



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1767

Introduced 2/23/2007, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-10	from Ch. 46, par. 16-10
10 ILCS 5/17-16.1	from Ch. 46, par. 17-16.1
10 ILCS 5/18-9.1	from Ch. 46, par. 18-9.1
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/20-8	from Ch. 46, par. 20-8
10 ILCS 5/24A-10.1	from Ch. 46, par. 24A-10.1
10 ILCS 5/24A-15	from Ch. 46, par. 24A-15
10 ILCS 5/24B-6	
10 ILCS 5/24B-10.1	
10 ILCS 5/24B-15	
10 ILCS 5/24C-12	
10 ILCS 5/24C-15	
10 ILCS 5/28-6	from Ch. 46, par. 28-6

Amends the Election Code. Makes changes with respect to provisions concerning: (i) newspaper publication of consolidated primary ballot nominations; (ii) the deadline for filing a declaration of intent to run as a write-in candidate; (iii) location on ballot cards and sheets of spaces for write-in candidates; (iv) counting of mailed absentee ballots received by an election authority without postmarks; (v) the substitution of in-precinct vote totals reports for in-precinct certificates of results; and (vi) the minimum petition signature requirement for local public questions.

LRB095 09350 JAM 29545 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 16-10, 17-16.1, 18-9.1, 19-8, 20-8, 24A-10.1, 24A-15,
6 24B-6, 24B-10.1, 24B-15, 24C-12, 24C-15, and 28-6 as follows:

7 (10 ILCS 5/16-10) (from Ch. 46, par. 16-10)

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

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

1 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

2 Sec. 17-16.1. Write-in votes shall be counted only for
3 persons who have filed notarized declarations of intent to be
4 write-in candidates with the proper election authority or
5 authorities not later than 61 days prior to 5:00 p.m. on the
6 ~~Tuesday immediately preceding~~ the election.

7 Forms for the declaration of intent to be a write-in
8 candidate shall be supplied by the election authorities. Such
9 declaration shall specify the office for which the person seeks
10 election as a write-in candidate.

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

14 A candidate for whom a nomination paper has been filed as a
15 partisan candidate at a primary election, and who is defeated
16 for his or her nomination at the primary election is ineligible
17 to file a declaration of intent to be a write-in candidate for
18 election in that general or consolidated election.

19 A candidate seeking election to an office for which
20 candidates of political parties are nominated by caucus who is
21 a participant in the caucus and who is defeated for his or her
22 nomination at such caucus is ineligible to file a declaration
23 of intent to be a write-in candidate for election in that
24 general or consolidated election.

25 A candidate seeking election to an office for which
26 candidates are nominated at a primary election on a nonpartisan

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

5 Nothing in this Section shall be construed to apply to
6 votes cast under the provisions of subsection (b) of Section
7 16-5.01.

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

9 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

10 Sec. 18-9.1. Write-in votes shall be counted only for
11 persons who have filed notarized declarations of intent to be
12 write-in candidates with the proper election authority or
13 authorities not later than 61 days prior to 5:00 p.m. on the
14 ~~Tuesday immediately preceding~~ the election.

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

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

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

1 candidate for election in that general or consolidated
2 election.

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

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

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

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

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

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

21 (a) (Blank.)

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

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

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

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

1 ballot shall not be counted.

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

21 (e) Except as otherwise provided in this Section, absent
22 voters' ballots and special write-in absentee voter's blank
23 ballots received by the election authority after the closing of
24 the polls on an election day shall be endorsed by the election
25 authority receiving them with the day and hour of receipt and
26 shall be safely kept unopened by the election authority for the

1 period of time required for the preservation of ballots used at
2 the election, and shall then, without being opened, be
3 destroyed in like manner as the used ballots of that election.

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

11 (g) The procedures set forth in Articles 17 and 18 of this
12 Code shall apply to all ballots counted under this Section. In
13 addition, within 2 days after an absentee ballot, other than an
14 in-person absentee ballot, is received, but in all cases before
15 the close of the period for counting provisional ballots, the
16 election judge or official shall compare the voter's signature
17 on the certification envelope of that absentee ballot with the
18 signature of the voter on file in the office of the election
19 authority. If the election judge or official determines that
20 the 2 signatures match, and that the absentee voter is
21 otherwise qualified to cast an absentee ballot, the election
22 authority shall cast and count the ballot on election day or
23 the day the ballot is determined to be valid, whichever is
24 later, adding the results to the precinct in which the voter is
25 registered. If the election judge or official determines that
26 the signatures do not match, or that the absentee voter is not

1 qualified to cast an absentee ballot, then without opening the
2 certification envelope, the judge or official shall mark across
3 the face of the certification envelope the word "Rejected" and
4 shall not cast or count the ballot.

