13-10) (from Ch. 46, par. 13-10)

20 Sec. 13-10. The compensation of the judges of all primaries
21 and all elections, except judges supervising absentee ballots
22 as provided in Section 19-12.2 of this Act, in counties of less
23 than 600,000 inhabitants shall be fixed by the respective
24 county boards or boards of election commissioners in all
25 counties and municipalities, but in no case shall such

1 compensation be less than \$35 per day. The compensation of
2 judges of all primaries and all elections not under the
3 jurisdiction of the county clerk, except judges supervising
4 absentee balloting as provided in Section 19-12.2 of this Act,
5 in counties having a population of 2,000,000 or more shall be
6 not less than \$60 per day. The compensation of judges of all
7 primaries and all elections under the jurisdiction of the
8 county clerk, except judges supervising absentee balloting as
9 provided in Section 19-12.2 of this Act, in counties having a
10 population of 2,000,000 or more shall be not less than \$60 per
11 day. The compensation of judges of all primaries and all
12 elections, except judges supervising absentee ballots as
13 provided in Section 19-12.2 of this Act, in counties having a
14 population of at least 600,000 but less than 2,000,000
15 inhabitants shall be not less than \$45 per day as fixed by the
16 county board of election commissioners of each such county. In
17 addition to their per day compensation and notwithstanding the
18 limitations thereon stated herein, the judges of election, in
19 all counties with a population of less than 600,000, shall be
20 paid \$3 each for each 100 voters or portion thereof, in excess
21 of 200 voters voting for candidates in the election district or
22 precinct wherein the judge is serving, whether a primary or an
23 election is being held. However, no such extra compensation
24 shall be paid to the judges of election in any precinct in
25 which no paper ballots are counted by such judges of election.
26 The 2 judges of election in counties having a population of

1 less than 600,000 who deliver the returns to the county clerk
2 shall each be allowed and paid a sum to be determined by the
3 election authority for such services and an additional sum per
4 mile to be determined by the election authority for every mile
5 necessarily travelled in going to and returning from the office
6 or place to which they deliver the returns. The compensation
7 for mileage shall be consistent with current rates paid for
8 mileage to employees of the county.

9 However, all judges who have been certified by the County
10 Clerk or Board of Election Commissioners as having
11 satisfactorily completed, within the 2 years preceding the day
12 of election, the training course for judges of election, as
13 provided in Sections 13-2.1, 13-2.2 and 14-4.1 of this Act,
14 shall receive additional compensation of not less than \$10 per
15 day in counties of less than 600,000 inhabitants, the
16 additional compensation of not less than \$10 per day in
17 counties having a population of at least 600,000 but less than
18 2,000,000 inhabitants as fixed by the county board of election
19 commissioners of each such county, and additional compensation
20 of not less than \$20 per day in counties having a population of
21 2,000,000 or more for primaries and elections not under the
22 jurisdiction of the county clerk, and additional compensation
23 of not less than \$20 per day in counties having a population of
24 2,000,000 or more for primaries and elections under the
25 jurisdiction of the county clerk.

26 In precincts in which there are tally judges, the

1 compensation of the tally judges shall be 2/3 of that of the
2 judges of election and each holdover judge shall be paid the
3 compensation of a judge of election plus that of a tally judge.

4 Beginning on the effective date of this amendatory Act of
5 1998, the portion of an election judge's daily compensation
6 reimbursed by the State Board of Elections is increased by \$15.
7 The increase provided by this amendatory Act of 1998 must be
8 used to increase each judge's compensation and may not be used
9 by the county to reduce its portion of a judge's compensation.

10 Beginning on the effective date of this amendatory Act of
11 the 95th General Assembly, the portion of an election judge's
12 daily compensation reimbursement by the State Board of
13 Elections is increased by an additional \$20. The increase
14 provided by this amendatory Act of the 95th General Assembly
15 must be used to increase each judge's compensation and may not
16 be used by the election authority or election jurisdiction to
17 reduce its portion of a judge's compensation.

18 (Source: P.A. 90-672, eff. 7-31-98.)

19 (10 ILCS 5/14-1) (from Ch. 46, par. 14-1)

20 Sec. 14-1. (a) The board of election commissioners
21 established or existing under Article 6 shall, at the time and
22 in the manner provided in Section 14-3.1, select and choose 5
23 persons, men or women, as judges of election for each precinct
24 in such city, village or incorporated town.

25 Where neither voting machines nor electronic, mechanical

1 or electric voting systems are used, the board of election
2 commissioners may, for any precinct with respect to which the
3 board considers such action necessary or desirable in view of
4 the number of voters, and shall for general elections for any
5 precinct containing more than 600 registered voters, appoint in
6 addition to the 5 judges of election a team of 5 tally judges.
7 In such precincts the judges of election shall preside over the
8 election during the hours the polls are open, and the tally
9 judges, with the assistance of the holdover judges designated
10 pursuant to Section 14-5.2, shall count the vote after the
11 closing of the polls. The tally judges shall possess the same
12 qualifications and shall be appointed in the same manner and
13 with the same division between political parties as is provided
14 for judges of election. The foregoing provisions relating to
15 the appointment of tally judges are inapplicable in counties
16 with a population of 1,000,000 or more.

17 (b) To qualify as judges the persons must:

18 (1) be citizens of the United States;

19 (2) be of good repute and character;

20 (3) be able to speak, read and write the English
21 language;

22 (4) be skilled in the 4 fundamental rules of
23 arithmetic;

24 (5) be of good understanding and capable;

25 (6) not be candidates for any office at the election
26 and not be elected committeemen;

1 (7) reside and be entitled to vote in the precinct in
2 which they are selected to serve, except that in each
3 precinct not more than one judge of each party may be
4 appointed from outside such precinct. Any judge so
5 appointed to serve in any precinct in which he is not
6 entitled to vote must be entitled to vote elsewhere within
7 the county which encompasses the precinct in which such
8 judge is appointed and such judge must otherwise meet the
9 qualifications of this Section, except as provided in
10 subsection (c) or (c-5).

11 (c) An election authority may establish a program to permit
12 a person who is not entitled to vote to be appointed as an
13 election judge if, as of the date of the election at which the
14 person serves as a judge, he or she:

15 (1) is a U.S. citizen;

16 (2) is a junior or senior in good standing enrolled in
17 a public or private secondary school;

18 (3) has a cumulative grade point average equivalent to
19 at least 3.0 on a 4.0 scale;

20 (4) has the written approval of the principal of the
21 secondary school he or she attends at the time of
22 appointment;

23 (5) has the written approval of his or her parent or
24 legal guardian;

25 (6) has satisfactorily completed the training course
26 for judges of election described in Sections 13-2.1,

1 13-2.2, and 14-4.1; and

2 (7) meets all other qualifications for appointment and
3 service as an election judge.

4 No more than one election judge qualifying under this
5 subsection may serve per political party per precinct. Prior to
6 appointment, a judge qualifying under this subsection must
7 certify in writing to the election authority the political
8 party the judge chooses to affiliate with.

9 Students appointed as election judges under this
10 subsection shall not be counted as absent from school on the
11 day they serve as judges.

12 (c-5) An election authority may establish a program to
13 permit a person who is not entitled to vote in that precinct or
14 county to be appointed as an election judge if, as of the date
15 of the election at which the person serves as a judge, he or
16 she:

17 (1) is a U.S. citizen;

18 (2) is currently enrolled in a community college, as
19 defined in the Public Community College Act, or a public or
20 private Illinois university or college;

21 (3) has a cumulative grade point average equivalent to
22 at least 3.0 on a 4.0 scale;

23 (4) has satisfactorily completed the training course
24 for judges of election described in Sections 13-2.1,
25 13-2.2, and 14-4.1; and

26 (5) meets all other qualifications for appointment and

1 service as an election judge.

2 No more than one election judge qualifying under this
3 subsection may serve per political party per precinct. Prior to
4 appointment, a judge qualifying under this subsection must
5 certify in writing to the election authority the political
6 party the judge chooses to affiliate with.

7 Students appointed as election judges under this
8 subsection shall not be counted as absent from school on the
9 day they serve as judges.

10 (d) The board of election commissioners may select 2
11 additional judges of election, one from each of the major
12 political parties, for each 200 voters in excess of 600 in any
13 precinct having more than 600 voters as authorized by Section
14 11--3. These additional judges must meet the qualifications
15 prescribed in this Section.

16 (Source: P.A. 91-352, eff. 1-1-00.)

17 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

18 (Text of Section before amendment by P.A. 94-1090)

19 Sec. 16-3. (a) The names of all candidates to be voted for
20 in each election district or precinct shall be printed on one
21 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
22 this Act and except as otherwise provided in this Act with
23 respect to the odd year regular elections and the emergency
24 referenda; all nominations of any political party being placed
25 under the party appellation or title of such party as

1 designated in the certificates of nomination or petitions. The
2 names of all independent candidates shall be printed upon the
3 ballot in a column or columns under the heading "independent"
4 arranged under the names or titles of the respective offices
5 for which such independent candidates shall have been nominated
6 and so far as practicable, the name or names of any independent
7 candidate or candidates for any office shall be printed upon
8 the ballot opposite the name or names of any candidate or
9 candidates for the same office contained in any party column or
10 columns upon said ballot. The ballot shall contain no other
11 names, except that in cases of electors for President and
12 Vice-President of the United States, the names of the
13 candidates for President and Vice-President may be added to the
14 party designation and words calculated to aid the voter in his
15 choice of candidates may be added, such as "Vote for one,"
16 "Vote for three." When an electronic voting system is used
17 which utilizes a ballot label booklet, the candidates and
18 questions shall appear on the pages of such booklet in the
19 order provided by this Code; and, in any case where candidates
20 for an office appear on a page which does not contain the name
21 of any candidate for another office, and where less than 50% of
22 the page is utilized, the name of no candidate shall be printed
23 on the lowest 25% of such page. On the back or outside of the
24 ballot, so as to appear when folded, shall be printed the words
25 "Official Ballot", followed by the designation of the polling
26 place for which the ballot is prepared, the date of the

1 election and a facsimile of the signature of the election
2 authority who has caused the ballots to be printed. The ballots
3 shall be of plain white paper, through which the printing or
4 writing cannot be read. However, ballots for use at the
5 nonpartisan and consolidated elections may be printed on
6 different color paper, except blue paper, whenever necessary or
7 desirable to facilitate distinguishing between ballots for
8 different political subdivisions. In the case of nonpartisan
9 elections for officers of a political subdivision, unless the
10 statute or an ordinance adopted pursuant to Article VII of the
11 Constitution providing the form of government therefor
12 requires otherwise, the column listing such nonpartisan
13 candidates shall be printed with no appellation or circle at
14 its head. The party appellation or title, or the word
15 "independent" at the head of any column provided for
16 independent candidates, shall be printed in letters not less
17 than one-fourth of an inch in height and a circle one-half inch
18 in diameter shall be printed at the beginning of the line in
19 which such appellation or title is printed, provided, however,
20 that no such circle shall be printed at the head of any column
21 or columns provided for such independent candidates. The names
22 of candidates shall be printed in letters not less than
23 one-eighth nor more than one-fourth of an inch in height, and
24 at the beginning of each line in which a name of a candidate is
25 printed a square shall be printed, the sides of which shall be
26 not less than one-fourth of an inch in length. However, the

1 names of the candidates for Governor and Lieutenant Governor on
2 the same ticket shall be printed within a bracket and a single
3 square shall be printed in front of the bracket. The list of
4 candidates of the several parties and any such list of
5 independent candidates shall be placed in separate columns on
6 the ballot in such order as the election authorities charged
7 with the printing of the ballots shall decide; provided, that
8 the names of the candidates of the several political parties,
9 certified by the State Board of Elections to the several county
10 clerks shall be printed by the county clerk of the proper
11 county on the official ballot in the order certified by the
12 State Board of Elections. Any county clerk refusing, neglecting
13 or failing to print on the official ballot the names of
14 candidates of the several political parties in the order
15 certified by the State Board of Elections, and any county clerk
16 who prints or causes to be printed upon the official ballot the
17 name of a candidate, for an office to be filled by the Electors
18 of the entire State, whose name has not been duly certified to
19 him upon a certificate signed by the State Board of Elections
20 shall be guilty of a Class C misdemeanor.

21 (b) When an electronic voting system is used which utilizes
22 a ballot card, on the inside flap of each ballot card envelope
23 there shall be printed a form for write-in voting which shall
24 be substantially as follows:

25 WRITE-IN VOTES

26 (See card of instructions for specific information.)

1 Duplicate form below by hand for additional write-in votes.)

2 _____

3 Title of Office

4 () _____

5 Name of Candidate

6 The number of write-in lines for an office shall equal the
7 number of persons who have filed declarations of intent to be
8 write-in candidates plus an additional line or lines for
9 write-in candidates who may file declarations to be write-in
10 candidates under Sections 17-16.1 and 18-9.1 when the
11 certification of ballot contains the words "OBJECTION PENDING"
12 next to the name of the candidate, up to the number of
13 candidates for which a voter may vote.

14 (c) When an electronic voting system is used which uses a
15 ballot sheet, the instructions to voters on the ballot sheet
16 shall refer the voter to the card of instructions for specific
17 information on write-in voting. Below each office appearing on
18 such ballot sheet there shall be a provision for the casting of
19 a write-in vote. The number of write-in lines for an office
20 shall equal the number of persons who have filed declarations
21 of intent to be write-in candidates plus an additional line or
22 lines for write-in candidates who may file declarations to be
23 write-in candidates under Sections 17-16.1 and 18-9.1 when the
24 certification of ballot contains the words "OBJECTION PENDING"
25 next to the name of the candidate, up to the number of
26 candidates for which a voter may vote.

1 (d) When such electronic system is used, there shall be
2 printed on the back of each ballot card, each ballot card
3 envelope, and the first page of the ballot label when a ballot
4 label is used, the words "Official Ballot," followed by the
5 number of the precinct or other precinct identification, which
6 may be stamped, in lieu thereof and, as applicable, the number
7 and name of the township, ward or other election district for
8 which the ballot card, ballot card envelope, and ballot label
9 are prepared, the date of the election and a facsimile of the
10 signature of the election authority who has caused the ballots
11 to be printed. The back of the ballot card shall also include a
12 method of identifying the ballot configuration such as a
13 listing of the political subdivisions and districts for which
14 votes may be cast on that ballot, or a number code identifying
15 the ballot configuration or color coded ballots, except that
16 where there is only one ballot configuration in a precinct, the
17 precinct identification, and any applicable ward
18 identification, shall be sufficient. Ballot card envelopes
19 used in punch card systems shall be of paper through which no
20 writing or punches may be discerned and shall be of sufficient
21 length to enclose all voting positions. However, the election
22 authority may provide ballot card envelopes on which no
23 precinct number or township, ward or other election district
24 designation, or election date are preprinted, if space and a
25 preprinted form are provided below the space provided for the
26 names of write-in candidates where such information may be

1 entered by the judges of election. Whenever an election
2 authority utilizes ballot card envelopes on which the election
3 date and precinct is not preprinted, a judge of election shall
4 mark such information for the particular precinct and election
5 on the envelope in ink before tallying and counting any
6 write-in vote written thereon. If some method of insuring
7 ballot secrecy other than an envelope is used, such information
8 must be provided on the ballot itself.

9 (e) In the designation of the name of a candidate on the
10 ballot, the candidate's given name or names, initial or
11 initials, a nickname by which the candidate is commonly known,
12 or a combination thereof, may be used in addition to the
13 candidate's surname. No other designation such as a political
14 slogan, title, or degree or nickname suggesting or implying
15 possession of a title, degree or professional status, or
16 similar information may be used in connection with the
17 candidate's surname, except that the title "Mrs." may be used
18 in the case of a married woman. For purposes of this Section, a
19 "political slogan" is defined as any word or words expressing
20 or connoting a position, opinion, or belief that the candidate
21 may espouse, including but not limited to, any word or words
22 conveying any meaning other than that of the personal identity
23 of the candidate. A candidate may not use a political slogan as
24 part of his or her name on the ballot, notwithstanding that the
25 political slogan may be part of the candidate's name.

