

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 9-9.5, 16-10, 17-16.1, 18-9.1, 19-8, 19A-35, 20-8,  
6 24A-10.1, 24A-15, 24A-16, 24B-6, 24B-10.1, 24B-15, 24B-16,  
7 24C-12, 24C-15, 24C-16, and 28-6 as follows:

8 (10 ILCS 5/9-9.5)

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

10 (a) Any political committee, organized under the Election  
11 Code, that makes an expenditure for a pamphlet, circular,  
12 handbill, Internet or telephone communication, radio,  
13 television, or print advertisement, or other communication  
14 directed at voters and mentioning the name of a candidate in  
15 the next upcoming election shall ensure that the name of the  
16 political committee paying for any part of the communication,  
17 including, but not limited to, its preparation and  
18 distribution, is identified clearly within the communication  
19 as the payor. This subsection does not apply to items that are  
20 too small to contain the required disclosure. Nothing in this  
21 subsection shall require disclosure on any telephone  
22 communication using random sampling or other scientific survey  
23 methods to gauge public opinion for or against any candidate or

1 question of public policy.

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

12 (b) Any political committee, organized under this Code,  
13 that makes an expenditure for a pamphlet, circular, handbill,  
14 Internet or telephone communication, radio, television, or  
15 print advertisement, or other communication directed at voters  
16 and (i) mentioning the name of a candidate in the next upcoming  
17 election, without that candidate's permission, or ~~and~~ (ii)  
18 advocating for or against a public policy position shall ensure  
19 that the name of the political committee paying for any part of  
20 the communication, including, but not limited to, its  
21 preparation and distribution, is identified clearly within the  
22 communication. Nothing in this subsection shall require  
23 disclosure on any telephone communication using random  
24 sampling or other scientific survey methods to gauge public  
25 opinion for or against any candidate or question of public  
26 policy.

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

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

8 (10 ILCS 5/16-10) (from Ch. 46, par. 16-10)

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

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

24 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

1           Sec. 17-16.1. Write-in votes shall be counted only for  
2 persons who have filed notarized declarations of intent to be  
3 write-in candidates with the proper election authority or  
4 authorities not later than 61 days prior to 5:00 p.m. on the  
5 ~~Tuesday immediately preceding~~ the election. However, whenever  
6 an objection to a candidate's nominating papers or petitions is  
7 sustained under Section 10-10 thereby creating a vacancy in  
8 nomination of an established political party for any office  
9 after the 61st day before the election, then write-in votes  
10 shall be counted for persons who have filed notarized  
11 declarations of intent to be write-in candidates for that  
12 office with the proper election authority or authorities not  
13 later than 31 days prior to the election.

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

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

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

26           A candidate seeking election to an office for which

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

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

12 Nothing in this Section shall be construed to apply to  
13 votes cast under the provisions of subsection (b) of Section  
14 16-5.01.

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

16 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

17 Sec. 18-9.1. Write-in votes shall be counted only for  
18 persons who have filed notarized declarations of intent to be  
19 write-in candidates with the proper election authority or  
20 authorities not later than 61 days prior to 5:00 p.m. on the  
21 Tuesday immediately preceding the election. However, whenever  
22 an objection to a candidate's nominating papers or petitions is  
23 sustained under Section 10-10 thereby creating a vacancy in  
24 nomination of an established political party for any office  
25 after the 61st day before the election, then write-in votes

1 shall be counted for persons who have filed notarized  
2 declarations of intent to be write-in candidates for that  
3 office with the proper election authority or authorities not  
4 later than 31 days prior to the election.

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

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

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

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

24 A candidate seeking election to an office for which  
25 candidates are nominated at a primary election on a nonpartisan  
26 basis and who is defeated for his or her nomination at the

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

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

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

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

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

10 (a) (Blank.)

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

19 (c) Each absent voter's ballot that is mailed to an  
20 election authority and postmarked by the midnight preceding the  
21 opening of the polls on election day, but that is received by  
22 the election authority after the polls close on election day  
23 and before the close of the period for counting provisional  
24 ballots cast at that election, shall be endorsed by the  
25 receiving authority with the day and hour of receipt and shall

1 be counted at the central ballot counting location of the  
2 election authority during the period for counting provisional  
3 ballots.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (10 ILCS 5/19A-35)

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

15 (a) Not more than 23 days before the start of the election,  
16 the county clerk shall make available to the election official  
17 conducting early voting by personal appearance a sufficient  
18 number of early ballots, envelopes, and printed voting  
19 instruction slips for the use of early voters. The election  
20 official shall receipt for all ballots received and shall  
21 return unused or spoiled ballots at the close of the early  
22 voting period to the county clerk and must strictly account for  
23 all ballots received. The ballots delivered to the election  
24 official must include early ballots for each precinct in the  
25 election authority's jurisdiction and must include separate

1 ballots for each political subdivision conducting an election  
2 of officers or a referendum at that election.