5 In addition to the voter's signatures not matching, an
6 absentee ballot may be rejected by the election judge or
7 official:

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

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

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

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

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

19 (g-5) If an absentee ballot, other than an in-person
20 absentee ballot, is rejected by the election judge or official
21 for any reason, the election authority shall, within 2 days
22 after the rejection but in all cases before the close of the
23 period for counting provisional ballots, notify the absentee
24 voter that his or her ballot was rejected. The notice shall
25 inform the voter of the reason or reasons the ballot was
26 rejected and shall state that the voter may appear before the

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

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

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

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

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

24 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

1 (a) (Blank.)

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

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

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

1 certification date is a date preceding the election day and the
2 ballot is otherwise found to be valid under the requirements of
3 this Section, counted at the central ballot counting location
4 of the election authority during the period for counting
5 provisional ballots. Absent a date on the certification, the
6 ballot shall not be counted.

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

26 (e) Except as otherwise provided in this Section, absent

1 voters' ballots and special write-in absentee voter's blank
2 ballots received by the election authority after the closing of
3 the polls on the day of election shall be endorsed by the
4 person receiving the ballots with the day and hour of receipt
5 and shall be safely kept unopened by the election authority for
6 the period of time required for the preservation of ballots
7 used at the election, and shall then, without being opened, be
8 destroyed in like manner as the used ballots of that election.

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

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

1 and count the ballot on election day or the day the ballot is
2 determined to be valid, whichever is later, adding the results
3 to the precinct in which the voter is registered. If the
4 election judge or official determines that the signatures do
5 not match, or that the voter is not qualified to cast a ballot
6 under this Article, then without opening the certification
7 envelope, the judge or official shall mark across the face of
8 the certification envelope the word "Rejected" and shall not
9 cast or count the ballot.

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

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

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

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

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

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

24 (g-5) If a ballot subject to this Article is rejected by
25 the election judge or official for any reason, the election
26 authority shall, within 2 days after the rejection but in all

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

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

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

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

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

2 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

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

1 election, commencing with number 1 and continuing
2 consecutively for the ballots of that kind in that precinct.
3 The original "Defective" card shall be placed in the "Defective
4 Ballot Envelope" provided for that purpose.

5 When an electronic voting system is used which utilizes a
6 ballot card, before separating the remaining ballot cards from
7 their respective covering envelopes, the judges of election
8 shall examine the ballot card envelopes for write-in votes.
9 When the voter has cast a write-in vote, the judges of election
10 shall compare the write-in vote with the votes on the ballot
11 card to determine whether such write-in results in an overvote
12 for any office. In case of an overvote for any office, the
13 judges of election, consisting in each case of at least one
14 judge of election of each of the 2 major political parties,
15 shall make a true duplicate ballot of all votes on such ballot
16 card except for the office which is overvoted, by using the
17 ballot label booklet of the precinct and one of the marking
18 devices of the precinct so as to transfer all votes of the
19 voter, except for the office overvoted, to a duplicate card.
20 The original ballot card and envelope upon which there is an
21 overvote shall be clearly labeled "Overvoted Ballot", and each
22 such "Overvoted Ballot" as well as its "Replacement" shall
23 contain the same serial number which shall be placed thereon by
24 the judges of election, commencing with number 1 and continuing
25 consecutively for the ballots of that kind in that precinct.
26 The "Overvoted Ballot" card and ballot envelope shall be placed

1 in an envelope provided for that purpose labeled "Duplicate
2 Ballot" envelope, and the judges of election shall initial the
3 "Replacement" ballot cards and shall place them with the other
4 ballot cards to be counted on the automatic tabulating
5 equipment. Envelopes containing write-in votes marked in the
6 place designated therefor and containing the initials of a
7 precinct judge of election and not resulting in an overvote and
8 otherwise complying with the election laws as to marking shall
9 be counted and tallied and their votes recorded on a tally
10 sheet provided by the election authority.

11 The ballot cards and ballot card envelopes shall be
12 separated in preparation for counting by the automatic
13 tabulating equipment provided for that purpose by the election
14 authority.