26 (f) The State Board of Elections, a local election

1 official, or an election authority shall remove any candidate's
2 name designation from a ballot that is inconsistent with
3 subsection (e) of this Section. In addition, the State Board of
4 Elections, a local election official, or an election authority
5 shall not certify to any election authority any candidate name
6 designation that is inconsistent with subsection (e) of this
7 Section.

8 (g) If the State Board of Elections, a local election
9 official, or an election authority removes a candidate's name
10 designation from a ballot under subsection (f) of this Section,
11 then the aggrieved candidate may seek appropriate relief in
12 circuit court.

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

17 Nothing in this Section shall prohibit election
18 authorities from using or reusing ballot card envelopes which
19 were printed before the effective date of this amendatory Act
20 of 1985.

21 (Source: P.A. 92-178, eff. 1-1-02; 93-574, eff. 8-21-03.)

22 (Text of Section after amendment by P.A. 94-1090)

23 Sec. 16-3. (a) The names of all candidates to be voted for
24 in each election district or precinct shall be printed on one
25 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of

1 this Act and except as otherwise provided in this Act with
2 respect to the odd year regular elections and the emergency
3 referenda; all nominations of any political party being placed
4 under the party appellation or title of such party as
5 designated in the certificates of nomination or petitions. The
6 names of all independent candidates shall be printed upon the
7 ballot in a column or columns under the heading "independent"
8 arranged under the names or titles of the respective offices
9 for which such independent candidates shall have been nominated
10 and so far as practicable, the name or names of any independent
11 candidate or candidates for any office shall be printed upon
12 the ballot opposite the name or names of any candidate or
13 candidates for the same office contained in any party column or
14 columns upon said ballot. The ballot shall contain no other
15 names, except that in cases of electors for President and
16 Vice-President of the United States, the names of the
17 candidates for President and Vice-President may be added to the
18 party designation and words calculated to aid the voter in his
19 choice of candidates may be added, such as "Vote for one,"
20 "Vote for three." When an electronic voting system is used
21 which utilizes a ballot label booklet, the candidates and
22 questions shall appear on the pages of such booklet in the
23 order provided by this Code; and, in any case where candidates
24 for an office appear on a page which does not contain the name
25 of any candidate for another office, and where less than 50% of
26 the page is utilized, the name of no candidate shall be printed

1 on the lowest 25% of such page. On the back or outside of the
2 ballot, so as to appear when folded, shall be printed the words
3 "Official Ballot", followed by the designation of the polling
4 place for which the ballot is prepared, the date of the
5 election and a facsimile of the signature of the election
6 authority who has caused the ballots to be printed. The ballots
7 shall be of plain white paper, through which the printing or
8 writing cannot be read. However, ballots for use at the
9 nonpartisan and consolidated elections may be printed on
10 different color paper, except blue paper, whenever necessary or
11 desirable to facilitate distinguishing between ballots for
12 different political subdivisions. In the case of nonpartisan
13 elections for officers of a political subdivision, unless the
14 statute or an ordinance adopted pursuant to Article VII of the
15 Constitution providing the form of government therefor
16 requires otherwise, the column listing such nonpartisan
17 candidates shall be printed with no appellation or circle at
18 its head. The party appellation or title, or the word
19 "independent" at the head of any column provided for
20 independent candidates, shall be printed in letters not less
21 than one-fourth of an inch in height and a circle one-half inch
22 in diameter shall be printed at the beginning of the line in
23 which such appellation or title is printed, provided, however,
24 that no such circle shall be printed at the head of any column
25 or columns provided for such independent candidates. The names
26 of candidates shall be printed in letters not less than

1 one-eighth nor more than one-fourth of an inch in height, and
2 at the beginning of each line in which a name of a candidate is
3 printed a square shall be printed, the sides of which shall be
4 not less than one-fourth of an inch in length. However, the
5 names of the candidates for Governor and Lieutenant Governor on
6 the same ticket shall be printed within a bracket and a single
7 square shall be printed in front of the bracket. The list of
8 candidates of the several parties and any such list of
9 independent candidates shall be placed in separate columns on
10 the ballot in such order as the election authorities charged
11 with the printing of the ballots shall decide; provided, that
12 the names of the candidates of the several political parties,
13 certified by the State Board of Elections to the several county
14 clerks shall be printed by the county clerk of the proper
15 county on the official ballot in the order certified by the
16 State Board of Elections. Any county clerk refusing, neglecting
17 or failing to print on the official ballot the names of
18 candidates of the several political parties in the order
19 certified by the State Board of Elections, and any county clerk
20 who prints or causes to be printed upon the official ballot the
21 name of a candidate, for an office to be filled by the Electors
22 of the entire State, whose name has not been duly certified to
23 him upon a certificate signed by the State Board of Elections
24 shall be guilty of a Class C misdemeanor.

25 (b) When an electronic voting system is used which utilizes
26 a ballot card, on the inside flap of each ballot card envelope

1 there shall be printed a form for write-in voting which shall
2 be substantially as follows:

3 WRITE-IN VOTES

4 (See card of instructions for specific information.
5 Duplicate form below by hand for additional write-in votes.)

6 _____
7 Title of Office

8 () _____

9 Name of Candidate

10 The number of write-in lines for an office shall equal the
11 number of persons who have filed declarations of intent to be
12 write-in candidates plus an additional line or lines for
13 write-in candidates who may file declarations to be write-in
14 candidates under Sections 17-16.1 and 18-9.1 when the
15 certification of ballot contains the words "OBJECTION PENDING"
16 next to the name of the candidate, up to the number of
17 candidates for which a voter may vote. The number of write-in
18 lines for an office shall equal the number of persons who have
19 filed declarations of intent to be write-in candidates plus an
20 additional line or lines for write-in candidates who may file
21 declarations to be write-in candidates under Sections 17-16.1
22 and 18-9.1 when the certification of ballot contains the words
23 "OBJECTION PENDING" next to the name of the candidate, up to
24 the number of candidates for which a voter may vote.

25 (c) When an electronic voting system is used which uses a
26 ballot sheet, the instructions to voters on the ballot sheet

1 shall refer the voter to the card of instructions for specific
2 information on write-in voting. Below each office appearing on
3 such ballot sheet there shall be a provision for the casting of
4 a write-in vote. The number of write-in lines for an office
5 shall equal the number of persons who have filed declarations
6 of intent to be write-in candidates plus an additional line or
7 lines for write-in candidates who may file declarations to be
8 write-in candidates under Sections 17-16.1 and 18-9.1 when the
9 certification of ballot contains the words "OBJECTION PENDING"
10 next to the name of the candidate, up to the number of
11 candidates for which a voter may vote. The number of write-in
12 lines for an office shall equal the number of persons who have
13 filed declarations of intent to be write-in candidates plus an
14 additional line or lines for write-in candidates who may file
15 declarations to be write-in candidates under Sections 17-16.1
16 and 18-9.1 when the certification of ballot contains the words
17 "OBJECTION PENDING" next to the name of the candidate, up to
18 the number of candidates for which a voter may vote.

19 (d) When such electronic system is used, there shall be
20 printed on the back of each ballot card, each ballot card
21 envelope, and the first page of the ballot label when a ballot
22 label is used, the words "Official Ballot," followed by the
23 number of the precinct or other precinct identification, which
24 may be stamped, in lieu thereof and, as applicable, the number
25 and name of the township, ward or other election district for
26 which the ballot card, ballot card envelope, and ballot label

1 are prepared, the date of the election and a facsimile of the
2 signature of the election authority who has caused the ballots
3 to be printed. The back of the ballot card shall also include a
4 method of identifying the ballot configuration such as a
5 listing of the political subdivisions and districts for which
6 votes may be cast on that ballot, or a number code identifying
7 the ballot configuration or color coded ballots, except that
8 where there is only one ballot configuration in a precinct, the
9 precinct identification, and any applicable ward
10 identification, shall be sufficient. Ballot card envelopes
11 used in punch card systems shall be of paper through which no
12 writing or punches may be discerned and shall be of sufficient
13 length to enclose all voting positions. However, the election
14 authority may provide ballot card envelopes on which no
15 precinct number or township, ward or other election district
16 designation, or election date are preprinted, if space and a
17 preprinted form are provided below the space provided for the
18 names of write-in candidates where such information may be
19 entered by the judges of election. Whenever an election
20 authority utilizes ballot card envelopes on which the election
21 date and precinct is not preprinted, a judge of election shall
22 mark such information for the particular precinct and election
23 on the envelope in ink before tallying and counting any
24 write-in vote written thereon. If some method of insuring
25 ballot secrecy other than an envelope is used, such information
26 must be provided on the ballot itself.

1 (e) In the designation of the name of a candidate on the
2 ballot, the candidate's given name or names, initial or
3 initials, a nickname by which the candidate is commonly known,
4 or a combination thereof, may be used in addition to the
5 candidate's surname. If a candidate has changed his or her
6 name, whether by a statutory or common law procedure in
7 Illinois or any other jurisdiction, within 3 years before the
8 last day for filing the petition for nomination, nomination
9 papers, or certificate of nomination for that office, whichever
10 is applicable, then (i) the candidate's name on the ballot must
11 be followed by "formerly known as (list all prior names during
12 the 3-year period) until name changed on (list date of each
13 such name change)" and (ii) the petition, papers, or
14 certificate must be accompanied by the candidate's affidavit
15 stating the candidate's previous names during the period
16 specified in (i) and the date or dates each of those names was
17 changed; failure to meet these requirements shall be grounds
18 for denying certification of the candidate's name for the
19 ballot or removing the candidate's name from the ballot, as
20 appropriate, but these requirements do not apply to name
21 changes resulting from adoption to assume an adoptive parent's
22 or parents' surname, marriage to assume a spouse's surname, or
23 dissolution of marriage or declaration of invalidity of
24 marriage to assume a former surname. No other designation such
25 as a political slogan, title, or degree or nickname suggesting
26 or implying possession of a title, degree or professional

1 status, or similar information may be used in connection with
2 the candidate's surname. For purposes of this Section, a
3 "political slogan" is defined as any word or words expressing
4 or connoting a position, opinion, or belief that the candidate
5 may espouse, including but not limited to, any word or words
6 conveying any meaning other than that of the personal identity
7 of the candidate. A candidate may not use a political slogan as
8 part of his or her name on the ballot, notwithstanding that the
9 political slogan may be part of the candidate's name.

10 (f) The State Board of Elections, a local election
11 official, or an election authority shall remove any candidate's
12 name designation from a ballot that is inconsistent with
13 subsection (e) of this Section. In addition, the State Board of
14 Elections, a local election official, or an election authority
15 shall not certify to any election authority any candidate name
16 designation that is inconsistent with subsection (e) of this
17 Section.

18 (g) If the State Board of Elections, a local election
19 official, or an election authority removes a candidate's name
20 designation from a ballot under subsection (f) of this Section,
21 then the aggrieved candidate may seek appropriate relief in
22 circuit court.

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

1 Nothing in this Section shall prohibit election
2 authorities from using or reusing ballot card envelopes which
3 were printed before the effective date of this amendatory Act
4 of 1985.

5 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

6 (10 ILCS 5/16-10) (from Ch. 46, par. 16-10)

7 Sec. 16-10. The judges of election shall cause not less
8 than one of such cards to be posted in each voting booth
9 provided for the preparation of ballots, and not less than four
10 of such cards to be posted in and about the polling places upon
11 the day of election. In every county of not more than 500,000
12 inhabitants, each election authority shall cause to be
13 published, prior to the day of any election, in at least two
14 newspapers, if there be so many published in such county, a
15 list of all the nominations made as in this Act provided and to
16 be voted for at such election, as near as may be, in the form in
17 which they shall appear upon the general ballot; provided that
18 this requirement shall not apply with respect to any
19 consolidated primary for which the local election official is
20 required to make the publication under Section 7-21.

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

22 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

23 Sec. 17-11. On receipt of his ballot the voter shall
24 forthwith, and without leaving the inclosed space, retire

1 alone, or accompanied by children as provided in Section 17-8,
2 to one of the voting booths so provided and shall prepare his
3 ballot by making in the appropriate margin or place a cross (X)
4 opposite the name of the candidate of his choice for each
5 office to be filled, or by writing in the name of the candidate
6 of his choice in a blank space on said ticket, making a cross
7 (X) opposite thereto; and in case of a question submitted to
8 the vote of the people, by making in the appropriate margin or
9 place a cross (X) against the answer he desires to give. A
10 cross (X) in the square in front of the bracket enclosing the
11 names of a team of candidates for Governor and Lieutenant
12 Governor counts as one vote for each of such candidates. Before
13 leaving the voting booth the voter shall fold his ballot in
14 such manner as to conceal the marks thereon. He shall then vote
15 forthwith in the manner herein provided, except that the number
16 corresponding to the number of the voter on the poll books
17 shall not be indorsed on the back of his ballot. He shall mark
18 and deliver his ballot without undue delay, and shall quit said
19 inclosed space as soon as he has voted; except that immediately
20 after voting, the voter shall be instructed whether the voting
21 equipment, if used, accepted or rejected the ballot or
22 identified the ballot as under-voted for a statewide
23 constitutional office. A voter whose ballot is identified as
24 under-voted may return to the voting booth and complete the
25 voting of that ballot. A voter whose ballot is not accepted by
26 the voting equipment may, upon surrendering the ballot, request

1 and vote another ballot. The voter's surrendered ballot shall
2 be initialed by the election judge and handled as provided in
3 the appropriate Article governing that voting equipment.

4 No voter shall be allowed to occupy a voting booth already
5 occupied by another, nor remain within said inclosed space more
6 than ten minutes, nor to occupy a voting booth more than five
7 minutes in case all of said voting booths are in use and other
8 voters waiting to occupy the same. No voter not an election
9 officer, shall, after having voted, be allowed to re-enter said
10 inclosed space during said election. No person shall take or
11 remove any ballot from the polling place before the close of
12 the poll. No voter shall vote or offer to vote any ballot
13 except such as he has received from the judges of election in
14 charge of the ballots. Any voter who shall, by accident or
15 mistake, spoil his ballot, may, on returning said spoiled
16 ballot, receive another in place thereof only after the word
17 "spoiled" has been written in ink diagonally across the entire
18 face of the ballot returned by the voter.

19 Where voting machines or electronic voting systems are
20 used, the provisions of this section may be modified as
21 required or authorized by Article 24, ~~or Article 24A, 24B, or~~
22 24C, whichever is applicable, except that the requirements of
23 this Section that (i) the voter must be notified of the voting
24 equipment's acceptance or rejection of the voter's ballot or
25 identification of an under-vote for a statewide constitutional
26 office and (ii) the voter shall have the opportunity to correct

1 an under-vote or surrender the ballot that was not accepted and
2 vote another ballot shall not be modified.

3 (Source: P.A. 94-288, eff. 1-1-06.)

4 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

5 Sec. 17-16.1. Write-in votes shall be counted only for
6 persons who have filed notarized declarations of intent to be
7 write-in candidates with the proper election authority or
8 authorities not later than 61 days prior to 5:00 p.m. on the
9 Tuesday immediately preceding the election. However, whenever
10 an objection to a candidate's nominating papers or petitions
11 for any office is sustained under Section 10-10 after the 61st
12 day before the election, then write-in votes shall be counted
13 for that candidate if he or she has filed a notarized
14 declaration of intent to be a write-in candidate for that
15 office with the proper election authority or authorities not
16 later than 7 days prior to the election.

17 Forms for the declaration of intent to be a write-in
18 candidate shall be supplied by the election authorities. Such
19 declaration shall specify the office for which the person seeks
20 election as a write-in candidate.

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

24 A candidate for whom a nomination paper has been filed as a
25 partisan candidate at a primary election, and who is defeated

1 for his or her nomination at the primary election is ineligible
2 to file a declaration of intent to be a write-in candidate for
3 election in that general or consolidated election.

4 A candidate seeking election to an office for which
5 candidates of political parties are nominated by caucus who is
6 a participant in the caucus and who is defeated for his or her
7 nomination at such caucus is ineligible to file a declaration
8 of intent to be a write-in candidate for election in that
9 general or consolidated election.