3 (b) In conducting early voting under this Article, the  
4 election judge or official is required to verify the signature  
5 of the early voter by comparison with the signature on the  
6 official registration card, and the judge or official must  
7 verify (i) the identity of the applicant, (ii) that the  
8 applicant is a registered voter, (iii) the precinct in which  
9 the applicant is registered, and (iv) the proper ballots of the  
10 political subdivision in which the applicant resides and is  
11 entitled to vote before providing an early ballot to the  
12 applicant. If the identity of the applicant cannot be verified,  
13 the ~~The~~ applicant's identity must be verified by the  
14 applicant's presentation of an Illinois driver's license, a  
15 non-driver identification card issued by the Illinois  
16 Secretary of State, or another government-issued  
17 identification document containing the applicant's photograph.  
18 The election judge or official must verify the applicant's  
19 registration from the most recent poll list provided by the  
20 election authority, and if the applicant is not listed on that  
21 poll list, by telephoning the office of the election authority.

22 (b-5) A person requesting an early voting ballot to whom an  
23 absentee ballot was issued may vote early if the person submits  
24 that absentee ballot to the judges of election or official  
25 conducting early voting for cancellation. If the voter is  
26 unable to submit the absentee ballot, it shall be sufficient

1 for the voter to submit to the judges or official (i) a portion  
2 of the absentee ballot if the absentee ballot was torn or  
3 mutilated or (ii) an affidavit executed before the judges or  
4 official specifying that (A) the voter never received an  
5 absentee ballot or (B) the voter completed and returned an  
6 absentee ballot and was informed that the election authority  
7 did not receive that absentee ballot.

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

15 (b-15) This subsection applies to early voting polling  
16 places using optical scan technology voting equipment subject  
17 to Article 24B. Immediately after voting an early ballot, the  
18 voter shall be instructed whether the voting equipment accepted  
19 or rejected the ballot. A voter whose early voting ballot is  
20 not accepted by the voting equipment may, upon surrendering the  
21 ballot, request and vote another early voting ballot. The  
22 voter's ballot that was not accepted shall be initialed by the  
23 election judge or official conducting the early voting and  
24 handled as provided in Article 24B.

25 (c) The sealed early ballots in their carrier envelope  
26 shall be delivered by the election authority to the central

1 ballot counting location before the close of the polls on the  
2 day of the election.

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

4 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

6 (a) (Blank.)

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

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

25 Each absent voter's ballot that is mailed to an election

1 authority absent a postmark, but that is received by the  
2 election authority after the polls close on election day and  
3 before the close of the period for counting provisional ballots  
4 cast at that election, shall be endorsed by the receiving  
5 authority with the day and hour of receipt, opened to inspect  
6 the date inserted on the certification, and, if the  
7 certification date is a date preceding the election day and the  
8 ballot is otherwise found to be valid under the requirements of  
9 this Section, counted at the central ballot counting location  
10 of the election authority during the period for counting  
11 provisional ballots. Absent a date on the certification, the  
12 ballot shall not be counted.

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



1 that election, shall be endorsed by the receiving authority  
2 with the day and hour of receipt and shall be counted at the  
3 central ballot counting location of the election authority  
4 during the same periods provided for counting absent voters'  
5 ballots under subsection (c).

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

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

22 (g) The procedures set forth in Articles 17 and 18 of this  
23 Code shall apply to all ballots counted under this Section. In  
24 addition, within 2 days after a ballot subject to this Article  
25 is received, but in all cases before the close of the period  
26 for counting provisional ballots, the election judge or

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

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

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

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

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

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

26 If the election judge or official determines that any of

1 these reasons apply, the judge or official shall mark across  
2 the face of the certification envelope the word "Rejected" and  
3 shall not cast or count the ballot.

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

24 A ballot subject to this subsection that is determined to  
25 be valid shall be counted before the close of the period for  
26 counting provisional ballots.