15 Before the ballots are entered into the automatic
16 tabulating equipment, a precinct identification card provided
17 by the election authority shall be entered into the device to
18 ensure that the totals are all zeroes in the count column on
19 the printing unit. A precinct judge of election shall then
20 count the ballots by entering each ballot card into the
21 automatic tabulating equipment, and if any ballot or ballot
22 card is damaged or defective so that it cannot properly be
23 counted by the automatic tabulating equipment, the judges of
24 election, consisting in each case of at least one judge of
25 election of each of the 2 major political parties, shall make a
26 true duplicate ballot of all votes on such ballot card by using

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

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

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

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

18 The precinct judges of election shall select a bi-partisan
19 team of 2 judges, who shall immediately return the ballots in a
20 sealed container, along with all other election materials as
21 instructed by the election authority; provided, however, that
22 such container must first be sealed by the election judges with
23 filament tape provided for such purpose which shall be wrapped
24 around the container lengthwise and crosswise, at least twice
25 each way, in such manner that the ballots cannot be removed
26 from such container without breaking the seal and filament tape

1 and disturbing any signatures affixed by the election judges to
2 the container. The election authority shall keep the office of
3 the election authority, or any receiving stations designated by
4 such authority, open for at least 12 consecutive hours after
5 the polls close or until the ballots from all precincts with
6 in-precinct counting equipment within the jurisdiction of the
7 election authority have been returned to the election
8 authority. Ballots returned to the office of the election
9 authority which are not signed and sealed as required by law
10 shall not be accepted by the election authority until the
11 judges returning the same make and sign the necessary
12 corrections. Upon acceptance of the ballots by the election
13 authority, the judges returning the same shall take a receipt
14 signed by the election authority and stamped with the time and
15 date of such return. The election judges whose duty it is to
16 return any ballots as herein provided shall, in the event such
17 ballots cannot be found when needed, on proper request, produce
18 the receipt which they are to take as above provided.

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

20 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

21 Sec. 24A-15. The precinct return printed by the automatic
22 tabulating equipment shall include the number of ballots cast
23 and votes cast for each candidate and proposition and shall
24 constitute the official return of each precinct. In addition to
25 the precinct return, the election authority shall provide the

1 number of applications for ballots in each precinct, the
2 write-in votes, the total number of ballots counted in each
3 precinct for each political subdivision and district and the
4 number of registered voters in each precinct. However, the
5 election authority shall check the totals shown by the precinct
6 return and, if there is an obvious discrepancy with respect to
7 the total number of votes cast in any precinct, shall have the
8 ballots for such precinct retabulated to correct the return.
9 The procedures for retabulation shall apply prior to and after
10 the proclamation is completed; however, after the proclamation
11 of results, the election authority must obtain a court order to
12 unseal voted ballots except for election contests and discovery
13 recounts. In those election jurisdictions that utilize
14 in-precinct counting equipment, the certificate of results,
15 which has been prepared by the judges of election ~~in the~~
16 ~~polling place~~ after the ballots have been tabulated, shall be
17 the document used for the canvass of votes for such precinct.
18 Whenever a discrepancy exists during the canvass of votes
19 between the unofficial results and the certificate of results,
20 or whenever a discrepancy exists during the canvass of votes
21 between the certificate of results and the set of totals which
22 has been affixed to such certificate of results, the ballots
23 for such precinct shall be retabulated to correct the return.
24 As an additional part of this check prior to the proclamation,
25 in those jurisdictions where in-precinct counting equipment is
26 utilized, the election authority shall retabulate the total

1 number of votes cast in 5% of the precincts within the election
2 jurisdiction. The precincts to be retabulated shall be selected
3 after election day on a random basis by the State Board of
4 Elections, so that every precinct in the election jurisdiction
5 has an equal mathematical chance of being selected. The State
6 Board of Elections shall design a standard and scientific
7 random method of selecting the precincts which are to be
8 retabulated. The State central committee chairman of each
9 established political party shall be given prior written notice
10 of the time and place of such random selection procedure and
11 may be represented at such procedure. Such retabulation shall
12 consist of counting the ballot cards which were originally
13 counted and shall not involve any determination as to which
14 ballot cards were, in fact, properly counted. The ballots from
15 the precincts selected for such retabulation shall remain at
16 all times under the custody and control of the election
17 authority and shall be transported and retabulated by the
18 designated staff of the election authority.