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

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

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

20 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

21 Sec. 17-23. Pollwatchers in a general election shall be
22 authorized in the following manner:

23 (1) Each established political party shall be entitled to
24 appoint two pollwatchers per precinct. Such pollwatchers must
25 be affiliated with the political party for which they are

1 pollwatching. For all elections, the pollwatchers must be
2 registered to vote in Illinois.

3 (2) Each candidate shall be entitled to appoint two
4 pollwatchers per precinct. For all elections, the pollwatchers
5 must be registered to vote in Illinois.

6 (3) Each organization of citizens within the county or
7 political subdivision, which has among its purposes or
8 interests the investigation or prosecution of election frauds,
9 and which shall have registered its name and address and the
10 name and addresses of its principal officers with the proper
11 election authority at least 40 days before the election, shall
12 be entitled to appoint one pollwatcher per precinct. For all
13 elections, the pollwatcher must be registered to vote in
14 Illinois.

15 (4) In any general election held to elect candidates for
16 the offices of a municipality of less than 3,000,000 population
17 that is situated in 2 or more counties, a pollwatcher who is a
18 resident of Illinois shall be eligible to serve as a
19 pollwatcher in any poll located within such municipality,
20 provided that such pollwatcher otherwise complies with the
21 respective requirements of subsections (1) through (3) of this
22 Section and is a registered voter in Illinois.

23 (5) Each organized group of proponents or opponents of a
24 ballot proposition, which shall have registered the name and
25 address of its organization or committee and the name and
26 address of its chairman with the proper election authority at

1 least 40 days before the election, shall be entitled to appoint
2 one pollwatcher per precinct. The pollwatcher must be
3 registered to vote in Illinois.

4 All pollwatchers shall be required to have proper
5 credentials. Such credentials shall be printed in sufficient
6 quantities, shall be issued by and under the facsimile
7 signature(s) of the election authority and shall be available
8 for distribution at least 2 weeks prior to the election. Such
9 credentials shall be authorized by the real or facsimile
10 signature of the State or local party official or the candidate
11 or the presiding officer of the civic organization or the
12 chairman of the proponent or opponent group, as the case may
13 be. The election authority may not require any such party
14 official or the candidate or the presiding officer of the civic
15 organization or the chairman of the proponent or opponent group
16 to submit the names or other information concerning
17 pollwatchers before making credentials available to such
18 persons or organizations.

19 Pollwatcher credentials shall be in substantially the
20 following form:

21 POLLWATCHER CREDENTIALS

22 TO THE JUDGES OF ELECTION:

23 In accordance with the provisions of the Election Code, the
24 undersigned hereby appoints (name of pollwatcher)
25 who resides at (address) in the county of

1 (township or municipality) of
 2 (name), State of Illinois and who is duly
 3 registered to vote from this address, to act as a pollwatcher
 4 in the precinct of the ward (if
 5 applicable) of the (township or municipality) of
 6 at the election to be held on (insert
 7 date).

8 (Signature of Appointing Authority)
 9 TITLE (party official, candidate,
 10 civic organization president,
 11 proponent or opponent group chairman)

12 Under penalties provided by law pursuant to Section 29-10
 13 of the Election Code, the undersigned pollwatcher certifies
 14 that he or she resides at (address) in the
 15 county of, (township or municipality)
 16 of (name), State of Illinois, and is duly
 17 registered to vote in Illinois.

18
 19 (Precinct and/or Ward in (Signature of Pollwatcher)
 20 Which Pollwatcher Resides)

21 Pollwatchers must present their credentials to the Judges
 22 of Election upon entering the polling place. Pollwatcher
 23 credentials properly executed and signed shall be proof of the
 24 qualifications of the pollwatcher authorized thereby. Such

1 credentials are retained by the Judges and returned to the
2 Election Authority at the end of the day of election with the
3 other election materials. Once a pollwatcher has surrendered a
4 valid credential, he may leave and reenter the polling place
5 provided that such continuing action does not disrupt the
6 conduct of the election. Pollwatchers may be substituted during
7 the course of the day, but established political parties,
8 candidates and qualified civic organizations can have only as
9 many pollwatchers at any given time as are authorized in this
10 Article. A substitute must present his signed credential to the
11 judges of election upon entering the polling place. Election
12 authorities must provide a sufficient number of credentials to
13 allow for substitution of pollwatchers. After the polls have
14 closed pollwatchers shall be allowed to remain until the
15 canvass of votes is completed; but may leave and reenter only
16 in cases of necessity, provided that such action is not so
17 continuous as to disrupt the canvass of votes.

18 Candidates seeking office in a district or municipality
19 encompassing 2 or more counties shall be admitted to any and
20 all polling places throughout such district or municipality
21 without regard to the counties in which such candidates are
22 registered to vote. Actions of such candidates shall be
23 governed in each polling place by the same privileges and
24 limitations that apply to pollwatchers as provided in this
25 Section. Any such candidate who engages in an activity in a
26 polling place which could reasonably be construed by a majority

1 of the judges of election as campaign activity shall be removed
2 forthwith from such polling place.

3 Candidates seeking office in a district or municipality
4 encompassing 2 or more counties who desire to be admitted to
5 polling places on election day in such district or municipality
6 shall be required to have proper credentials. Such credentials
7 shall be printed in sufficient quantities, shall be issued by
8 and under the facsimile signature of the election authority of
9 the election jurisdiction where the polling place in which the
10 candidate seeks admittance is located, and shall be available
11 for distribution at least 2 weeks prior to the election. Such
12 credentials shall be signed by the candidate.

13 Candidate credentials shall be in substantially the
14 following form:

15 CANDIDATE CREDENTIALS

16 TO THE JUDGES OF ELECTION:

17 In accordance with the provisions of the Election Code, I
18 (name of candidate) hereby certify that I am a candidate
19 for (name of office) and seek admittance to
20 precinct of the ward (if applicable) of the
21 (township or municipality) of at the election
22 to be held on (insert date).

23

24 (Signature of Candidate)

OFFICE FOR WHICH

25 CANDIDATE SEEKS

1 NOMINATION OR
2 ELECTION

3 Pollwatchers shall be permitted to observe all proceedings
4 and view all reasonably requested records relating to the
5 conduct of the election, provided the secrecy of the ballot is
6 not impinged, and to station themselves in a position in the
7 voting room as will enable them to observe the judges making
8 the signature comparison between the voter application and the
9 voter registration record card; provided, however, that such
10 pollwatchers shall not be permitted to station themselves in
11 such close proximity to the judges of election so as to
12 interfere with the orderly conduct of the election and shall
13 not, in any event, be permitted to handle election materials.
14 Pollwatchers may challenge for cause the voting qualifications
15 of a person offering to vote and may call to the attention of
16 the judges of election any incorrect procedure or apparent
17 violations of this Code.

18 If a majority of the judges of election determine that the
19 polling place has become too overcrowded with pollwatchers so
20 as to interfere with the orderly conduct of the election, the
21 judges shall, by lot, limit such pollwatchers to a reasonable
22 number, except that each established or new political party
23 shall be permitted to have at least one pollwatcher present.

24 Representatives of an election authority, with regard to an
25 election under its jurisdiction, the State Board of Elections,

1 and law enforcement agencies, including but not limited to a
2 United States Attorney, a State's attorney, the Attorney
3 General, and a State, county, or local police department, in
4 the performance of their official election duties, shall be
5 permitted at all times to enter and remain in the polling
6 place. Upon entering the polling place, such representatives
7 shall display their official credentials or other
8 identification to the judges of election.

9 Uniformed police officers assigned to polling place duty
10 shall follow all lawful instructions of the judges of election.

11 The provisions of this Section shall also apply to
12 supervised casting of absentee ballots as provided in Section
13 19-12.2 of this Act.

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

15 (10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

16 Sec. 17-29. (a) No judge of election, pollwatcher, or other
17 person shall, at any primary or election, do any electioneering
18 or soliciting of votes or engage in any political discussion
19 within any polling place, within 100 feet of any polling place,
20 or, at the option of a church or private school, on any of the
21 property of that church or private school that is a polling
22 place; no person shall interrupt, hinder or oppose any voter
23 while approaching within those areas for the purpose of voting.
24 Judges of election shall enforce the provisions of this
25 Section.

1 (b) Election officers shall place 2 or more cones, small
2 United States national flags, or some other marker a distance
3 of 100 horizontal feet from each entrance to the room used by
4 voters to engage in voting, which shall be known as the polling
5 room. If the polling room is located within a building that is
6 a private business, a public or private school, or a church or
7 other organization founded for the purpose of religious worship
8 and the distance of 100 horizontal feet ends within the
9 interior of the building, then the markers shall be placed
10 outside of the building at each entrance used by voters to
11 enter that building on the grounds adjacent to the thoroughfare
12 or walkway. If the polling room is located within a public or
13 private building with 2 or more floors and the polling room is
14 located on the ground floor, then the markers shall be placed
15 100 horizontal feet from each entrance to the polling room used
16 by voters to engage in voting. If the polling room is located
17 in a public or private building with 2 or more floors and the
18 polling room is located on a floor above or below the ground
19 floor, then the markers shall be placed a distance of 100 feet
20 from the nearest elevator or staircase used by voters on the
21 ground floor to access the floor where the polling room is
22 located. The area within where the markers are placed shall be
23 known as a campaign free zone, and electioneering is prohibited
24 pursuant to this subsection. Notwithstanding any other
25 provision of this Section, a church or private school may
26 choose to apply the campaign free zone to its entire property,

1 and, if so, the markers shall be placed near the boundaries on
2 the grounds adjacent to the thoroughfares or walkways leading
3 to the entrances used by the voters.

4 The area on polling place property beyond the campaign free
5 zone, whether publicly or privately owned, is a public forum
6 for the time that the polls are open on an election day. At the
7 request of election officers any publicly owned building must
8 be made available for use as a polling place. A person shall
9 have the right to congregate and engage in electioneering on
10 any polling place property while the polls are open beyond the
11 campaign free zone, including but not limited to, the placement
12 of temporary signs. This subsection shall be construed
13 liberally in favor of persons engaging in electioneering on all
14 polling place property beyond the campaign free zone for the
15 time that the polls are open on an election day. At or near the
16 door of each polling place, the election judges shall place
17 signage indicating the proper entrance to the polling place. In
18 addition, the election judges shall ensure that a sign
19 identifying the location of the polling place is placed on a
20 nearby public roadway. The State Board of Elections shall
21 establish guidelines for the placement of polling place signage
22 by rule.

23 (c) The regulation of electioneering on polling place
24 property on an election day, including but not limited to the
25 placement of temporary signs, is an exclusive power and
26 function of the State. A home rule unit may not regulate

1 electioneering and any ordinance or local law contrary to
2 subsection (c) is declared void. This is a denial and
3 limitation of home rule powers and functions under subsection
4 (h) of Section 6 of Article VII of the Illinois Constitution.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)

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

7 Sec. 18-5. Any person desiring to vote and whose name is
8 found upon the register of voters by the person having charge
9 thereof, shall then be questioned by one of the judges as to
10 his nativity, his term of residence at present address,
11 precinct, State and United States, his age, whether naturalized
12 and if so the date of naturalization papers and court from
13 which secured, and he shall be asked to state his residence
14 when last previously registered and the date of the election
15 for which he then registered. The judges of elections shall
16 check each application for ballot against the list of voters
17 registered in that precinct to whom grace period, absentee, and
18 early ballots have been issued for that election, which shall
19 be provided by the election authority and which list shall be
20 available for inspection by pollwatchers. A voter applying to
21 vote in the precinct on election day whose name appears on the
22 list as having been issued a grace period, absentee, or early
23 ballot shall not be permitted to vote in the precinct, except
24 that a voter to whom an absentee ballot was issued may vote in
25 the precinct if the voter submits to the election judges that

1 absentee ballot for cancellation. If the voter is unable to
2 submit the absentee ballot, it shall be sufficient for the
3 voter to submit to the election judges (i) a portion of the
4 absentee ballot if the absentee ballot was torn or mutilated or
5 (ii) an affidavit executed before the election judges
6 specifying that (A) the voter never received an absentee ballot
7 or (B) the voter completed and returned an absentee ballot and
8 was informed that the election authority did not receive that
9 absentee ballot. If such person so registered shall be
10 challenged as disqualified, the party challenging shall assign
11 his reasons therefor, and thereupon one of the judges shall
12 administer to him an oath to answer questions, and if he shall
13 take the oath he shall then be questioned by the judge or
14 judges touching such cause of challenge, and touching any other
15 cause of disqualification. And he may also be questioned by the
16 person challenging him in regard to his qualifications and
17 identity. But if a majority of the judges are of the opinion
18 that he is the person so registered and a qualified voter, his
19 vote shall then be received accordingly. But if his vote be
20 rejected by such judges, such person may afterward produce and
21 deliver an affidavit to such judges, subscribed and sworn to by
22 him before one of the judges, in which it shall be stated how
23 long he has resided in such precinct, and state; that he is a
24 citizen of the United States, and is a duly qualified voter in
25 such precinct, and that he is the identical person so
26 registered. In addition to such an affidavit, the person so

1 challenged shall provide to the judges of election proof of
2 residence by producing 2 forms of identification showing the
3 person's current residence address, provided that such
4 identification to the person at his current residence address
5 and postmarked not earlier than 30 days prior to the date of
6 the election, or the person shall procure a witness personally
7 known to the judges of election, and resident in the precinct
8 (or district), or who shall be proved by some legal voter of
9 such precinct or district, known to the judges to be such, who
10 shall take the oath following, viz:

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

19 The oath in each case may be administered by one of the
20 judges of election, or by any officer, resident in the precinct
21 or district, authorized by law to administer oaths. Also
22 supported by an affidavit by a registered voter residing in
23 such precinct, stating his own residence, and that he knows
24 such person; and that he does reside at the place mentioned and
25 has resided in such precinct and state for the length of time
26 as stated by such person, which shall be subscribed and sworn

1 to in the same way. Whereupon the vote of such person shall be
2 received, and entered as other votes. But such judges, having
3 charge of such registers, shall state in their respective books
4 the facts in such case, and the affidavits, so delivered to the
5 judges, shall be preserved and returned to the office of the
6 commissioners of election. Blank affidavits of the character
7 aforesaid shall be sent out to the judges of all the precincts,
8 and the judges of election shall furnish the same on demand and
9 administer the oaths without criticism. Such oaths, if
10 administered by any other officer than such judge of election,
11 shall not be received. Whenever a proposal for a constitutional
12 amendment or for the calling of a constitutional convention is
13 to be voted upon at the election, the separate blue ballot or
14 ballots pertaining thereto shall be placed on top of the other
15 ballots to be voted at the election in such manner that the
16 legend appearing on the back thereof, as prescribed in Section
17 16-6 of this Act, shall be plainly visible to the voter, and in
18 this fashion the ballots shall be handed to the voter by the
19 judge.

20 Immediately after voting, the voter shall be instructed
21 whether the voting equipment, if used, accepted or rejected the
22 ballot or identified the ballot as under-voted. A voter whose
23 ballot is identified as under-voted for a statewide
24 constitutional office may return to the voting booth and
25 complete the voting of that ballot. A voter whose ballot is not
26 accepted by the voting equipment may, upon surrendering the

1 ballot, request and vote another ballot. The voter's
2 surrendered ballot shall be initialed by the election judge and
3 handled as provided in the appropriate Article governing that
4 voting equipment.

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

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

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

19 No judge of election shall accept from any voter less than
20 the full number of ballots received by such voter without first
21 advising the voter in the manner above provided of the
22 necessity of returning all of the ballots, nor shall any such
23 judge advise such voter in a manner contrary to that which is
24 herein permitted, or in any other manner violate the provisions
25 of this Section; provided, that the acceptance by a judge of
26 election of less than the full number of ballots delivered to a

1 voter who refuses to return to the voting booth after being
2 properly advised by such judge shall not be a violation of this
3 Section.