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

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

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

8 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

12 Immediately after the closing of the polls, the precinct  
13 judges of election shall open the ballot box and count the  
14 number of ballots therein to determine if such number agrees  
15 with the number of voters voting as shown by the applications  
16 for ballot or, if the same do not agree, the judges of election  
17 shall make such ballots agree with the applications for ballot  
18 in the manner provided by Section 17-18 of this Act. The judges  
19 of election shall then examine all ballot cards and ballot card  
20 envelopes which are in the ballot box to determine whether the  
21 ballot cards and ballot card envelopes contain the initials of  
22 a precinct judge of election. If any ballot card or ballot card  
23 envelope is not initialed, it shall be marked on the back  
24 "Defective", initialed as to such label by all judges  
25 immediately under the word "Defective" and not counted. The

1 judges of election shall place an initialed blank official  
2 ballot card in the place of the defective ballot card, so that  
3 the count of the ballot cards to be counted on the automatic  
4 tabulating equipment will be the same, and each "Defective  
5 Ballot" card and "Replacement" card 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 that precinct.  
9 The original "Defective" card shall be placed in the "Defective  
10 Ballot Envelope" provided for that purpose.

11 When an electronic voting system is used which utilizes a  
12 ballot card, before separating the remaining ballot cards from  
13 their respective covering envelopes, the judges of election  
14 shall examine the ballot card envelopes for write-in votes.  
15 When the voter has cast a write-in vote, the judges of election  
16 shall compare the write-in vote with the votes on the ballot  
17 card to determine whether such write-in results in an overvote  
18 for any office. In case of an overvote for any office, the  
19 judges of election, consisting in each case of at least one  
20 judge of election of each of the 2 major political parties,  
21 shall make a true duplicate ballot of all votes on such ballot  
22 card except for the office which is overvoted, by using the  
23 ballot label booklet of the precinct and one of the marking  
24 devices of the precinct so as to transfer all votes of the  
25 voter, except for the office overvoted, to a duplicate card.  
26 The original ballot card and envelope upon which there is an

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

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

21         Before the ballots are entered into the automatic  
22    tabulating equipment, a precinct identification card provided  
23    by the election authority shall be entered into the device to  
24    ensure that the totals are all zeroes in the count column on  
25    the printing unit. A precinct judge of election shall then  
26    count the ballots by entering each ballot card into the

1 automatic tabulating equipment, and if any ballot or ballot  
2 card is damaged or defective so that it cannot properly be  
3 counted by the automatic tabulating equipment, the judges of  
4 election, consisting in each case of at least one judge of  
5 election of each of the 2 major political parties, shall make a  
6 true duplicate ballot of all votes on such ballot card by using  
7 the ballot label booklet of the precinct and one of the marking  
8 devices of the precinct. The original ballot or ballot card and  
9 envelope shall be clearly labeled "Damaged Ballot" and the  
10 ballot or ballot card so produced shall be clearly labeled  
11 "Duplicate Damaged Ballot", and each shall contain the same  
12 serial number which shall be placed thereon by the judges of  
13 election, commencing with number 1 and continuing  
14 consecutively for the ballots of that kind in the precinct. The  
15 judges of election shall initial the "Duplicate Damaged Ballot"  
16 ballot or ballot cards and shall enter the duplicate damaged  
17 cards into the automatic tabulating equipment. The "Damaged  
18 Ballot" cards shall be placed in the "Duplicated Ballots"  
19 envelope; after all ballot cards have been successfully read,  
20 the judges of election shall check to make certain that the  
21 last number printed by the printing unit is the same as the  
22 number of voters making application for ballot in that  
23 precinct. The number shall be listed on the "Statement of  
24 Ballots" form provided by the 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; 4 sets shall be attached to the 4 sets of~~  
9 ~~"Certificate of Results" provided by the election authority;~~  
10 ~~one set shall be posted in a conspicuous place inside the~~  
11 ~~polling place; and every effort shall be made by the judges of~~  
12 ~~election to provide a set for each authorized pollwatcher or~~  
13 ~~other official authorized to be present in the polling place to~~  
14 ~~observe the counting of ballots; but in no case shall the~~  
15 ~~number of sets to be made available to pollwatchers be fewer~~  
16 ~~than 4, chosen by lot by the judges of election. In addition,~~  
17 ~~sufficient time shall be provided by the judges of election to~~  
18 ~~the pollwatchers to allow them to copy information from the set~~  
19 ~~which has been posted.~~