19 As part of such retabulation, the election authority shall
20 test the computer program in the selected precincts. Such test
21 shall be conducted by processing a preaudited group of ballots
22 so punched so as to record a predetermined number of valid
23 votes for each candidate and on each public question, and shall
24 include for each office one or more ballots which have votes in
25 excess of the number allowed by law in order to test the
26 ability of the equipment to reject such votes. If any error is

1 detected, the cause therefor shall be ascertained and corrected
2 and an errorless count shall be made prior to the official
3 canvass and proclamation of election results.

4 The State Board of Elections, the State's Attorney and
5 other appropriate law enforcement agencies, the county
6 chairman of each established political party and qualified
7 civic organizations shall be given prior written notice of the
8 time and place of such retabulation and may be represented at
9 such retabulation.

10 The results of this retabulation shall be treated in the
11 same manner and have the same effect as the results of the
12 discovery procedures set forth in Section 22-9.1 of this Act.
13 Upon completion of the retabulation, the election authority
14 shall print a comparison of the results of the retabulation
15 with the original precinct return printed by the automatic
16 tabulating equipment. Such comparison shall be done for each
17 precinct and for each office voted upon within that precinct,
18 and the comparisons shall be open to the public.

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

20 (10 ILCS 5/24B-6)

21 Sec. 24B-6. Ballot Information; Arrangement; Electronic
22 Precinct Tabulation Optical Scan Technology Voting System;
23 Absentee Ballots; Spoiled Ballots. The ballot information,
24 shall, as far as practicable, be in the order of arrangement
25 provided for paper ballots, except that the information may be

1 in vertical or horizontal rows, or on a number of separate
2 pages or displays on the marking device. Ballots for all
3 questions or propositions to be voted on should be provided in
4 a similar manner and must be arranged on the ballot sheet or
5 marking device in the places provided for such purposes.
6 Ballots shall be of white paper unless provided otherwise by
7 administrative rule of the State Board of Elections or
8 otherwise specified.

9 All propositions, including but not limited to
10 propositions calling for a constitutional convention,
11 constitutional amendment, judicial retention, and public
12 measures to be voted upon shall be placed on separate portions
13 of the ballot sheet or marking device by utilizing borders or
14 grey screens. Candidates shall be listed on a separate portion
15 of the ballot sheet or marking device by utilizing borders or
16 grey screens. Whenever a person has submitted a declaration of
17 intent to be a write-in candidate as required in Sections
18 17-16.1 and 19-9.1, Below the name of the last candidate listed
19 for an office shall be printed or displayed a line or lines on
20 which the voter may select a write-in candidate shall be
21 printed below the name of the last candidate listed for such
22 office. Such line or lines shall be proximate to an area
23 provided for marking votes for the write-in candidate or
24 candidates. The number of write-in lines for an office shall
25 equal the number of write-in candidates who have filed for such
26 office, up to the number of candidates for which a voter may

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

1 used for each political party holding a primary, with the
2 ballot or marking device arranged to include names of the
3 candidates of the party and public measures and other
4 propositions to be voted upon on the day of the primary
5 election.

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

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

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

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

21 (10 ILCS 5/24B-10.1)

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

1 tallying the ballots shall apply:

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

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

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

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

1 place for resetting and re-entering or re-scanning.

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

1 automatic tabulating equipment.

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

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

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

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

26 The precinct judges of election shall select a bi-partisan

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

1 event the ballots cannot be found when needed, on proper
2 request, produce the receipt which they are to take as above
3 provided. The precinct judges of election shall also deliver
4 the Precinct Tabulation Optical Scan Technology equipment to
5 the election authority.

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

8 (10 ILCS 5/24B-15)

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

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

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

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

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

26 The results of this retabulation shall be treated in the

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

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

12 (10 ILCS 5/24C-12)

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

17 Before the opening of the polls, the judges of elections
18 shall assemble the voting equipment and devices and turn the
19 equipment on. The judges shall, if necessary, take steps to
20 activate the voting devices and counting equipment by inserting
21 into the equipment and voting devices appropriate data cards
22 containing passwords and data codes that will select the proper
23 ballot formats selected for that polling place and that will
24 prevent inadvertent or unauthorized activation of the
25 poll-opening function. Before voting begins and before ballots

1 are entered into the voting devices, the judges of election
2 shall cause to be printed a record of the following: the
3 election's identification data, the device's unit
4 identification, the ballot's format identification, the
5 contents of each active candidate register by office and of
6 each active public question register showing that they contain
7 all zero votes, all ballot fields that can be used to invoke
8 special voting options, and other information needed to ensure
9 the readiness of the equipment and to accommodate
10 administrative reporting requirements. The judges must also
11 check to be sure that the totals are all zeros in the counting
12 columns and in the public counter affixed to the voting
13 devices.