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

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

6 Sec. 18-9.1. Write-in votes shall be counted only for
7 persons who have filed notarized declarations of intent to be
8 write-in candidates with the proper election authority or
9 authorities not later than 61 days prior to 5:00 p.m. on the
10 Tuesday immediately preceding the election. However, whenever
11 an objection to a candidate's nominating papers or petitions is
12 sustained under Section 10-10 after the 61st day before the
13 election, then write-in votes shall be counted for that
14 candidate if he or she has filed a notarized declaration of
15 intent to be a write-in candidate for that office with the
16 proper election authority or authorities not later than 7 days
17 prior to the election.

18 Forms for the declaration of intent to be a write-in
19 candidate shall be supplied by the election authorities. Such
20 declaration shall specify the office for which the person seeks
21 election as a write-in candidate.

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

25 A candidate for whom a nomination paper has been filed as a

1 partisan candidate at a primary election, and who is defeated
2 for his or her nomination at the primary election, is
3 ineligible to file a declaration of intent to be a write-in
4 candidate for election in that general or consolidated
5 election.

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

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

18 Nothing in this Section shall be construed to apply to
19 votes cast under the provisions of subsection (b) of Section
20 16-5.01.

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

22 (10 ILCS 5/18-40)

23 Sec. 18-40. Voting ~~Precinct tabulation optical scan~~
24 ~~technology voting~~ equipment.

25 (a) If the election authority has adopted the use of

1 Precinct Tabulation Optical Scan Technology voting equipment
2 pursuant to Article 24B of this Code, and the provisions of the
3 Article are in conflict with the provisions of this Article 18,
4 the provisions of Article 24B shall govern the procedures
5 followed by the election authority, its judges of elections,
6 and all employees and agents. In following the provisions of
7 Article 24B, the election authority is authorized to develop
8 and implement procedures to fully utilize Precinct Tabulation
9 Optical Scan Technology voting equipment authorized by the
10 State Board of Elections as long as the procedure is not in
11 conflict with either Article 24B or the administrative rules of
12 the State Board of Elections.

13 (b) Notwithstanding subsection (a), when voting equipment
14 governed by any Article of this Code is used, the requirements
15 of Section 18-5 that (i) the voter must be notified of the
16 voting equipment's acceptance or rejection of the ballot or
17 identification of an under-vote and (ii) the voter shall have
18 the opportunity to correct an under-vote for a statewide
19 constitutional office or surrender the ballot that was not
20 accepted and vote another ballot shall not be modified.

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

22 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

24 (a) (Blank.)

25 (b) Each absent voter's ballot returned to an election

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

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

18 Each absent voter's ballot that is mailed to an election
19 authority absent a postmark, but that is received by the
20 election authority after the polls close on election day and
21 before the close of the period for counting provisional ballots
22 cast at that election, shall be endorsed by the receiving
23 authority with the day and hour of receipt, opened to inspect
24 the date inserted on the certification, and, if the
25 certification date is a date preceding the election day and the
26 ballot is otherwise found to be valid under the requirements of

1 this Section, counted at the central ballot counting location
2 of the election authority during the period for counting
3 provisional ballots. Absent a date on the certification, the
4 ballot shall not be counted.

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

24 (e) Except as otherwise provided in this Section, absent
25 voters' ballots and special write-in absentee voter's blank
26 ballots received by the election authority after the closing of

1 the polls on an election day shall be endorsed by the election
2 authority receiving them with the day and hour of receipt and
3 shall be safely kept unopened by the election authority for the
4 period of time required for the preservation of ballots used at
5 the election, and shall then, without being opened, be
6 destroyed in like manner as the used ballots of that election.

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

14 (g) The procedures set forth in Articles 17 and 18 of this
15 Code shall apply to all ballots counted under this Section. In
16 addition, within 2 days after an absentee ballot, other than an
17 in-person absentee ballot, is received, but in all cases before
18 the close of the period for counting provisional ballots, the
19 election judge or official shall compare the voter's signature
20 on the certification envelope of that absentee ballot with the
21 signature of the voter on file in the office of the election
22 authority. If the election judge or official determines that
23 the 2 signatures match, and that the absentee voter is
24 otherwise qualified to cast an absentee ballot, the election
25 authority shall cast and count the ballot on election day or
26 the day the ballot is determined to be valid, whichever is

1 later, adding the results to the precinct in which the voter is
2 registered. If the election judge or official determines that
3 the signatures do not match, or that the absentee voter is not
4 qualified to cast an absentee ballot, then without opening the
5 certification envelope, 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 In addition to the voter's signatures not matching, an
9 absentee ballot may be rejected by the election judge or
10 official:

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

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

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

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

18 If the election judge or official determines that any of
19 these reasons apply, the judge or official shall mark across
20 the face of the certification envelope the word "Rejected" and
21 shall not cast or count the ballot.

22 (g-5) If an absentee ballot, other than an in-person
23 absentee ballot, is rejected by the election judge or official
24 for any reason, the election authority shall, within 2 days
25 after the rejection but in all cases before the close of the
26 period for counting provisional ballots, notify the absentee

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

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

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

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

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

1 (10 ILCS 5/19A-10)

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

3 (a) An election authority may establish permanent polling
4 places for early voting by personal appearance at locations
5 throughout the election authority's jurisdiction, including
6 but not limited to a municipal clerk's office, a township
7 clerk's office, a road district clerk's office, or a county or
8 local public agency office. Except as otherwise provided in
9 subsection (b), any person entitled to vote early by personal
10 appearance may do so at any polling place established for early
11 voting.

12 (b) If it is impractical for the election authority to
13 provide at each polling place for early voting a ballot in
14 every form required in the election authority's jurisdiction,
15 the election authority may:

16 (1) provide appropriate forms of ballots to the office
17 of the municipal clerk in a municipality not having a board
18 of election commissioners; the township clerk; or in
19 counties not under township organization, the road
20 district clerk; and

21 (2) limit voting at that polling place to registered
22 voters in that municipality, ward or group of wards,
23 township, or road district.

24 If the early voting polling place does not have the correct
25 ballot form for a person seeking to vote early, the election

1 judge or election official conducting early voting at that
2 polling place shall inform the person of that fact, give the
3 person the appropriate telephone number of the election
4 authority in order to locate an early voting polling place with
5 the correct ballot form for use in that person's assigned
6 precinct, and instruct the person to go to the proper early
7 voting polling place to vote early.

8 (c) During each general primary and general election, each
9 election authority in a county with a population over 250,000
10 shall establish at least one polling place for early voting by
11 personal appearance under Sections 19A-15 and 19A-20 at a
12 location within each of the 3 largest municipalities within its
13 jurisdiction. If any of the 3 largest municipalities is over
14 75,000, the election authority shall establish at least 2
15 polling places within the municipality. All population figures
16 shall be determined by the federal census.

17 During each general primary and general election, each
18 board of election commissioners established under Article 6 of
19 this Code in any city, village, or incorporated town with a
20 population over 100,000 shall establish at least 2 polling
21 places for early voting by personal appearance under Sections
22 19A-15 and 19A-20. All population figures shall be determined
23 by the federal census.

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

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

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

15 (b) In conducting early voting under this Article, the
16 election judge or official is required to verify the signature
17 of the early voter by comparison with the signature on the
18 official registration card, and the judge or official must
19 verify (i) the identity of the applicant, (ii) that the
20 applicant is a registered voter, (iii) the precinct in which
21 the applicant is registered, and (iv) the proper ballots of the
22 political subdivision in which the applicant resides and is
23 entitled to vote before providing an early ballot to the
24 applicant. If the identity of the applicant cannot be verified,
25 the ~~The~~ applicant's identity must be verified by the
26 applicant's presentation of an Illinois driver's license, a

1 non-driver identification card issued by the Illinois
2 Secretary of State, or another government-issued
3 identification document containing the applicant's photograph.
4 The election judge or official must verify the applicant's
5 registration from the most recent poll list provided by the
6 election authority, and if the applicant is not listed on that
7 poll list, by telephoning the office of the election authority.

8 (b-5) A person requesting an early voting ballot to whom an
9 absentee ballot was issued may vote early if the person submits
10 that absentee ballot to the judges of election or official
11 conducting early voting for cancellation. If the voter is
12 unable to submit the absentee ballot, it shall be sufficient
13 for the voter to submit to the judges or official (i) a portion
14 of the absentee ballot if the absentee ballot was torn or
15 mutilated or (ii) an affidavit executed before the judges or
16 official specifying that (A) the voter never received an
17 absentee ballot or (B) the voter completed and returned an
18 absentee ballot and was informed that the election authority
19 did not receive that absentee ballot.

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

1 (b-15) ~~This subsection applies to early voting polling~~
2 ~~places using optical scan technology voting equipment subject~~
3 ~~to Article 24B.~~ Immediately after voting an early ballot, the
4 voter shall be instructed whether the voting equipment accepted
5 or rejected the ballot or identified that ballot as under-voted
6 for a statewide constitutional office. A voter whose ballot is
7 identified as under-voted may return to the voting booth and
8 complete the voting of that ballot. A voter whose early voting
9 ballot is not accepted by the voting equipment may, upon
10 surrendering the ballot, request and vote another early voting
11 ballot. The voter's surrendered ballot ~~that was not accepted~~
12 shall be initialed by the election judge or official conducting
13 the early voting and handled as provided in the appropriate
14 Article governing the voting equipment used ~~24B.~~

15 (c) The sealed early ballots in their carrier envelope
16 shall be delivered by the election authority to the central
17 ballot counting location before the close of the polls on the
18 day of the election.

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

20 (10 ILCS 5/19A-50)

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

1 envelope contains a ballot and must be opened on election day",
2 together with the number and description of the precinct in
3 which the ballot is to be voted, and the election authority
4 shall safely keep the envelope in its office until delivered to
5 the central ballot counting location.

6 The election authority shall not tabulate any ballots cast
7 under this Article until after the polls close on election day.

8 The election authority may process the ballots prior to the
9 closing of the polls on election day. The ballots determined to
10 be valid shall be added to the vote totals for the precincts
11 for which they were cast in the order in which the ballots were
12 opened.

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

14 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

16 (a) (Blank.)

17 (b) Each absent voter's ballot returned to an election
18 authority, by any means authorized by this Article, and
19 received by that election authority before the closing of the
20 polls on election day shall be endorsed by the receiving
21 election authority with the day and hour of receipt and shall
22 be counted in the central ballot counting location of the
23 election authority on the day of the election after 7:00 p.m.,
24 except as provided in subsections (g) and (g-5).

25 (c) Each absent voter's ballot that is mailed to an

1 election authority and postmarked by the midnight preceding the
2 opening of the polls on election day, but that is received by
3 the election authority after the polls close on election day
4 and before the close of the period for counting provisional
5 ballots cast at that election, shall be endorsed by the
6 receiving authority with the day and hour of receipt and shall
7 be counted at the central ballot counting location of the
8 election authority during the period for counting provisional
9 ballots.

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

23 (d) Special write-in absentee voter's blank ballots
24 returned to an election authority, by any means authorized by
25 this Article, and received by the election authority at any
26 time before the closing of the polls on election day shall be

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

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

25 (f) Counting required under this Section to begin on
26 election day after the closing of the polls shall commence no

1 later than 8:00 p.m. and shall be conducted by a panel or
2 panels of election judges appointed in the manner provided by
3 law. The counting shall continue until all absent voters'
4 ballots and special write-in absentee voter's blank ballots
5 required to be counted on election day have been counted.

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

26 In addition to the voter's signatures not matching, a

1 ballot subject to this Article may be rejected by the election
2 judge or official:

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

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

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

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

10 If the election judge or official determines that any of
11 these reasons apply, the judge or official shall mark across
12 the face of the certification envelope the word "Rejected" and
13 shall not cast or count the ballot.

14 (g-5) If a ballot subject to this Article is rejected by
15 the election judge or official for any reason, the election
16 authority shall, within 2 days after the rejection but in all
17 cases before the close of the period for counting provisional
18 ballots, notify the voter that his or her ballot was rejected.
19 The notice shall inform the voter of the reason or reasons the
20 ballot was rejected and shall state that the voter may appear
21 before the election authority, on or before the 14th day after
22 the election, to show cause as to why the ballot should not be
23 rejected. The voter may present evidence to the election
24 authority supporting his or her contention that the ballot
25 should be counted. The election authority shall appoint a panel
26 of 3 election judges to review the contested ballot,

1 application, and certification envelope, as well as any
2 evidence submitted by the absentee voter. No more than 2
3 election judges on the reviewing panel shall be of the same
4 political party. The reviewing panel of election judges shall
5 make a final determination as to the validity of the contested
6 ballot. The judges' determination shall not be reviewable
7 either administratively or judicially.

8 A ballot subject to this subsection that is determined to
9 be valid shall be counted before the close of the period for
10 counting provisional ballots.

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

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

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

18 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

19 Sec. 24-1. The election authority in all jurisdictions when
20 voting machines are used shall, except as otherwise provided in
21 this Code, provide a voting machine or voting machines for any
22 or all of the election precincts or election districts, as the
23 case may be, for which the election authority is by law charged
24 with the duty of conducting an election or elections. A voting
25 machine or machines sufficient in number to provide a machine

1 for each 400 voters or fraction thereof shall be supplied for
2 use at all elections. However, no such voting machine shall be
3 used, purchased, or adopted, and no person or entity may have a
4 written contract, including a contract contingent upon
5 certification of the voting machines, to sell, lease, or loan
6 voting machines to an election authority, until the board of
7 voting machine commissioners hereinafter provided for, or a
8 majority thereof, shall have made and filed a report certifying
9 that they have examined such machine; that it affords each
10 elector an opportunity to vote in absolute secrecy; that it
11 enables each elector to vote a ticket selected in part from the
12 nominees of one party, and in part from the nominees of any or
13 all other parties, and in part from independent nominees
14 printed in the columns of candidates for public office, and in
15 part of persons not in nomination by any party or upon any
16 independent ticket; that it enables each elector to vote a
17 written or printed ballot of his own selection, for any person
18 for any office for whom he may desire to vote; that it enables
19 each elector to vote for all candidates for whom he is entitled
20 to vote, and prevents him from voting for any candidate for any
21 office more than once, unless he is lawfully entitled to cast
22 more than one vote for one candidate, and in that event permits
23 him to cast only as many votes for that candidate as he is by
24 law entitled, and no more; that it prevents the elector from
25 voting for more than one person for the same office, unless he
26 is lawfully entitled to vote for more than one person therefor,

1 and in that event permits him to vote for as many persons for
2 that office as he is by law entitled, and no more; that it
3 identifies when an elector has not voted for all statewide
4 constitutional offices; and that such machine will register
5 correctly by means of exact counters every vote cast for the
6 regular tickets thereon; and has the capacity to contain the
7 tickets of at least 5 political parties with the names of all
8 the candidates thereon, together with all propositions in the
9 form provided by law, where such form is prescribed, and where
10 no such provision is made for the form thereof, then in brief
11 form, not to exceed 75 words; that all votes cast on the
12 machine on a regular ballot or ballots shall be registered;
13 that voters may, by means of irregular ballots or otherwise
14 vote for any person for any office, although such person may
15 not have been nominated by any party and his name may not
16 appear on such machine; that when a vote is cast for any person
17 for any such office, when his name does not appear on the
18 machine, the elector cannot vote for any other name on the
19 machine for the same office; that each elector can,
20 understandingly and within the period of 4 minutes cast his
21 vote for all candidates of his choice; that the machine is so
22 constructed that the candidates for presidential electors of
23 any party can be voted for only by voting for the ballot label
24 containing a bracket within which are the names of the
25 candidates for President and Vice-President of the party or
26 group; that the machine is provided with a lock or locks by the

1 use of which any movement of the voting or registering
2 mechanism is absolutely prevented so that it cannot be tampered
3 with or manipulated for any purpose; that the machine is
4 susceptible of being closed during the progress of the voting
5 so that no person can see or know the number of votes
6 registered for any candidate; that each elector is permitted to
7 vote for or against any question, proposition or amendment upon
8 which he is entitled to vote, and is prevented from voting for
9 or against any question, proposition or amendment upon which he
10 is not entitled to vote; that the machine is capable of
11 adjustment by the election authority, so as to permit the
12 elector, at a party primary election, to vote only for the
13 candidates seeking nomination by the political party in which
14 primary he is entitled to vote: Provided, also that no such
15 machine or machines shall be purchased, unless the party or
16 parties making the sale shall guarantee in writing to keep the
17 machine or machines in good working order for 5 years without
18 additional cost and shall give a sufficient bond conditioned to
19 that effect.