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

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

1 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

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

1 between the certificate of results and the set of totals which  
2 has been affixed to such certificate of results, the ballots  
3 for such precinct shall be retabulated to correct the return.  
4 As an additional part of this check prior to the proclamation,  
5 in those jurisdictions where in-precinct counting equipment is  
6 utilized, the election authority shall retabulate the total  
7 number of votes cast in 5% of the precincts within the election  
8 jurisdiction. The precincts to be retabulated shall be selected  
9 after election day on a random basis by the State Board of  
10 Elections, so that every precinct in the election jurisdiction  
11 has an equal mathematical chance of being selected. The State  
12 Board of Elections shall design a standard and scientific  
13 random method of selecting the precincts which are to be  
14 retabulated. The State central committee chairman of each  
15 established political party shall be given prior written notice  
16 of the time and place of such random selection procedure and  
17 may be represented at such procedure. Such retabulation shall  
18 consist of counting the ballot cards which were originally  
19 counted and shall not involve any determination as to which  
20 ballot cards were, in fact, properly counted. The ballots from  
21 the precincts selected for such retabulation shall remain at  
22 all times under the custody and control of the election  
23 authority and shall be transported and retabulated by the  
24 designated staff of the election authority.

25 As part of such retabulation, the election authority shall  
26 test the computer program in the selected precincts. Such test

1 shall be conducted by processing a preaudited group of ballots  
2 so punched so as to record a predetermined number of valid  
3 votes for each candidate and on each public question, and shall  
4 include for each office one or more ballots which have votes in  
5 excess of the number allowed by law in order to test the  
6 ability of the equipment to reject such votes. If any error is  
7 detected, the cause therefor shall be ascertained and corrected  
8 and an errorless count shall be made prior to the official  
9 canvass and proclamation of election results.

10 The State Board of Elections, the State's Attorney and  
11 other appropriate law enforcement agencies, the county  
12 chairman of each established political party and qualified  
13 civic organizations shall be given prior written notice of the  
14 time and place of such retabulation and may be represented at  
15 such retabulation.

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

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

1 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

4 No voting system shall be approved unless it fulfills the  
5 following requirements:

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

7 (2) (Blank);

8 (3) It enables a voter to vote a ticket selected in  
9 part from the nominees of one party, and in part from the  
10 nominees of any or all parties, and in part from  
11 independent candidates and in part of candidates whose  
12 names are written in by the voter;

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

16 (5) It will reject all votes for an office or upon a  
17 proposition when the voter has cast more votes for such  
18 office or upon such proposition than he is entitled to  
19 cast;

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

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

1           The State Board of Elections is authorized to withdraw its  
2 approval of a voting system if the system fails to fulfill the  
3 above requirements.

4           The vendor, person, or other private entity shall be solely  
5 responsible for the production and cost of: all application  
6 fees; all ballots; additional temporary workers; and other  
7 equipment or facilities needed and used in the testing of the  
8 vendor's, person's, or other private entity's respective  
9 equipment and software.

10           Any voting system vendor, person, or other private entity  
11 seeking the State Board of Elections' approval of a voting  
12 system shall, as part of the approval application, submit to  
13 the State Board a non-refundable fee. The State Board of  
14 Elections by rule shall establish an appropriate fee structure,  
15 taking into account the type of voting system approval that is  
16 requested (such as approval of a new system, a modification of  
17 an existing system, the size of the modification, etc.). No  
18 voting system or modification of a voting system shall be  
19 approved unless the fee is paid.

20           No vendor, person, or other entity may sell, lease, or  
21 loan, or have a written contract, including a contract  
22 contingent upon State Board approval of the voting system or  
23 voting system component, to sell, lease, or loan, a voting  
24 system or voting system component to any election jurisdiction  
25 unless the voting system or voting system component is first  
26 approved by the State Board of Elections pursuant to this

1 Section.

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

3 (10 ILCS 5/24B-6)

4 Sec. 24B-6. Ballot Information; Arrangement; Electronic  
5 Precinct Tabulation Optical Scan Technology Voting System;  
6 Absentee Ballots; Spoiled Ballots. The ballot information,  
7 shall, as far as practicable, be in the order of arrangement  
8 provided for paper ballots, except that the information may be  
9 in vertical or horizontal rows, or on a number of separate  
10 pages or displays on the marking device. Ballots for all  
11 questions or propositions to be voted on should be provided in  
12 a similar manner and must be arranged on the ballot sheet or  
13 marking device in the places provided for such purposes.  
14 Ballots shall be of white paper unless provided otherwise by  
15 administrative rule of the State Board of Elections or  
16 otherwise specified.