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

1 entitled to select for each office.

2 Upon completing his or her selection of candidates or
3 public questions, the voter shall signify that voting has been
4 completed by activating the appropriate button, switch or
5 active area of the ballot screen associated with end of voting.
6 Upon activation, the voting system shall record an image of the
7 completed ballot, increment the proper ballot position
8 registers, and shall signify to the voter that the ballot has
9 been cast. Upon activation, the voting system shall also print
10 a permanent paper record of each ballot cast as defined in
11 Section 24C-2 of this Code. This permanent paper record shall
12 (i) be printed in a clear, readily readable format that can be
13 easily reviewed by the voter for completeness and accuracy and
14 (ii) either be self-contained within the voting device or be
15 deposited by the voter into a secure ballot box. No permanent
16 paper record shall be removed from the polling place except by
17 election officials as authorized by this Article. All permanent
18 paper records shall be preserved and secured by election
19 officials in the same manner as paper ballots and shall be
20 available as an official record for any recount, redundant
21 count, or verification or retabulation of the vote count
22 conducted with respect to any election in which the voting
23 system is used. The voter shall exit the voting station and the
24 voting system shall prevent any further attempt to vote until
25 it has been properly re-activated. If a voting device has been
26 enabled for voting but the voter leaves the polling place

1 without casting a ballot, 2 judges of election, one from each
2 of the 2 major political parties, shall spoil the ballot.

3 Throughout the election day and before the closing of the
4 polls, no person may check any vote totals for any candidate or
5 public question on the voting or counting equipment. Such
6 equipment shall be programmed so that no person may reset the
7 equipment for reentry of ballots unless provided the proper
8 code from an authorized representative of the election
9 authority.

10 The precinct judges of election shall check the public
11 register to determine whether the number of ballots counted by
12 the voting equipment agrees with the number of voters voting as
13 shown by the applications for ballot. If the same do not agree,
14 the judges of election shall immediately contact the offices of
15 the election authority in charge of the election for further
16 instructions. If the number of ballots counted by the voting
17 equipment agrees with the number of voters voting as shown by
18 the application for ballot, the number shall be listed on the
19 "Statement of Ballots" form provided by the election authority.

20 The totals for all candidates and propositions shall be
21 tabulated. One copy of an "In-Precinct Totals Report" shall be
22 generated by the automatic tabulating equipment for return to
23 the election authority. One copy of an "In-Precinct Totals
24 Report" shall be generated and posted in a conspicuous place
25 inside the polling place, provided that any authorized
26 pollwatcher or other official authorized to be present in the

1 polling place to observe the counting of ballots is present.

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

15 Until December 31, 2007, in elections at which fractional
16 cumulative votes are cast for candidates, the tabulation of
17 those fractional cumulative votes may be made by the election
18 authority at its central office location, and 4 copies of a
19 "Certificate of Results" shall be printed by the automatic
20 tabulation equipment and shall be posted in 4 conspicuous
21 places at the central office location where those fractional
22 cumulative votes have been tabulated.

23 If instructed by the election authority, the judges of
24 election shall cause the tabulated returns to be transmitted
25 electronically to the offices of the election authority via
26 modem or other electronic medium.

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

1 ballots, materials or equipment cannot be found when needed, on
2 proper request, produce the receipt which they are to take as
3 above provided.

4 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
5 94-1073, eff. 12-26-06.)

6 (10 ILCS 5/24C-15)

7 Sec. 24C-15. Official Return of Precinct; Check of Totals;
8 Audit. The precinct return printed by the Direct Recording
9 Electronic Voting System tabulating equipment shall include
10 the number of ballots cast and votes cast for each candidate
11 and public question and shall constitute the official return of
12 each precinct. In addition to the precinct return, the election
13 authority shall provide the number of applications for ballots
14 in each precinct, the total number of ballots and absentee
15 ballots counted in each precinct for each political subdivision
16 and district and the number of registered voters in each
17 precinct. However, the election authority shall check the
18 totals shown by the precinct return and, if there is an obvious
19 discrepancy regarding the total number of votes cast in any
20 precinct, shall have the ballots for that precinct audited to
21 correct the return. The procedures for this audit shall apply
22 prior to and after the proclamation is completed; however,
23 after the proclamation of results, the election authority must
24 obtain a court order to unseal voted ballots or voting devices
25 except for election contests and discovery recounts. The