20 (Source: P.A. 94-1000, eff. 7-3-06.)

21 (10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)

22 Sec. 24A-6. The ballot information, whether placed on the
23 ballot or on the marking device, shall, as far as practicable,
24 be in the order of arrangement provided for paper ballots,
25 except that such information may be in vertical or horizontal

1 rows, or in a number of separate pages. Ballots for all
2 questions or propositions to be voted on must be provided in
3 the same manner and must be arranged on or in the marking
4 device or on the ballot sheet in the places provided for such
5 purposes.

6 When an electronic voting system utilizes a ballot label
7 booklet and ballot card, ballots for candidates, ballots
8 calling for a constitutional convention, constitutional
9 amendment ballots, judicial retention ballots, public
10 measures, and all propositions to be voted upon may be placed
11 on the electronic voting device by providing in the ballot
12 booklet separate ballot label pages or series of pages
13 distinguished by differing colors as provided below. When an
14 electronic voting system utilizes a ballot sheet, ballots
15 calling for a constitutional convention, constitutional
16 amendment ballots and judicial retention ballots shall be
17 placed on the ballot sheet by providing a separate portion of
18 the ballot sheet for each such kind of ballot which shall be
19 printed in ink of a color distinct from the color of ink used
20 in printing any other portion of the ballot sheet. Ballots for
21 candidates, public measures and all other propositions to be
22 voted upon shall be placed on the ballot sheet by providing a
23 separate portion of the ballot sheet for each such kind of
24 ballot. Whenever a person has submitted a declaration of intent
25 to be a write-in candidate as required in Sections 17-16. 1 and
26 18-9.1, Below the name of the last candidate listed for an

1 ~~office shall be printed~~ a line on which the name of a candidate
2 may be written by the voter shall be printed below the name of
3 the last candidate nominated for such office, and immediately
4 to the left of such line an area shall be provided for marking
5 a vote for such write-in candidate. The number of write-in
6 lines for an office shall equal the number of persons who have
7 filed declarations of intent to be write-in candidates plus an
8 additional line or lines for write-in candidates who may file
9 declarations to be write-in candidates under Sections 17-16.1
10 and 18-9.1 when the certification of ballot contains the words
11 "OBJECTION PENDING" next to the name of the candidate, up to
12 the number of candidates for which a voter may vote. More than
13 one amendment to the constitution may be placed on the same
14 ballot page or series of pages or on the same portion of the
15 ballot sheet, as the case may be. Ballot label pages for
16 constitutional conventions or constitutional amendments shall
17 be on paper of blue color and shall precede all other ballot
18 label pages in the ballot label booklet. More than one public
19 measure or proposition may be placed on the same ballot label
20 page or series of pages or on the same portion of the ballot
21 sheet, as the case may be. More than one proposition for
22 retention of judges in office may be placed on the same ballot
23 label page or series of pages or on the same portion of the
24 ballot sheet, as the case may be. Ballot label pages for
25 candidates shall be on paper of white color, except that in
26 primary elections the ballot label page or pages for the

1 candidates of each respective political party shall be of the
2 color designated by the election official in charge of the
3 election for that political party's candidates; provided that
4 the ballot label pages or pages for candidates for use at the
5 nonpartisan and consolidated elections may be on paper of
6 different colors, except blue, whenever necessary or desirable
7 to facilitate distinguishing between the pages for different
8 political subdivisions. On each page of the candidate booklet,
9 where the election is made to list ballot information
10 vertically, the party affiliation of each candidate or the word
11 "independent" shall appear immediately to the left of the
12 candidate's name, and the name of candidates for the same
13 office shall be listed vertically under the title of that
14 office. In the case of nonpartisan elections for officers of
15 political subdivisions, unless the statute or an ordinance
16 adopted pursuant to Article VII of the Constitution requires
17 otherwise, the listing of such nonpartisan candidates shall not
18 include any party or "independent" designation. Ballot label
19 pages for judicial retention ballots shall be on paper of green
20 color, and ballot label pages for all public measures and other
21 propositions shall be on paper of some other distinct and
22 different color. In primary elections, a separate ballot label
23 booklet, marking device and voting booth shall be used for each
24 political party holding a primary, with the ballot label
25 booklet arranged to include ballot label pages of the
26 candidates of the party and public measures and other

1 propositions to be voted upon on the day of the primary
2 election. One ballot card may be used for recording the voter's
3 vote or choice on all such ballots, proposals, public measures
4 or propositions, and such ballot card shall be arranged so as
5 to record the voter's vote or choice in a separate column or
6 columns for each such kind of ballot, proposal, public measure
7 or proposition.

8 If the ballot label booklet includes both candidates for
9 office and public measures or propositions to be voted on, the
10 election official in charge of the election shall divide the
11 pages by protruding tabs identifying the division of the pages,
12 and printing on such tabs "Candidates" and "Propositions".

13 The ballot card and all of its columns and the ballot card
14 envelope shall be of the color prescribed for candidate's
15 ballots at the general or primary election, whichever is being
16 held. At an election where no candidates are being nominated or
17 elected, the ballot card, its columns, and the ballot card
18 envelope shall be of a color designated by the election
19 official in charge of the election.

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

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

25 Absentee ballots may consist of ballot cards, envelopes,
26 paper ballots or ballot sheets voted in person in the office of

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

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

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

17 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

21 Immediately after the closing of the polls, the precinct
22 judges of election shall open the ballot box and count the
23 number of ballots therein to determine if such number agrees
24 with the number of voters voting as shown by the applications
25 for ballot or, if the same do not agree, the judges of election

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

20 When an electronic voting system is used which utilizes a
21 ballot card, before separating the remaining ballot cards from
22 their respective covering envelopes, the judges of election
23 shall examine the ballot card envelopes for write-in votes.
24 When the voter has cast a write-in vote, the judges of election
25 shall compare the write-in vote with the votes on the ballot
26 card to determine whether such write-in results in an overvote

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

26 The ballot cards and ballot card envelopes shall be

1 separated in preparation for counting by the automatic
2 tabulating equipment provided for that purpose by the election
3 authority.

4 Before the ballots are entered into the automatic
5 tabulating equipment, a precinct identification card provided
6 by the election authority shall be entered into the device to
7 ensure that the totals are all zeroes in the count column on
8 the printing unit. A precinct judge of election shall then
9 count the ballots by entering each ballot card into the
10 automatic tabulating equipment, and if any ballot or ballot
11 card is damaged or defective so that it cannot properly be
12 counted by the automatic tabulating equipment, the judges of
13 election, consisting in each case of at least one judge of
14 election of each of the 2 major political parties, shall make a
15 true duplicate ballot of all votes on such ballot card by using
16 the ballot label booklet of the precinct and one of the marking
17 devices of the precinct. The original ballot or ballot card and
18 envelope shall be clearly labeled "Damaged Ballot" and the
19 ballot or ballot card so produced shall be clearly labeled
20 "Duplicate Damaged Ballot", and each shall contain the same
21 serial number which shall be placed thereon by the judges of
22 election, commencing with number 1 and continuing
23 consecutively for the ballots of that kind in the precinct. The
24 judges of election shall initial the "Duplicate Damaged Ballot"
25 ballot or ballot cards and shall enter the duplicate damaged
26 cards into the automatic tabulating equipment. The "Damaged

1 Ballot" cards shall be placed in the "Duplicated Ballots"
2 envelope; after all ballot cards have been successfully read,
3 the judges of election shall check to make certain that the
4 last number printed by the printing unit is the same as the
5 number of voters making application for ballot in that
6 precinct. The number shall be listed on the "Statement of
7 Ballots" form provided by the election authority.

8 The totals for all candidates and propositions shall be
9 tabulated. One copy of an "In-Precinct Totals Report" shall be
10 generated by the automatic tabulating equipment for return to
11 the election authority. One copy of an "In-Precinct Totals
12 Report" shall be generated and posted in a conspicuous place
13 inside the polling place, provided that any authorized
14 pollwatcher or other official authorized to be present in the
15 polling place to observe the counting of ballots is present.

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~~

1 ~~the pollwatchers to allow them to copy information from the set~~
2 ~~which has been posted.~~

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

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

1 corrections. Upon acceptance of the ballots by the election
2 authority, the judges returning the same shall take a receipt
3 signed by the election authority and stamped with the time and
4 date of such return. The election judges whose duty it is to
5 return any ballots as herein provided shall, in the event such
6 ballots cannot be found when needed, on proper request, produce
7 the receipt which they are to take as above provided.

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

9 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

10 Sec. 24A-15. The precinct return printed by the automatic
11 tabulating equipment shall include the number of ballots cast
12 and votes cast for each candidate and proposition and shall
13 constitute the official return of each precinct. In addition to
14 the precinct return, the election authority shall provide the
15 number of applications for ballots in each precinct, the
16 write-in votes, the total number of ballots counted in each
17 precinct for each political subdivision and district and the
18 number of registered voters in each precinct. However, the
19 election authority shall check the totals shown by the precinct
20 return and, if there is an obvious discrepancy with respect to
21 the total number of votes cast in any precinct, shall have the
22 ballots for such precinct retabulated to correct the return.
23 The procedures for retabulation shall apply prior to and after
24 the proclamation is completed; however, after the proclamation
25 of results, the election authority must obtain a court order to

1 unseal voted ballots except for election contests and discovery
2 recounts. In those election jurisdictions that utilize
3 in-precinct counting equipment, the certificate of results,
4 which has been prepared by the judges of election ~~in the~~
5 ~~polling place~~ after the ballots have been tabulated, shall be
6 the document used for the canvass of votes for such precinct.
7 Whenever a discrepancy exists during the canvass of votes
8 between the unofficial results and the certificate of results,
9 or whenever a discrepancy exists during the canvass of votes
10 between the certificate of results and the set of totals which
11 has been affixed to such certificate of results, the ballots
12 for such precinct shall be retabulated to correct the return.
13 As an additional part of this check prior to the proclamation,
14 in those jurisdictions where in-precinct counting equipment is
15 utilized, the election authority shall retabulate the total
16 number of votes cast in 5% of the precincts within the election
17 jurisdiction. The precincts to be retabulated shall be selected
18 after election day on a random basis by the State Board of
19 Elections, so that every precinct in the election jurisdiction
20 has an equal mathematical chance of being selected. The State
21 Board of Elections shall design a standard and scientific
22 random method of selecting the precincts which are to be
23 retabulated. The State central committee chairman of each
24 established political party shall be given prior written notice
25 of the time and place of such random selection procedure and
26 may be represented at such procedure. Such retabulation shall

1 consist of counting the ballot cards which were originally
2 counted and shall not involve any determination as to which
3 ballot cards were, in fact, properly counted. The ballots from
4 the precincts selected for such retabulation shall remain at
5 all times under the custody and control of the election
6 authority and shall be transported and retabulated by the
7 designated staff of the election authority.

8 As part of such retabulation, the election authority shall
9 test the computer program in the selected precincts. Such test
10 shall be conducted by processing a preaudited group of ballots
11 so punched so as to record a predetermined number of valid
12 votes for each candidate and on each public question, and shall
13 include for each office one or more ballots which have votes in
14 excess of the number allowed by law in order to test the
15 ability of the equipment to reject such votes. If any error is
16 detected, the cause therefor shall be ascertained and corrected
17 and an errorless count shall be made prior to the official
18 canvass and proclamation of election results.

19 The State Board of Elections, the State's Attorney and
20 other appropriate law enforcement agencies, the county
21 chairman of each established political party and qualified
22 civic organizations shall be given prior written notice of the
23 time and place of such retabulation and may be represented at
24 such retabulation.

25 The results of this retabulation shall be treated in the
26 same manner and have the same effect as the results of the

1 discovery procedures set forth in Section 22-9.1 of this Act.
2 Upon completion of the retabulation, the election authority
3 shall print a comparison of the results of the retabulation
4 with the original precinct return printed by the automatic
5 tabulating equipment. Such comparison shall be done for each
6 precinct and for each office voted upon within that precinct,
7 and the comparisons shall be open to the public.

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

9 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

10 Sec. 24A-16. The State Board of Elections shall approve all
11 voting systems provided by this Article.

12 No voting system shall be approved unless it fulfills the
13 following requirements:

14 (1) It enables a voter to vote in absolute secrecy;

15 (2) (Blank);

16 (3) It enables a voter to vote a ticket selected in
17 part from the nominees of one party, and in part from the
18 nominees of any or all parties, and in part from
19 independent candidates and in part of candidates whose
20 names are written in by the voter;

21 (4) It enables a voter to vote a written or printed
22 ticket of his own selection for any person for any office
23 for whom he may desire to vote;

24 (5) It will reject all votes for an office or upon a
25 proposition when the voter has cast more votes for such

1 office or upon such proposition than he is entitled to
2 cast;

3 (5.5) It will identify when a voter has not voted for
4 all statewide constitutional offices;

5 (6) It will accommodate all propositions to be
6 submitted to the voters in the form provided by law or,
7 where no such form is provided, then in brief form, not to
8 exceed 75 words.

9 The State Board of Elections shall not approve any voting
10 equipment or system that includes an external Infrared Data
11 Association (IrDA) communications port.

12 The State Board of Elections is authorized to withdraw its
13 approval of a voting system if the system fails to fulfill the
14 above requirements.

15 The vendor, person, or other private entity shall be solely
16 responsible for the production and cost of: all application
17 fees; all ballots; additional temporary workers; and other
18 equipment or facilities needed and used in the testing of the
19 vendor's, person's, or other private entity's respective
20 equipment and software.

21 Any voting system vendor, person, or other private entity
22 seeking the State Board of Elections' approval of a voting
23 system shall, as part of the approval application, submit to
24 the State Board a non-refundable fee. The State Board of
25 Elections by rule shall establish an appropriate fee structure,
26 taking into account the type of voting system approval that is

1 requested (such as approval of a new system, a modification of
2 an existing system, the size of the modification, etc.). No
3 voting system or modification of a voting system shall be
4 approved unless the fee is paid.

5 No vendor, person, or other entity may sell, lease, or
6 loan, or have a written contract, including a contract
7 contingent upon State Board approval of the voting system or
8 voting system component, to sell, lease, or loan, a voting
9 system or voting system component to any election jurisdiction
10 unless the voting system or voting system component is first
11 approved by the State Board of Elections pursuant to this
12 Section.

13 (Source: P.A. 94-1000, eff. 7-3-06.)

14 (10 ILCS 5/24B-6)

15 Sec. 24B-6. Ballot Information; Arrangement; Electronic
16 Precinct Tabulation Optical Scan Technology Voting System;
17 Absentee Ballots; Spoiled Ballots. The ballot information,
18 shall, as far as practicable, be in the order of arrangement
19 provided for paper ballots, except that the information may be
20 in vertical or horizontal rows, or on a number of separate
21 pages or displays on the marking device. Ballots for all
22 questions or propositions to be voted on should be provided in
23 a similar manner and must be arranged on the ballot sheet or
24 marking device in the places provided for such purposes.
25 Ballots shall be of white paper unless provided otherwise by

1 administrative rule of the State Board of Elections or
2 otherwise specified.