17 All propositions, including but not limited to  
18 propositions calling for a constitutional convention,  
19 constitutional amendment, judicial retention, and public  
20 measures to be voted upon shall be placed on separate portions  
21 of the ballot sheet or marking device by utilizing borders or  
22 grey screens. Candidates shall be listed on a separate portion  
23 of the ballot sheet or marking device by utilizing borders or  
24 grey screens. Whenever a person has submitted a declaration of  
25 intent to be a write-in candidate as required in Sections

1 ~~17-16.1 and 18-9.1, Below the name of the last candidate listed~~  
2 ~~for an office shall be printed or displayed~~ a line or lines on  
3 which the voter may select a write-in candidate shall be  
4 printed below the name of the last candidate listed for such  
5 office. Such line or lines shall be proximate to an area  
6 provided for marking votes for the write-in candidate or  
7 candidates. The number of write-in lines for an office shall  
8 equal the number of write-in candidates who have filed for such  
9 office plus an additional line or lines for write-in candidates  
10 who may file for office under Sections 17-16.1 and 18-9.1 due  
11 to vacancies in nomination due to objections to nominating  
12 papers or petitions still pending 61 days prior to the  
13 election, up to the number of candidates for which a voter may  
14 vote. More than one amendment to the constitution may be placed  
15 on the same portion of the ballot sheet or marking device.  
16 Constitutional convention or constitutional amendment  
17 propositions shall be printed or displayed on a separate  
18 portion of the ballot sheet or marking device and designated by  
19 borders or grey screens, unless otherwise provided by  
20 administrative rule of the State Board of Elections. More than  
21 one public measure or proposition may be placed on the same  
22 portion of the ballot sheet or marking device. More than one  
23 proposition for retention of judges in office may be placed on  
24 the same portion of the ballot sheet or marking device. Names  
25 of candidates shall be printed in black. The party affiliation  
26 of each candidate or the word "independent" shall appear near



1 or under the candidate's name, and the names of candidates for  
2 the same office shall be listed vertically under the title of  
3 that office, on separate pages of the marking device, or as  
4 otherwise approved by the State Board of Elections. In the case  
5 of nonpartisan elections for officers of political  
6 subdivisions, unless the statute or an ordinance adopted  
7 pursuant to Article VII of the Constitution requires otherwise,  
8 the listing of nonpartisan candidates shall not include any  
9 party or "independent" designation. Judicial retention  
10 questions and ballot questions for all public measures and  
11 other propositions shall be designated by borders or grey  
12 screens on the ballot or marking device. In primary elections,  
13 a separate ballot, or displays on the marking device, shall be  
14 used for each political party holding a primary, with the  
15 ballot or marking device arranged to include names of the  
16 candidates of the party and public measures and other  
17 propositions to be voted upon on the day of the primary  
18 election.

19 If the ballot includes both candidates for office and  
20 public measures or propositions to be voted on, the election  
21 official in charge of the election shall divide the ballot or  
22 displays on the marking device in sections for "Candidates" and  
23 "Propositions", or separate ballots may be used.

24 Absentee ballots may consist of envelopes, paper ballots or  
25 ballot sheets voted in person in the office of the election  
26 official in charge of the election or voted by mail. Where a

1 Precinct Tabulation Optical Scan Technology ballot is used for  
2 voting by mail it must be accompanied by voter instructions.

3 Any voter who spoils his or her ballot, makes an error, or  
4 has a ballot returned by the automatic tabulating equipment may  
5 return the ballot to the judges of election and get another  
6 ballot.

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

8 (10 ILCS 5/24B-10.1)

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

14 Before the opening of the polls, and before the ballots are  
15 entered into the automatic tabulating equipment, the judges of  
16 election shall be sure that the totals are all zeros in the  
17 counting column. Ballots may then be counted by entering or  
18 scanning each ballot into the automatic tabulating equipment.  
19 Throughout the election day and before the closing of the  
20 polls, no person may check any vote totals for any candidate or  
21 proposition on the automatic tabulating equipment. Such  
22 automatic tabulating equipment shall be programmed so that no  
23 person may reset the equipment for refeeding of ballots unless  
24 provided a code from an authorized representative of the  
25 election authority. At the option of the election authority,

1 the ballots may be fed into the Precinct Tabulation Optical  
2 Scan Technology equipment by the voters under the direct  
3 supervision of the judges of elections.