1 certificate of results, which has been prepared and signed by
2 the judges of election ~~in the polling place~~ after the ballots
3 have been tabulated, shall be the document used for the canvass
4 of votes for such precinct. Whenever a discrepancy exists
5 during the canvass of votes between the unofficial results and
6 the certificate of results, or whenever a discrepancy exists
7 during the canvass of votes between the certificate of results
8 and the set of totals reflected on the certificate of results,
9 the ballots for that precinct shall be audited to correct the
10 return.

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

23 The test shall be conducted by counting the votes marked on
24 the permanent paper record of each ballot cast in the tested
25 precinct printed by the voting system at the time that each
26 ballot was cast and comparing the results of this count with

1 the results shown by the certificate of results prepared by the
2 Direct Recording Electronic Voting System in the test precinct.
3 The election authority shall test count these votes either by
4 hand or by using an automatic tabulating device other than a
5 Direct Recording Electronic voting device that has been
6 approved by the State Board of Elections for that purpose and
7 tested before use to ensure accuracy. The election authority
8 shall print the results of each test count. If any error is
9 detected, the cause shall be determined and corrected, and an
10 errorless count shall be made prior to the official canvass and
11 proclamation of election results. If an errorless count cannot
12 be conducted and there continues to be difference in vote
13 results between the certificate of results produced by the
14 Direct Recording Electronic Voting System and the count of the
15 permanent paper records or if an error was detected and
16 corrected, the election authority shall immediately prepare
17 and forward to the appropriate canvassing board a written
18 report explaining the results of the test and any errors
19 encountered and the report shall be made available for public
20 inspection.

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

26 The results of this post-election test shall be treated in

1 the same manner and have the same effect as the results of the
2 discovery procedures set forth in Section 22-9.1 of this Code.
3 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
4 94-1000, eff. 7-3-06.)

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

6 Sec. 28-6. Petitions; filing.

7 (a) On a written petition signed by a number of voters
8 equal to at least 4% ~~8%~~ of the ~~votes cast for candidates for~~
9 ~~Governor in the preceding gubernatorial election by the~~
10 registered voters of any ~~the~~ municipality, township, county or
11 school district it shall be the duty of the proper election
12 officers to submit any question of public policy so petitioned
13 for, to the electors of such political subdivision at any
14 regular election named in the petition at which an election is
15 scheduled to be held throughout such political subdivision
16 under Article 2A. Such petitions shall be filed with the local
17 election official of the political subdivision or election
18 authority, as the case may be. Where such a question is to be
19 submitted to the voters of a municipality which has adopted
20 Article 6, or a township or school district located entirely
21 within the jurisdiction of a municipal board of election
22 commissioners, such petitions shall be filed with the board of
23 election commissioners having jurisdiction over the political
24 subdivision.

25 (b) In a municipality with more than 1,000,000 inhabitants,

1 when a question of public policy exclusively concerning a
2 contiguous territory included entirely within but not
3 coextensive with the municipality is initiated by resolution or
4 ordinance of the corporate authorities of the municipality, or
5 by a petition which may be signed by registered voters who
6 reside in any part of any precinct all or part of which
7 includes all or part of the territory and who equal in number
8 at least 8% of the total votes cast for candidates for Governor
9 in the preceding gubernatorial election by the total number of
10 registered voters of the precinct or precincts the registered
11 voters of which are eligible to sign the petition, it shall be
12 the duty of the election authority having jurisdiction over
13 such municipality to submit such question to the electors
14 throughout each precinct all or part of which includes all or
15 part of the territory at the regular election specified in the
16 resolution, ordinance or petition initiating the public
17 question. A petition initiating a public question described in
18 this subsection shall be filed with the election authority
19 having jurisdiction over the municipality. A resolution,
20 ordinance or petition initiating a public question described in
21 this subsection shall specify the election at which the
22 question is to be submitted.

23 (c) Local questions of public policy authorized by this
24 Section and statewide questions of public policy authorized by
25 Section 28-9 shall be advisory public questions, and no legal
26 effects shall result from the adoption or rejection of such

1 propositions.

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

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