3 All propositions, including but not limited to
4 propositions calling for a constitutional convention,
5 constitutional amendment, judicial retention, and public
6 measures to be voted upon shall be placed on separate portions
7 of the ballot sheet or marking device by utilizing borders or
8 grey screens. Candidates shall be listed on a separate portion
9 of the ballot sheet or marking device by utilizing borders or
10 grey screens. Whenever a person has submitted a declaration of
11 intent to be a write-in candidate as required in Sections
12 17-16.1 and 18-9.1, ~~Below the name of the last candidate listed~~
13 for an office shall be printed or displayed a line or lines on
14 which the voter may select a write-in candidate shall be
15 printed below the name of the last candidate nominated for such
16 office. Such line or lines shall be proximate to an area
17 provided for marking votes for the write-in candidate or
18 candidates. The number of write-in lines for an office shall
19 equal the number of persons who have filed declarations of
20 intent to be write-in candidates plus an additional line or
21 lines for write-in candidates who may file declarations to be
22 write-in candidates under Sections 17-16.1 and 18-9.1 when the
23 certification of ballot contains the words "OBJECTION PENDING"
24 next to the name of that candidate, up to the number of
25 candidates for which a voter may vote. More than one amendment
26 to the constitution may be placed on the same portion of the

1 ballot sheet or marking device. Constitutional convention or
2 constitutional amendment propositions shall be printed or
3 displayed on a separate portion of the ballot sheet or marking
4 device and designated by borders or grey screens, unless
5 otherwise provided by administrative rule of the State Board of
6 Elections. More than one public measure or proposition may be
7 placed on the same portion of the ballot sheet or marking
8 device. More than one proposition for retention of judges in
9 office may be placed on the same portion of the ballot sheet or
10 marking device. Names of candidates shall be printed in black.
11 The party affiliation of each candidate or the word
12 "independent" shall appear near or under the candidate's name,
13 and the names of candidates for the same office shall be listed
14 vertically under the title of that office, on separate pages of
15 the marking device, or as otherwise approved by the State Board
16 of Elections. In the case of nonpartisan elections for officers
17 of political subdivisions, unless the statute or an ordinance
18 adopted pursuant to Article VII of the Constitution requires
19 otherwise, the listing of nonpartisan candidates shall not
20 include any party or "independent" designation. Judicial
21 retention questions and ballot questions for all public
22 measures and other propositions shall be designated by borders
23 or grey screens on the ballot or marking device. In primary
24 elections, a separate ballot, or displays on the marking
25 device, shall be used for each political party holding a
26 primary, with the ballot or marking device arranged to include

1 names of the candidates of the party and public measures and
2 other propositions to be voted upon on the day of the primary
3 election.

4 If the ballot includes both candidates for office and
5 public measures or propositions to be voted on, the election
6 official in charge of the election shall divide the ballot or
7 displays on the marking device in sections for "Candidates" and
8 "Propositions", or separate ballots may be used.

9 Absentee ballots may consist of envelopes, paper ballots or
10 ballot sheets voted in person in the office of the election
11 official in charge of the election or voted by mail. Where a
12 Precinct Tabulation Optical Scan Technology ballot is used for
13 voting by mail it must be accompanied by voter instructions.

14 Any voter who spoils his or her ballot, makes an error, or
15 has a ballot returned by the automatic tabulating equipment may
16 return the ballot to the judges of election and get another
17 ballot.

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

19 (10 ILCS 5/24B-10.1)

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

25 Before the opening of the polls, and before the ballots are

1 entered into the automatic tabulating equipment, the judges of
2 election shall be sure that the totals are all zeros in the
3 counting column. Ballots may then be counted by entering or
4 scanning each ballot into the automatic tabulating equipment.
5 Throughout the election day and before the closing of the
6 polls, no person may check any vote totals for any candidate or
7 proposition on the automatic tabulating equipment. Such
8 automatic tabulating equipment shall be programmed so that no
9 person may reset the equipment for refeeding of ballots unless
10 provided a code from an authorized representative of the
11 election authority. At the option of the election authority,
12 the ballots may be fed into the Precinct Tabulation Optical
13 Scan Technology equipment by the voters under the direct
14 supervision of the judges of elections.

15 Immediately after the closing of the polls, the precinct
16 judges of election shall open the ballot box and count the
17 number of ballots to determine if the number agrees with the
18 number of voters voting as shown on the Precinct Tabulation
19 Optical Scan Technology equipment and by the applications for
20 ballot or, if the same do not agree, the judges of election
21 shall make the ballots agree with the applications for ballot
22 in the manner provided by Section 17-18 of this Code. The
23 judges of election shall then examine all ballots which are in
24 the ballot box to determine whether the ballots contain the
25 initials of a precinct judge of election. If any ballot is not
26 initialed, it shall be marked on the back "Defective",

1 initialed as to such label by all judges immediately under the
2 word "Defective" and not counted. The judges of election shall
3 place an initialed blank official ballot in the place of the
4 defective ballot, so that the count of the ballots to be
5 counted on the automatic tabulating equipment will be the same,
6 and each "Defective Ballot" and "Replacement" ballot shall
7 contain the same serial number which shall be placed thereon by
8 the judges of election, beginning with number 1 and continuing
9 consecutively for the ballots of that kind in that precinct.
10 The original "Defective" ballot shall be placed in the
11 "Defective Ballot Envelope" provided for that purpose.

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

26 When a Precinct Tabulation Optical Scan Technology

1 electronic voting system is used which uses a paper ballot, the
2 judges of election shall examine the ballot for write-in votes.
3 When the voter has cast a write-in vote, the judges of election
4 shall compare the write-in vote with the votes on the ballot to
5 determine whether the write-in results in an overvote for any
6 office, unless the Precinct Tabulation Optical Scan Technology
7 equipment has already done so. In case of an overvote for any
8 office, the judges of election, consisting in each case of at
9 least one judge of election of each of the 2 major political
10 parties, shall make a true duplicate ballot of all votes on
11 such ballot except for the office which is overvoted, by using
12 the ballot of the precinct and one of the marking devices, or
13 equivalent ballot, of the precinct so as to transfer all votes
14 of the voter, except for the office overvoted, to a duplicate
15 ballot. The original ballot upon which there is an overvote
16 shall be clearly labeled "Overvoted Ballot", and each such
17 "Overvoted Ballot" as well as its "Replacement" shall contain
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 precinct.
21 The "Overvoted Ballot" shall be placed in an envelope provided
22 for that purpose labeled "Duplicate Ballot" envelope, and the
23 judges of election shall initial the "Replacement" ballots and
24 shall place them with the other ballots to be counted on the
25 automatic tabulating equipment.

26 If any ballot is damaged or defective, or if any ballot

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

25 The totals for all candidates and propositions shall be
26 tabulated. One copy of an "In-Precinct Totals Report" shall be

1 generated by the automatic tabulating equipment for return to
2 the election authority. One copy of an "In-Precinct Totals
3 Report" shall be generated and posted in a conspicuous place
4 inside the polling place, provided that any authorized
5 pollwatcher or other official authorized to be present in the
6 polling place to observe the counting of ballots is present.

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

20 The judges of election shall count all unused ballots and
21 enter the number on the "Statement of Ballots". All "Spoiled",
22 "Defective" and "Duplicated" ballots shall be counted and the
23 number entered on the "Statement of Ballots".

24 The precinct judges of election shall select a bi-partisan
25 team of 2 judges, who shall immediately return the ballots in a
26 sealed container, along with all other election materials as

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

1 provided. The precinct judges of election shall also deliver
2 the Precinct Tabulation Optical Scan Technology equipment to
3 the election authority.

4 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
5 94-1000, eff. 7-3-06.)

6 (10 ILCS 5/24B-15)

7 Sec. 24B-15. Official Return of Precinct; Check of Totals;
8 Retabulation. The precinct return printed by the automatic
9 Precinct Tabulation Optical Scan Technology tabulating
10 equipment shall include the number of ballots cast and votes
11 cast for each candidate and proposition and shall constitute
12 the official return of each precinct. In addition to the
13 precinct return, the election authority shall provide the
14 number of applications for ballots in each precinct, the
15 write-in votes, the total number of ballots counted in each
16 precinct for each political subdivision and district and the
17 number of registered voters in each precinct. However, the
18 election authority shall check the totals shown by the precinct
19 return and, if there is an obvious discrepancy regarding the
20 total number of votes cast in any precinct, shall have the
21 ballots for that precinct retabulated to correct the return.
22 The procedures for retabulation shall apply prior to and after
23 the proclamation is completed; however, after the proclamation
24 of results, the election authority must obtain a court order to
25 unseal voted ballots except for election contests and discovery

1 recounts. In those election jurisdictions that use in-precinct
2 counting equipment, the certificate of results, which has been
3 prepared by the judges of election ~~in the polling place~~ after
4 the ballots have been tabulated, shall be the document used for
5 the canvass of votes for such precinct. Whenever a discrepancy
6 exists during the canvass of votes between the unofficial
7 results and the certificate of results, or whenever a
8 discrepancy exists during the canvass of votes between the
9 certificate of results and the set of totals which has been
10 affixed to the certificate of results, the ballots for that
11 precinct shall be retabulated to correct the return. As an
12 additional part of this check prior to the proclamation, in
13 those jurisdictions where in-precinct counting equipment is
14 used, the election authority shall retabulate the total number
15 of votes cast in 5% of the precincts within the election
16 jurisdiction. The precincts to be retabulated shall be selected
17 after election day on a random basis by the State Board of
18 Elections, so that every precinct in the election jurisdiction
19 has an equal mathematical chance of being selected. The State
20 Board of Elections shall design a standard and scientific
21 random method of selecting the precincts which are to be
22 retabulated. The State central committee chairman of each
23 established political party shall be given prior written notice
24 of the time and place of the random selection procedure and may
25 be represented at the procedure. The retabulation shall consist
26 of counting the ballots which were originally counted and shall

1 not involve any determination of which ballots were, in fact,
2 properly counted. The ballots from the precincts selected for
3 the retabulation shall remain at all times under the custody
4 and control of the election authority and shall be transported
5 and retabulated by the designated staff of the election
6 authority.

7 As part of the retabulation, the election authority shall
8 test the computer program in the selected precincts. The test
9 shall be conducted by processing a preaudited group of ballots
10 marked to record a predetermined number of valid votes for each
11 candidate and on each public question, and shall include for
12 each office one or more ballots which have votes in excess of
13 the number allowed by law to test the ability of the equipment
14 and the marking device to reject such votes. If any error is
15 detected, the cause shall be determined and corrected, and an
16 errorless count shall be made prior to the official canvass and
17 proclamation of election results.

18 The State Board of Elections, the State's Attorney and
19 other appropriate law enforcement agencies, the county
20 chairman of each established political party and qualified
21 civic organizations shall be given prior written notice of the
22 time and place of the retabulation and may be represented at
23 the retabulation.

24 The results of this retabulation shall be treated in the
25 same manner and have the same effect as the results of the
26 discovery procedures set forth in Section 22-9.1 of this Code.

1 Upon completion of the retabulation, the election authority
2 shall print a comparison of the results of the retabulation
3 with the original precinct return printed by the automatic
4 tabulating equipment. The comparison shall be done for each
5 precinct and for each office voted upon within that precinct,
6 and the comparisons shall be open to the public. Upon
7 completion of the retabulation, the returns shall be open to
8 the public.

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

10 (10 ILCS 5/24B-16)

11 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan
12 Technology Voting Systems; Requisites. The State Board of
13 Elections shall approve all Precinct Tabulation Optical Scan
14 Technology voting systems provided by this Article.

15 No Precinct Tabulation Optical Scan Technology voting
16 system shall be approved unless it fulfills the following
17 requirements:

18 (a) It enables a voter to vote in absolute secrecy;

19 (b) (Blank);

20 (c) It enables a voter to vote a ticket selected in
21 part from the nominees of one party, and in part from the
22 nominees of any or all parties, and in part from
23 independent candidates, and in part of candidates whose
24 names are written in by the voter;

25 (d) It enables a voter to vote a written or printed

1 ticket of his or her own selection for any person for any
2 office for whom he or she may desire to vote;

3 (e) It will reject all votes for an office or upon a
4 proposition when the voter has cast more votes for the
5 office or upon the proposition than he or she is entitled
6 to cast; ~~and~~

7 (e-5) It will identify when a voter has not voted for
8 all statewide constitutional offices; and

9 (f) It will accommodate all propositions to be
10 submitted to the voters in the form provided by law or,
11 where no form is provided, then in brief form, not to
12 exceed 75 words.

13 The State Board of Elections shall not approve any voting
14 equipment or system that includes an external Infrared Data
15 Association (IrDA) communications port.

16 The State Board of Elections is authorized to withdraw its
17 approval of a Precinct Tabulation Optical Scan Technology
18 voting system if the system fails to fulfill the above
19 requirements.

20 The vendor, person, or other private entity shall be solely
21 responsible for the production and cost of: all application
22 fees; all ballots; additional temporary workers; and other
23 equipment or facilities needed and used in the testing of the
24 vendor's, person's, or other private entity's respective
25 equipment and software.

26 Any voting system vendor, person, or other private entity

1 seeking the State Board of Elections' approval of a voting
2 system shall, as part of the approval application, submit to
3 the State Board a non-refundable fee. The State Board of
4 Elections by rule shall establish an appropriate fee structure,
5 taking into account the type of voting system approval that is
6 requested (such as approval of a new system, a modification of
7 an existing system, the size of the modification, etc.). No
8 voting system or modification of a voting system shall be
9 approved unless the fee is paid.

10 No vendor, person, or other entity may sell, lease, or
11 loan, or have a written contract, including a contract
12 contingent upon State Board approval of the voting system or
13 voting system component, to sell, lease, or loan, a voting
14 system or Precinct Tabulation Optical Scan Technology voting
15 system component to any election jurisdiction unless the voting
16 system or voting system component is first approved by the
17 State Board of Elections pursuant to this Section.

18 (Source: P.A. 94-1000, eff. 7-3-06.)

19 (10 ILCS 5/24B-20)

20 Sec. 24B-20. Voting Defect Identification Capabilities. An
21 election authority is required to use the Voting Defect
22 Identification capabilities of the automatic tabulating
23 equipment when used in-precinct, including both the capability
24 of identifying an under-vote and the capability of identifying
25 an over-vote.

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

2 (10 ILCS 5/24C-11)

3 Sec. 24C-11. Functional requirements.

4 A Direct Recording Electronic Voting System shall, in
5 addition to satisfying the other requirements of this Article,
6 fulfill the following functional requirements:

7 (a) Provide a voter in a primary election with the means of
8 casting a ballot containing votes for any and all candidates of
9 the party or parties of his or her choice, and for any and all
10 non-partisan candidates and public questions and preclude the
11 voter from voting for any candidate of any other political
12 party except when legally permitted. In a general election, the
13 system shall provide the voter with means of selecting the
14 appropriate number of candidates for any office, and of voting
15 on any public question on the ballot to which he or she is
16 entitled to vote.

17 (b) If a voter is not entitled to vote for particular
18 candidates or public questions appearing on the ballot, the
19 system shall prevent the selection of the prohibited votes.

20 (c) Once the proper ballot has been selected, the system
21 devices shall provide a means of enabling the recording of
22 votes and the casting of said ballot.

23 (d) System voting devices shall provide voting choices that
24 are clear to the voter and labels indicating the names of every
25 candidate and the text of every public question on the voter's

1 ballot. Each label shall identify the selection button or
2 switch, or the active area of the ballot associated with it.
3 The system shall be able to incorporate minimal, easy-to-follow
4 on-screen instruction for the voter on how to cast a ballot.

5 (e) Voting devices shall (i) enable the voter to vote for
6 any and all candidates and public questions appearing on the
7 ballot for which the voter is lawfully entitled to vote, in any
8 legal number and combination; (ii) detect and reject all votes
9 for an office or upon a public question when the voter has cast
10 more votes for the office or upon the public question than the
11 voter is entitled to cast; (iii) notify the voter if the
12 voter's choices as recorded on the ballot for an office or
13 public question are fewer than or exceed the number that the
14 voter is entitled to vote for on that office or public question
15 and the effect of casting more or fewer votes than legally
16 permitted; (iv) notify the voter if the voter has failed to
17 completely cast a vote for an office or public question
18 appearing on the ballot; and (v) permit the voter, in a private
19 and independent manner, to verify the votes selected by the
20 voter, to change the ballot or to correct any error on the
21 ballot before the ballot is completely cast and counted. A
22 means shall be provided to indicate each selection after it has
23 been made or canceled.

24 (f) System voting devices shall provide a means for the
25 voter to signify that the selection of candidates and public
26 questions has been completed. Upon activation, the system shall

1 record an image of the completed ballot, increment the proper
2 ballot position registers, and shall signify to the voter that
3 the ballot has been cast. The system shall then prevent any
4 further attempt to vote until it has been reset or re-enabled
5 by a judge of election.