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

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

15           When a Precinct Tabulation Optical Scan Technology  
16 electronic voting system is used which uses a paper ballot, the  
17 judges of election shall examine the ballot for write-in votes.  
18 When the voter has cast a write-in vote, the judges of election  
19 shall compare the write-in vote with the votes on the ballot to  
20 determine whether the write-in results in an overvote for any  
21 office, unless the Precinct Tabulation Optical Scan Technology  
22 equipment has already done so. In case of an overvote for any  
23 office, the judges of election, consisting in each case of at  
24 least one judge of election of each of the 2 major political  
25 parties, shall make a true duplicate ballot of all votes on  
26 such ballot except for the office which is overvoted, by using

1 the ballot of the precinct and one of the marking devices, or  
2 equivalent ballot, of the precinct so as to transfer all votes  
3 of the voter, except for the office overvoted, to a duplicate  
4 ballot. The original ballot upon which there is an overvote  
5 shall be clearly labeled "Overvoted Ballot", and each such  
6 "Overvoted Ballot" as well as its "Replacement" shall contain  
7 the same serial number which shall be placed thereon by the  
8 judges of election, beginning with number 1 and continuing  
9 consecutively for the ballots of that kind in that precinct.  
10 The "Overvoted Ballot" shall be placed in an envelope provided  
11 for that purpose labeled "Duplicate Ballot" envelope, and the  
12 judges of election shall initial the "Replacement" ballots and  
13 shall place them with the other ballots to be counted on the  
14 automatic tabulating equipment.

15 If any ballot is damaged or defective, or if any ballot  
16 contains a Voting Defect, so that it cannot properly be counted  
17 by the automatic tabulating equipment, the voter or the judges  
18 of election, consisting in each case of at least one judge of  
19 election of each of the 2 major political parties, shall make a  
20 true duplicate ballot of all votes on such ballot by using the  
21 ballot of the precinct and one of the marking devices of the  
22 precinct, or equivalent. If a damaged ballot, the original  
23 ballot shall be clearly labeled "Damaged Ballot" and the ballot  
24 so produced shall be clearly labeled "Damaged Ballot" and the  
25 ballot so produced shall be clearly labeled "Duplicate Damaged  
26 Ballot", and each shall contain the same serial number which

1 shall be placed by the judges of election, beginning with  
2 number 1 and continuing consecutively for the ballots of that  
3 kind in the precinct. The judges of election shall initial the  
4 "Duplicate Damaged Ballot" ballot and shall enter or otherwise  
5 scan the duplicate damaged ballot into the automatic tabulating  
6 equipment. The "Damaged Ballots" shall be placed in the  
7 "Duplicated Ballots" envelope; after all ballots have been  
8 successfully read, the judges of election shall check to make  
9 certain that the Precinct Tabulation Optical Scan Technology  
10 equipment readout agrees with the number of voters making  
11 application for ballot in that precinct. The number shall be  
12 listed on the "Statement of Ballots" form provided by the  
13 election authority.

14 The totals for all candidates and propositions shall be  
15 tabulated. One copy of an "In-Precinct Totals Report" shall be  
16 generated by the automatic tabulating equipment for return to  
17 the election authority. One copy of an "In-Precinct Totals  
18 Report" shall be generated and posted in a conspicuous place  
19 inside the polling place, provided that any authorized  
20 pollwatcher or other official authorized to be present in the  
21 polling place to observe the counting of ballots is present.  
22 ~~The totals for all candidates and propositions shall be~~  
23 ~~tabulated; and 4 copies of a "Certificate of Results" shall be~~  
24 ~~generated by the automatic tabulating equipment; one copy shall~~  
25 ~~be posted in a conspicuous place inside the polling place; and~~  
26 ~~every effort shall be made by the judges of election to provide~~

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

9 The judges of election shall count all unused ballots and  
10 enter the number on the "Statement of Ballots". All "Spoiled",  
11 "Defective" and "Duplicated" ballots shall be counted and the  
12 number entered on the "Statement of Ballots".

13 The precinct judges of election shall select a bi-partisan  
14 team of 2 judges, who shall immediately return the ballots in a  
15 sealed container, along with all other election materials as  
16 instructed by the election authority; provided, however, that  
17 such container must first be sealed by the election judges with  
18 filament tape or other approved sealing devices provided for  
19 the purpose which shall be wrapped around the container  
20 lengthwise and crosswise, at least twice each way, in a manner  
21 that the ballots cannot be removed from the container without  
22 breaking the seal and filament tape and disturbing any  
23 signatures affixed by the election judges to the container, or  
24 which other approved sealing devices are affixed in a manner  
25 approved by the election authority. The election authority  
26 shall keep the office of the election authority or any

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

19 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
20 94-1000, eff. 7-3-06.)

21 (10 ILCS 5/24B-15)

22 Sec. 24B-15. Official Return of Precinct; Check of Totals;  
23 Retabulation. The precinct return printed by the automatic  
24 Precinct Tabulation Optical Scan Technology tabulating  
25 equipment shall include the number of ballots cast and votes



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

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

22 As part of the retabulation, the election authority shall  
23 test the computer program in the selected precincts. The test  
24 shall be conducted by processing a preaudited group of ballots  
25 marked to record a predetermined number of valid votes for each  
26 candidate and on each public question, and shall include for

1 each office one or more ballots which have votes in excess of  
2 the number allowed by law to test the ability of the equipment  
3 and the marking device to reject such votes. If any error is  
4 detected, the cause shall be determined and corrected, and an  
5 errorless count shall be made prior to the official canvass and  
6 proclamation of election results.

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

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

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

1           Sec. 24B-16. Approval of Precinct Tabulation Optical Scan  
2           Technology Voting Systems; Requisites. The State Board of  
3           Elections shall approve all Precinct Tabulation Optical Scan  
4           Technology voting systems provided by this Article.

5           No Precinct Tabulation Optical Scan Technology voting  
6           system shall be approved unless it fulfills the following  
7           requirements:

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

9                   (b) (Blank);

10                   (c) It enables a voter to vote a ticket selected in  
11                   part from the nominees of one party, and in part from the  
12                   nominees of any or all parties, and in part from  
13                   independent candidates, and in part of candidates whose  
14                   names are written in by the voter;

15                   (d) It enables a voter to vote a written or printed  
16                   ticket of his or her own selection for any person for any  
17                   office for whom he or she may desire to vote;

18                   (e) It will reject all votes for an office or upon a  
19                   proposition when the voter has cast more votes for the  
20                   office or upon the proposition than he or she is entitled  
21                   to cast; and

22                   (f) It will accommodate all propositions to be  
23                   submitted to the voters in the form provided by law or,  
24                   where no form is provided, then in brief form, not to  
25                   exceed 75 words.

26           The State Board of Elections shall not approve any voting

1 equipment or system that includes an external Infrared Data  
2 Association (IrDA) communications port.

3 The State Board of Elections is authorized to withdraw its  
4 approval of a Precinct Tabulation Optical Scan Technology  
5 voting system if the system fails to fulfill the above  
6 requirements.

7 The vendor, person, or other private entity shall be solely  
8 responsible for the production and cost of: all application  
9 fees; all ballots; additional temporary workers; and other  
10 equipment or facilities needed and used in the testing of the  
11 vendor's, person's, or other private entity's respective  
12 equipment and software.

13 Any voting system vendor, person, or other private entity  
14 seeking the State Board of Elections' approval of a voting  
15 system shall, as part of the approval application, submit to  
16 the State Board a non-refundable fee. The State Board of  
17 Elections by rule shall establish an appropriate fee structure,  
18 taking into account the type of voting system approval that is  
19 requested (such as approval of a new system, a modification of  
20 an existing system, the size of the modification, etc.). No  
21 voting system or modification of a voting system shall be  
22 approved unless the fee is paid.

23 No vendor, person, or other entity may sell, lease, or  
24 loan, or have a written contract, including a contract  
25 contingent upon State Board approval of the voting system or  
26 voting system component, to sell, lease, or loan, a voting

1 system or Precinct Tabulation Optical Scan Technology voting  
2 system component to any election jurisdiction unless the voting  
3 system or voting system component is first approved by the  
4 State Board of Elections pursuant to this Section.

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

6 (10 ILCS 5/24C-12)

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

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

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

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

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

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

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



1 equipment for reentry of ballots unless provided the proper  
2 code from an authorized representative of the election  
3 authority.

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

14 The totals for all candidates and propositions shall be  
15 tabulated. One copy of an "In-Precinct Totals Report" shall be  
16 generated by the automatic tabulating equipment for return to  
17 the election authority. One copy of an "In-Precinct Totals  
18 Report" shall be generated and posted in a conspicuous place  
19 inside the polling place, provided that any authorized  
20 pollwatcher or other official authorized to be present in the  
21 polling place to observe the counting of ballots is present.  
22 ~~Except as otherwise provided in this Section, the totals for~~  
23 ~~all candidates and propositions shall be tabulated; and 4~~  
24 ~~copies of a "Certificate of Results" shall be printed by the~~  
25 ~~automatic tabulating equipment; one copy shall be posted in a~~  
26 ~~conspicuous place inside the polling place; and every effort~~

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

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

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

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

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

24 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
25 94-1073, eff. 12-26-06.)