6 (g) Each system voting device shall be equipped with a
7 public counter that can be set to zero prior to the opening of
8 the polling place, and that records the number of ballots cast
9 at a particular election. The counter shall be incremented only
10 by the casting of a ballot. The counter shall be designed to
11 prevent disabling or resetting by other than authorized persons
12 after the polls close. The counter shall be visible to all
13 judges of election so long as the device is installed at the
14 polling place.

15 (h) Each system voting device shall be equipped with a
16 protective counter that records all of the testing and election
17 ballots cast since the unit was built. This counter shall be
18 designed so that its reading cannot be changed by any cause
19 other than the casting of a ballot. The protective counter
20 shall be incapable of ever being reset and it shall be visible
21 at all times when the device is configured for testing,
22 maintenance, or election use.

23 (i) All system devices shall provide a means of preventing
24 further voting once the polling place has closed and after all
25 eligible voters have voted. Such means of control shall
26 incorporate a visible indication of system status. Each device

1 shall prevent any unauthorized use, prevent tampering with
2 ballot labels and preclude its re-opening once the poll closing
3 has been completed for that election.

4 (j) The system shall produce a printed summary report of
5 the votes cast upon each voting device. Until the proper
6 sequence of events associated with closing the polling place
7 has been completed, the system shall not allow the printing of
8 a report or the extraction of data. The printed report shall
9 also contain all system audit information to be required by the
10 election authority. Data shall not be altered or otherwise
11 destroyed by report generation and the system shall ensure the
12 integrity and security of data for a period of at least 6
13 months after the polls close.

14 (k) If more than one voting device is used in a polling
15 place, the system shall provide a means to manually or
16 electronically consolidate the data from all such units into a
17 single report even if different voting systems are used to
18 record absentee ballots. The system shall also be capable of
19 merging the vote tabulation results produced by other vote
20 tabulation systems, if necessary.

21 (l) System functions shall be implemented such that
22 unauthorized access to them is prevented and the execution of
23 authorized functions in an improper sequence is precluded.
24 System functions shall be executable only in the intended
25 manner and order, and only under the intended conditions. If
26 the preconditions to a system function have not been met, the

1 function shall be precluded from executing by the system's
2 control logic.

3 (m) All system voting devices shall incorporate at least 3
4 memories in the machine itself and in its programmable memory
5 devices.

6 (n) The system shall include capabilities of recording and
7 reporting the date and time of normal and abnormal events and
8 of maintaining a permanent record of audit information that
9 cannot be turned off. Provisions shall be made to detect and
10 record significant events (e.g., casting a ballot, error
11 conditions that cannot be disposed of by the system itself,
12 time-dependent or programmed events that occur without the
13 intervention of the voter or a judge of election).

14 (o) The system and each system voting device must be
15 capable of creating, printing and maintaining a permanent paper
16 record and an electronic image of each ballot that is cast such
17 that records of individual ballots are maintained by a
18 subsystem independent and distinct from the main vote
19 detection, interpretation, processing and reporting path. The
20 electronic images of each ballot must protect the integrity of
21 the data and the anonymity of each voter, for example, by means
22 of storage location scrambling. The ballot image records may be
23 either machine-readable or manually transcribed, or both, at
24 the discretion of the election authority.

25 (p) The system shall include built-in test, measurement and
26 diagnostic software and hardware for detecting and reporting

1 the system's status and degree of operability.

2 (q) The system shall contain provisions for maintaining the
3 integrity of memory voting and audit data during an election
4 and for a period of at least 6 months thereafter and shall
5 provide the means for creating an audit trail.

6 (r) The system shall be fully accessible so as to permit
7 blind or visually impaired voters as well as physically
8 disabled voters to exercise their right to vote in private and
9 without assistance.

10 (s) The system shall provide alternative language
11 accessibility if required pursuant to Section 203 of the Voting
12 Rights Act of 1965.

13 (t) Each voting device shall enable a voter to vote for a
14 person whose name does not appear on the ballot.

15 (u) The system shall record and count accurately each vote
16 properly cast for or against any candidate and for or against
17 any public question, including the names of all candidates
18 whose names are written in by the voters.

19 (v) The system shall allow for accepting provisional
20 ballots and for separating such provisional ballots from
21 precinct totals until authorized by the election authority.

22 (w) The system shall provide an effective audit trail as
23 defined in Section 24C-2 in this Code.

24 (x) The system shall be suitably designed for the purpose
25 used, be durably constructed, and be designed for safety,
26 accuracy and efficiency.

1 (y) The system shall comply with all provisions of federal,
2 State and local election laws and regulations and any future
3 modifications to those laws and regulations.

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

5 (10 ILCS 5/24C-12)

6 Sec. 24C-12. Procedures for Counting and Tallying of
7 Ballots. In an election jurisdiction where a Direct Recording
8 Electronic Voting System is used, the following procedures for
9 counting and tallying the ballots shall apply:

10 Before the opening of the polls, the judges of elections
11 shall assemble the voting equipment and devices and turn the
12 equipment on. The judges shall, if necessary, take steps to
13 activate the voting devices and counting equipment by inserting
14 into the equipment and voting devices appropriate data cards
15 containing passwords and data codes that will select the proper
16 ballot formats selected for that polling place and that will
17 prevent inadvertent or unauthorized activation of the
18 poll-opening function. Before voting begins and before ballots
19 are entered into the voting devices, the judges of election
20 shall cause to be printed a record of the following: the
21 election's identification data, the device's unit
22 identification, the ballot's format identification, the
23 contents of each active candidate register by office and of
24 each active public question register showing that they contain
25 all zero votes, all ballot fields that can be used to invoke

1 special voting options, and other information needed to ensure
2 the readiness of the equipment and to accommodate
3 administrative reporting requirements. The judges must also
4 check to be sure that the totals are all zeros in the counting
5 columns and in the public counter affixed to the voting
6 devices.

7 After the judges have determined that a person is qualified
8 to vote, a voting device with the proper ballot to which the
9 voter is entitled shall be enabled to be used by the voter. The
10 ballot may then be cast by the voter by marking by appropriate
11 means the designated area of the ballot for the casting of a
12 vote for any candidate or for or against any public question.
13 The voter shall be able to vote for any and all candidates and
14 public measures appearing on the ballot in any legal number and
15 combination and the voter shall be able to delete, change or
16 correct his or her selections before the ballot is cast. The
17 voter shall be able to select candidates whose names do not
18 appear upon the ballot for any office by entering
19 electronically as many names of candidates as the voter is
20 entitled to select for each office.

21 Upon completing his or her selection of candidates or
22 public questions, the voter shall signify that voting has been
23 completed by activating the appropriate button, switch or
24 active area of the ballot screen associated with end of voting.
25 Upon activation, the voting system shall record an image of the
26 completed ballot, increment the proper ballot position

1 registers, and shall signify to the voter that the ballot has
2 been cast. Upon activation, the voting system shall also print
3 a permanent paper record of each ballot cast as defined in
4 Section 24C-2 of this Code. This permanent paper record shall
5 (i) be printed in a clear, readily readable format that can be
6 easily reviewed by the voter for completeness and accuracy and
7 (ii) either be self-contained within the voting device or be
8 deposited by the voter into a secure ballot box. No permanent
9 paper record shall be removed from the polling place except by
10 election officials as authorized by this Article. All permanent
11 paper records shall be preserved and secured by election
12 officials in the same manner as paper ballots and shall be
13 available as an official record for any recount, redundant
14 count, or verification or retabulation of the vote count
15 conducted with respect to any election in which the voting
16 system is used. The voter shall exit the voting station and the
17 voting system shall prevent any further attempt to vote until
18 it has been properly re-activated. If a voting device has been
19 enabled for voting but the voter leaves the polling place
20 without casting a ballot, 2 judges of election, one from each
21 of the 2 major political parties, shall spoil the ballot.

22 Throughout the election day and before the closing of the
23 polls, no person may check any vote totals for any candidate or
24 public question on the voting or counting equipment. Such
25 equipment shall be programmed so that no person may reset the
26 equipment for reentry of ballots unless provided the proper

1 code from an authorized representative of the election
2 authority.

3 The precinct judges of election shall check the public
4 register to determine whether the number of ballots counted by
5 the voting equipment agrees with the number of voters voting as
6 shown by the applications for ballot. If the same do not agree,
7 the judges of election shall immediately contact the offices of
8 the election authority in charge of the election for further
9 instructions. If the number of ballots counted by the voting
10 equipment agrees with the number of voters voting as shown by
11 the application for ballot, the number shall be listed on the
12 "Statement of Ballots" form provided by the election authority.

13 The totals for all candidates and propositions shall be
14 tabulated. One copy of an "In-Precinct Totals Report" shall be
15 generated by the automatic tabulating equipment for return to
16 the election authority. One copy of an "In-Precinct Totals
17 Report" shall be generated and posted in a conspicuous place
18 inside the polling place, provided that any authorized
19 pollwatcher or other official authorized to be present in the
20 polling place to observe the counting of ballots is present.

21 ~~Except as otherwise provided in this Section, the totals for~~
22 ~~all candidates and propositions shall be tabulated; and 4~~
23 ~~copies of a "Certificate of Results" shall be printed by the~~
24 ~~automatic tabulating equipment; one copy shall be posted in a~~
25 ~~conspicuous place inside the polling place; and every effort~~
26 ~~shall be made by the judges of election to provide a copy for~~

1 ~~each authorized pollwatcher or other official authorized to be~~
2 ~~present in the polling place to observe the counting of~~
3 ~~ballots; but in no case shall the number of copies to be made~~
4 ~~available to pollwatchers be fewer than 4, chosen by lot by the~~
5 ~~judges of election.~~ In addition, sufficient time shall be
6 provided by the judges of election to the pollwatchers to allow
7 them to copy information from the copy which has been posted.

8 Until December 31, 2007, in elections at which fractional
9 cumulative votes are cast for candidates, the tabulation of
10 those fractional cumulative votes may be made by the election
11 authority at its central office location, and 4 copies of a
12 "Certificate of Results" shall be printed by the automatic
13 tabulation equipment and shall be posted in 4 conspicuous
14 places at the central office location where those fractional
15 cumulative votes have been tabulated.

16 If instructed by the election authority, the judges of
17 election shall cause the tabulated returns to be transmitted
18 electronically to the offices of the election authority via
19 modem or other electronic medium.

20 The precinct judges of election shall select a bi-partisan
21 team of 2 judges, who shall immediately return the ballots in a
22 sealed container, along with all other election materials and
23 equipment as instructed by the election authority; provided,
24 however, that such container must first be sealed by the
25 election judges with filament tape or other approved sealing
26 devices provided for the purpose in a manner that the ballots

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

23 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
24 94-1073, eff. 12-26-06.)

1 Sec. 24C-15. Official Return of Precinct; Check of Totals;
2 Audit. The precinct return printed by the Direct Recording
3 Electronic Voting System tabulating equipment shall include
4 the number of ballots cast and votes cast for each candidate
5 and public question and shall constitute the official return of
6 each precinct. In addition to the precinct return, the election
7 authority shall provide the number of applications for ballots
8 in each precinct, the total number of ballots and absentee
9 ballots counted in each precinct for each political subdivision
10 and district and the number of registered voters in each
11 precinct. However, the election authority shall check the
12 totals shown by the precinct return and, if there is an obvious
13 discrepancy regarding the total number of votes cast in any
14 precinct, shall have the ballots for that precinct audited to
15 correct the return. The procedures for this audit shall apply
16 prior to and after the proclamation is completed; however,
17 after the proclamation of results, the election authority must
18 obtain a court order to unseal voted ballots or voting devices
19 except for election contests and discovery recounts. The
20 certificate of results, which has been prepared and signed by
21 the judges of election ~~in the polling place~~ after the ballots
22 have been tabulated, shall be the document used for the canvass
23 of votes for such precinct. Whenever a discrepancy exists
24 during the canvass of votes between the unofficial results and
25 the certificate of results, or whenever a discrepancy exists
26 during the canvass of votes between the certificate of results

1 and the set of totals reflected on the certificate of results,
2 the ballots for that precinct shall be audited to correct the
3 return.

4 Prior to the proclamation, the election authority shall
5 test the voting devices and equipment in 5% of the precincts
6 within the election jurisdiction. The precincts to be tested
7 shall be selected after election day on a random basis by the
8 State Board of Elections, so that every precinct in the
9 election jurisdiction has an equal mathematical chance of being
10 selected. The State Board of Elections shall design a standard
11 and scientific random method of selecting the precincts that
12 are to be tested. The State central committee chairman of each
13 established political party shall be given prior written notice
14 of the time and place of the random selection procedure and may
15 be represented at the procedure.

16 The test shall be conducted by counting the votes marked on
17 the permanent paper record of each ballot cast in the tested
18 precinct printed by the voting system at the time that each
19 ballot was cast and comparing the results of this count with
20 the results shown by the certificate of results prepared by the
21 Direct Recording Electronic Voting System in the test precinct.
22 The election authority shall test count these votes either by
23 hand or by using an automatic tabulating device other than a
24 Direct Recording Electronic voting device that has been
25 approved by the State Board of Elections for that purpose and
26 tested before use to ensure accuracy. The election authority

1 shall print the results of each test count. If any error is
2 detected, the cause shall be determined and corrected, and an
3 errorless count shall be made prior to the official canvass and
4 proclamation of election results. If an errorless count cannot
5 be conducted and there continues to be difference in vote
6 results between the certificate of results produced by the
7 Direct Recording Electronic Voting System and the count of the
8 permanent paper records or if an error was detected and
9 corrected, the election authority shall immediately prepare
10 and forward to the appropriate canvassing board a written
11 report explaining the results of the test and any errors
12 encountered and the report shall be made available for public
13 inspection.

14 The State Board of Elections, the State's Attorney and
15 other appropriate law enforcement agencies, the county
16 chairman of each established political party and qualified
17 civic organizations shall be given prior written notice of the
18 time and place of the test and may be represented at the test.

19 The results of this post-election test shall be treated in
20 the same manner and have the same effect as the results of the
21 discovery procedures set forth in Section 22-9.1 of this Code.

22 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
23 94-1000, eff. 7-3-06.)

24 (10 ILCS 5/24C-16)

25 Sec. 24C-16. Approval of Direct Recording Electronic

1 Voting Systems; Requisites. The State Board of Elections shall
2 approve all Direct Recording Electronic Voting Systems that
3 fulfill the functional requirements provided by Section 24C-11
4 of this Code, the mandatory requirements of the federal voting
5 system standards pertaining to Direct Recording Electronic
6 Voting Systems promulgated by the Federal Election Commission
7 or the Election Assistance Commission, the testing
8 requirements of an approved independent testing authority and
9 the rules of the State Board of Elections.

10 The State Board of Elections shall not approve any Direct
11 Recording Electronic Voting System that includes an external
12 Infrared Data Association (IrDA) communications port.

13 The State Board of Elections is authorized to withdraw its
14 approval of a Direct Recording Electronic Voting System if the
15 System, once approved, fails to fulfill the above requirements.

16 The vendor, person, or other private entity shall be solely
17 responsible for the production and cost of: all application
18 fees; all ballots; additional temporary workers; and other
19 equipment or facilities needed and used in the testing of the
20 vendor's, person's, or other private entity's respective
21 equipment and software.

22 Any voting system vendor, person, or other private entity
23 seeking the State Board of Elections' approval of a voting
24 system shall, as part of the approval application, submit to
25 the State Board a non-refundable fee. The State Board of
26 Elections by rule shall establish an appropriate fee structure,

1 taking into account the type of voting system approval that is
2 requested (such as approval of a new system, a modification of
3 an existing system, the size of the modification, etc.). No
4 voting system or modification of a voting system shall be
5 approved unless the fee is paid.

6 No vendor, person, or other entity may sell, lease, or
7 loan, or have a written contract, including a contract
8 contingent upon State Board approval of the voting system or
9 voting system component, to sell, lease, or loan, a Direct
10 Recording Electronic Voting System or system component to any
11 election jurisdiction unless the system or system component is
12 first approved by the State Board of Elections pursuant to this
13 Section.

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

15 (10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

16 Sec. 28-6. Petitions; filing.

17 (a) On a written petition signed by a number of voters
18 equal to at least 11% ~~8%~~ of the total votes cast ~~for candidates~~
19 ~~for Governor in the preceding gubernatorial election~~ by the
20 registered voters of the municipality, township, county or
21 school district in the last general election at which the
22 municipality, township, county, or school district voted for
23 the election of officers to serve its respective jurisdiction,
24 it shall be the duty of the proper election officers to submit
25 any question of public policy so petitioned for, to the

1 electors of such political subdivision at any regular election
2 named in the petition at which an election is scheduled to be
3 held throughout such political subdivision under Article 2A.
4 Such petitions shall be filed with the local election official
5 of the political subdivision or election authority, as the case
6 may be. Where such a question is to be submitted to the voters
7 of a municipality which has adopted Article 6, or a township or
8 school district located entirely within the jurisdiction of a
9 municipal board of election commissioners, such petitions
10 shall be filed with the board of election commissioners having
11 jurisdiction over the political subdivision.

12 (b) In a municipality with more than 1,000,000 inhabitants,
13 when a question of public policy exclusively concerning a
14 contiguous territory included entirely within but not
15 coextensive with the municipality is initiated by resolution or
16 ordinance of the corporate authorities of the municipality, or
17 by a petition which may be signed by registered voters who
18 reside in any part of any precinct all or part of which
19 includes all or part of the territory and who equal in number
20 at least 8% of the total votes cast for candidates for Governor
21 in the preceding gubernatorial election by the total number of
22 registered voters of the precinct or precincts the registered
23 voters of which are eligible to sign the petition, it shall be
24 the duty of the election authority having jurisdiction over
25 such municipality to submit such question to the electors
26 throughout each precinct all or part of which includes all or

1 part of the territory at the regular election specified in the
2 resolution, ordinance or petition initiating the public
3 question. A petition initiating a public question described in
4 this subsection shall be filed with the election authority
5 having jurisdiction over the municipality. A resolution,
6 ordinance or petition initiating a public question described in
7 this subsection shall specify the election at which the
8 question is to be submitted.

9 (c) Local questions of public policy authorized by this
10 Section and statewide questions of public policy authorized by
11 Section 28-9 shall be advisory public questions, and no legal
12 effects shall result from the adoption or rejection of such
13 propositions.

14 (d) This Section does not apply to a petition filed
15 pursuant to Article IX of the Liquor Control Act of 1934.

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

17 (10 ILCS 5/28-8) (from Ch. 46, par. 28-8)

18 Sec. 28-8. If a referendum ~~to be~~ held in accordance with
19 Section 28-7 of this Act involved ~~involves~~ the question of
20 whether a unit of local government shall become a home rule
21 unit or shall cease to be a home rule unit and if that
22 referendum passed, then the clerk of that unit of local
23 government shall, within 45 ~~at least 20 days prior to the~~
24 ~~referendum, file with the Secretary of State a certified~~
25 ~~statement indicating when the referendum will be held. Within~~

1 ~~30~~ days after the referendum, ~~such clerk shall~~ file with the
2 Secretary of State a certified statement showing the results of
3 the referendum and the resulting status of the unit of local
4 government as a home rule unit or a non-home rule unit. The
5 Secretary of State shall maintain such certified statements in
6 his office as a public record.

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

8 Section 10. The Attorney General Act is amended by changing
9 Section 4 as follows:

10 (15 ILCS 205/4) (from Ch. 14, par. 4)

11 Sec. 4. The duties of the Attorney General shall be--

12 First - To appear for and represent the people of the State
13 before the supreme court in all cases in which the State or the
14 people of the State are interested.

15 Second - To institute and prosecute all actions and
16 proceedings in favor of or for the use of the State, which may
17 be necessary in the execution of the duties of any State
18 officer.

19 Third - To defend all actions and proceedings against any
20 State officer, in his official capacity, in any of the courts
21 of this State or the United States.

22 Fourth - To consult with and advise the several State's
23 Attorneys in matters relating to the duties of their office;
24 and when, in his judgment, the interest of the people of the

1 State requires it, he shall attend the trial of any party
2 accused of crime, and assist in the prosecution. When the
3 Attorney General has requested in writing that a State's
4 Attorney initiate court proceedings to enforce any provisions
5 of the Election Code or to initiate a criminal prosecution with
6 respect to a violation of the Election Code, and when the
7 State's Attorney has declined in writing to initiate those
8 proceedings or prosecutions or when the State's Attorney has
9 neither initiated the proceedings or prosecutions nor
10 responded in writing to the Attorney General within 60 days of
11 the receipt of the request, the Attorney General may,
12 concurrently with or independently of the State's Attorney,
13 initiate such proceedings or prosecutions. The Attorney
14 General may investigate and prosecute any violation of the
15 Election Code at the request of the State Board of Elections or
16 a State's Attorney.

17 Fifth - To investigate alleged violations of the statutes
18 which the Attorney General has a duty to enforce and to conduct
19 other investigations in connection with assisting in the
20 prosecution of a criminal offense at the request of a State's
21 Attorney.

22 Sixth - To consult with and advise the governor and other
23 State officers, and give, when requested, written opinions upon
24 all legal or constitutional questions relating to the duties of
25 such officers respectively.

26 Seventh - To prepare, when necessary, proper drafts for

1 contracts and other writings relating to subjects in which the
2 State is interested.

3 Eighth - To give written opinions, when requested by either
4 branch of the general assembly, or any committee thereof, upon
5 constitutional or legal questions.

6 Ninth - To enforce the proper application of funds
7 appropriated to the public institutions of the State, prosecute
8 breaches of trust in the administration of such funds, and,
9 when necessary, prosecute corporations for failure or refusal
10 to make the reports required by law.

11 Tenth - To keep, a register of all cases prosecuted or
12 defended by him, in behalf of the State or its officers, and of
13 all proceedings had in relation thereto, and to deliver the
14 same to his successor in office.

15 Eleventh - To keep on file in his office a copy of the
16 official opinions issued by the Attorney General and deliver
17 same to his successor.

18 Twelfth - To pay into the State treasury all moneys
19 received by him for the use of the State.

20 Thirteenth - To attend to and perform any other duty which
21 may, from time to time, be required of him by law.

22 Fourteenth - To attend, present evidence to and prosecute
23 indictments returned by each Statewide Grand Jury.

24 (Source: P.A. 94-291, eff. 7-21-05.)

25 Section 15. The Illinois Municipal Code is amended by

1 changing Sections 3.1-20-45, 3.1-25-40, 5-2-18.5, and 5-2-19
2 as follows:

3 (65 ILCS 5/3.1-20-45)

4 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
5 office. A city incorporated under this Code that elects
6 municipal officers at nonpartisan primary and general
7 elections shall conduct the elections as provided in the
8 Election Code, except that no office for which nomination is
9 uncontested shall be included on the primary ballot and no
10 primary shall be held for that office. For the purposes of this
11 Section, an office is uncontested when not more than 4 ~~two~~
12 persons to be nominated for each office have timely filed valid
13 nominating papers seeking nomination for the election to that
14 office.

15 Notwithstanding the preceding paragraph, when a person (i)
16 who has not timely filed valid nomination papers and (ii) who
17 intends to become a write-in candidate for nomination for any
18 office for which nomination is uncontested files a written
19 statement or notice of that intent with the proper election
20 official with whom the nomination papers for that office are
21 filed, if the write-in candidate becomes the fifth candidate
22 filed, a primary ballot must be prepared and a primary must be
23 held for the office. The statement or notice must be filed on
24 or before the 61st day before the consolidated primary
25 election. The statement must contain (i) the name and address

1 of the person intending to become a write-in candidate, (ii) a
2 statement that the person intends to become a write-in
3 candidate, and (iii) the office the person is seeking as a
4 write-in candidate. An election authority has no duty to
5 conduct a primary election or prepare a primary ballot unless a
6 statement meeting the requirements of this paragraph is filed
7 in a timely manner.

8 (Source: P.A. 91-57, eff. 6-30-99.)

9 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

10 Sec. 3.1-25-40. Ballots.

11 (a) If the office of president is to be filled, only the
12 names of the 4 ~~2~~ candidates receiving the highest number of
13 votes for president shall be placed on the ballot for president
14 at the next succeeding general municipal election. The names of
15 candidates in a number equal to 4 ~~2~~ times the number of trustee
16 positions to be filled receiving the highest number of votes
17 for trustee, or the names of all candidates if less than 4 ~~2~~
18 times the number of trustee positions to be filled, shall be
19 placed on the ballot for that office at the municipal election.

20 (b) An elector, however, at either a primary election or a
21 general municipal election held under Sections 3.1-25-20
22 through 3.1-25-55, may write in the names of the candidates of
23 that elector's choice in accordance with the general election
24 law. If, however, the name of only one candidate for a
25 particular office appeared on the primary ballot, the name of

1 the person having the largest number of write-in votes shall
2 not be placed upon the ballot at the general municipal election
3 unless the number of votes received in the primary election by
4 that person was at least 10% of the number of votes received by
5 the candidate for the same office whose name appeared on the
6 primary ballot.

7 (c) If a nominee at a general primary election dies or
8 withdraws before the general municipal election, there shall be
9 placed on the ballot the name of the candidate receiving the
10 next highest number of votes, and so on in case of the death or
11 withdrawal of more than one nominee.

12 (d) If in the application of this Section there occurs the
13 condition provided for in Section 3.1-25-45, there shall be
14 placed on the ballot the name of the candidate who was not
15 chosen by lot under that Section where one of 2 tied candidates
16 had been placed on the ballot before the death or withdrawal
17 occurred. If, however, in the application of this Section, the
18 candidate with the next highest number of votes cannot be
19 determined because of a tie among 2 or more candidates, the
20 successor nominee whose name shall be placed on the ballot
21 shall be determined by lot as provided in Section 3.1-25-45.

22 (Source: P.A. 87-1119.)

23 (65 ILCS 5/5-2-18.5) (from Ch. 24, par. 5-2-18.5)

24 Sec. 5-2-18.5.

25 To determine the number of nominees who shall be placed on

1 the ballot under each sub-title at the general city election,
2 the number of officers who will be chosen under each sub-title
3 shall be multiplied by 4 ~~2~~. Only those candidates at the
4 primary election shall be nominees under each sub-title at the
5 general city election who have received the 4 ~~2~~ highest number
6 of votes, where but one officer is to be elected, the 8 ~~4~~
7 highest where but two officers are to be elected, and in this
8 manner as far as necessary.

9 (Source: P.A. 76-1426.)

10 (65 ILCS 5/5-2-19) (from Ch. 24, par. 5-2-19)

11 Sec. 5-2-19. In any city which was operating under the
12 aldermanic form of government as provided in Article 3 at the
13 time of adoption of this Article 5 which did not also elect to
14 continue to choose aldermen from wards, the city clerk and city
15 treasurer shall be nominated and elected in the same manner as
16 provided in this Article 5 for the nomination and election of
17 the mayor and councilmen. To achieve this result: wherever the
18 term "mayor or commissioners" appears in Sections 4-3-7 through
19 4-3-18, it shall be construed to include the words "or clerk or
20 treasurer". The names of candidates for nomination shall be
21 placed on the primary election ballot prescribed in Section
22 5-2-13 and such ballot shall be modified to include the heading
23 "For Clerk--Vote for one" immediately following the names of
24 candidates for councilmen and to include the heading "For
25 Treasurer--Vote for one" immediately following the names of

1 candidates for clerk. The names of the 4 ~~2~~ candidates receiving
2 the highest number of votes for each of the respective offices
3 shall be placed on the general municipal election ballot
4 prescribed in Section 5-2-13 which ballot shall be modified to
5 include such offices and names in the same manner as is
6 provided in this section for the primary ballot. If any
7 candidate nominated for the office of clerk or treasurer dies
8 or withdraws before the general municipal election the name of
9 the person receiving the fifth ~~third~~ highest number of votes
10 for nomination to that office shall be placed on the ballot for
11 that election.

12 However, in any city not exceeding 100,000 inhabitants
13 which adopts this Article 5 and elects a mayor and aldermen or
14 councilmen as provided in Section 5-2-12, or Sections 5-2-18
15 through 5-2-18.8, the council may, in lieu of electing a clerk
16 and treasurer as provided in the above paragraph, provide by
17 ordinance that the clerk or treasurer or both for such city be
18 appointed by the mayor with the approval of the city council.
19 If such officers are appointed their terms of office, duties,
20 compensation and amount of bond required shall be the same as
21 if they were elected.

22 (Source: P.A. 85-461.)

23 (65 ILCS 5/4-3-5 rep.)

24 (65 ILCS 5/4-3-10 rep.)

25 (65 ILCS 5/4-3-10.1 rep.)

1 (65 ILCS 5/4-3-13 rep.)

2 (65 ILCS 5/4-3-14 rep.)

3 Section 20. The Illinois Municipal Code is amended by
4 repealing Sections 4-3-5, 4-3-10, 4-3-10.1, 4-3-13, and
5 4-3-14.

6 Section 25. The School Code is amended by changing Section
7 24-2 as follows:

8 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

9 Sec. 24-2. Holidays. Teachers shall not be required to
10 teach on Saturdays; nor shall teachers or other school
11 employees, other than noncertificated school employees whose
12 presence is necessary because of an emergency or for the
13 continued operation and maintenance of school facilities or
14 property, be required to work on legal school holidays, which
15 are January 1, New Year's Day; the third Monday in January, the
16 Birthday of Dr. Martin Luther King, Jr.; February 12, the
17 Birthday of President Abraham Lincoln; the first Monday in
18 March (to be known as Casimir Pulaski's birthday); Good Friday;
19 the day designated as Memorial Day by federal law; July 4,
20 Independence Day; the first Monday in September, Labor Day; the
21 second Monday in October, Columbus Day; November 11, Veteran's
22 Day; the Thursday in November commonly called Thanksgiving Day;
23 and December 25, Christmas Day. School boards may grant special
24 holidays whenever in their judgment such action is advisable.

1 ~~except that no school board or board of education may designate~~
2 ~~or observe as a special holiday on which teachers or other~~
3 ~~school employees are not required to work the days on which~~
4 ~~general elections for members of the Illinois House of~~
5 ~~Representatives are held.~~ No deduction shall be made from the
6 time or compensation of a school employee on account of any
7 legal or special holiday.

8 Commemorative holidays, which recognize specified
9 patriotic, civic, cultural or historical persons, activities,
10 or events, are regular school days. Commemorative holidays are:
11 January 28 (to be known as Christa McAuliffe Day and observed
12 as a commemoration of space exploration), February 15 (the
13 birthday of Susan B. Anthony), March 29 (Viet Nam War Veterans
14 Day), September 11 (September 11th Day of Remembrance), the
15 school day immediately preceding Veteran's Day (Korean War
16 Veterans Day), October 1 (Recycling Day), December 7 (Pearl
17 Harbor Veterans Day) and any day so appointed by the President
18 or Governor. School boards may establish commemorative
19 holidays whenever in their judgment such action is advisable.
20 School boards shall include instruction relative to
21 commemorated persons, activities, or events on the
22 commemorative holiday or at any other time during the school
23 year and at any point in the curriculum when such instruction
24 may be deemed appropriate. The State Board of Education shall
25 prepare and make available to school boards instructional
26 materials relative to commemorated persons, activities, or

1 events which may be used by school boards in conjunction with
2 any instruction provided pursuant to this paragraph.

3 City of Chicago School District 299 shall observe March 4
4 of each year as a commemorative holiday. This holiday shall be
5 known as Mayors' Day which shall be a day to commemorate and be
6 reminded of the past Chief Executive Officers of the City of
7 Chicago, and in particular the late Mayor Richard J. Daley and
8 the late Mayor Harold Washington. If March 4 falls on a
9 Saturday or Sunday, Mayors' Day shall be observed on the
10 following Monday.

11 (Source: P.A. 92-704, eff. 7-19-02.)

12 Section 97. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."