1 (10 ILCS 5/24C-15)

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

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

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

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

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

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

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

23 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
24 94-1000, eff. 7-3-06.)

1           Sec. 24C-16. Approval of Direct Recording Electronic  
2 Voting Systems; Requisites. The State Board of Elections shall  
3 approve all Direct Recording Electronic Voting Systems that  
4 fulfill the functional requirements provided by Section 24C-11  
5 of this Code, the mandatory requirements of the federal voting  
6 system standards pertaining to Direct Recording Electronic  
7 Voting Systems promulgated by the Federal Election Commission  
8 or the Election Assistance Commission, the testing  
9 requirements of an approved independent testing authority and  
10 the rules of the State Board of Elections.

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

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

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

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

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

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

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

16 (10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

17 Sec. 28-6. Petitions; filing.

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



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

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

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

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

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

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

18 Section 10. The Illinois Municipal Code is amended by  
19 changing Sections 3.1-20-45 and 3.1-25-40 as follows:

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

21 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested  
22 office. A city incorporated under this Code that elects  
23 municipal officers at nonpartisan primary and general  
24 elections shall conduct the elections as provided in the

1 Election Code, except that no office for which nomination is  
2 uncontested shall be included on the primary ballot and no  
3 primary shall be held for that office. For the purposes of this  
4 Section, an office is uncontested when not more than 4 ~~two~~  
5 persons to be nominated for each office have timely filed valid  
6 nominating papers seeking nomination for the election to that  
7 office.

8 Notwithstanding the preceding paragraph, when a person (i)  
9 who has not timely filed valid nomination papers and (ii) who  
10 intends to become a write-in candidate for nomination for any  
11 office for which nomination is uncontested files a written  
12 statement or notice of that intent with the proper election  
13 official with whom the nomination papers for that office are  
14 filed, if the write-in candidate becomes the fifth candidate  
15 filed, a primary ballot must be prepared and a primary must be  
16 held for the office. The statement or notice must be filed on  
17 or before the 61st day before the consolidated primary  
18 election. The statement must contain (i) the name and address  
19 of the person intending to become a write-in candidate, (ii) a  
20 statement that the person intends to become a write-in  
21 candidate, and (iii) the office the person is seeking as a  
22 write-in candidate. An election authority has no duty to  
23 conduct a primary election or prepare a primary ballot unless a  
24 statement meeting the requirements of this paragraph is filed  
25 in a timely manner.

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

1 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

2 Sec. 3.1-25-40. Ballots.

3 (a) If the office of president is to be filled, only the  
4 names of the 4 ~~2~~ candidates receiving the highest number of  
5 votes for president shall be placed on the ballot for president  
6 at the next succeeding general municipal election. The names of  
7 candidates in a number equal to 4 ~~2~~ times the number of trustee  
8 positions to be filled receiving the highest number of votes  
9 for trustee, or the names of all candidates if less than 4 ~~2~~  
10 times the number of trustee positions to be filled, shall be  
11 placed on the ballot for that office at the municipal election.

12 (b) An elector, however, at either a primary election or a  
13 general municipal election held under Sections 3.1-25-20  
14 through 3.1-25-55, may write in the names of the candidates of  
15 that elector's choice in accordance with the general election  
16 law. If, however, the name of only one candidate for a  
17 particular office appeared on the primary ballot, the name of  
18 the person having the largest number of write-in votes shall  
19 not be placed upon the ballot at the general municipal election  
20 unless the number of votes received in the primary election by  
21 that person was at least 10% of the number of votes received by  
22 the candidate for the same office whose name appeared on the  
23 primary ballot.

24 (c) If a nominee at a general primary election dies or  
25 withdraws before the general municipal election, there shall be

1 placed on the ballot the name of the candidate receiving the  
2 next highest number of votes, and so on in case of the death or  
3 withdrawal of more than one nominee.

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

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

15 (65 ILCS 5/4-3-5 rep.)

16 (65 ILCS 5/4-3-10 rep.)

17 (65 ILCS 5/4-3-10.1 rep.)

18 (65 ILCS 5/4-3-13 rep.)

19 (65 ILCS 5/4-3-14 rep.)

20 Section 15. The Illinois Municipal Code is amended by  
21 repealing Sections 4-3-5, 4-3-10, 4-3-10.1, 4-3-13, and  
22 4-3-14.