



Sen. Terry Link

**Filed: 3/23/2007**

09500SB0662sam003

LRB095 10645 JAM 34383 a

1 AMENDMENT TO SENATE BILL 662

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 662, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Election Code is amended by changing  
6 Sections 9-9.5, 16-10, 17-16.1, 18-9.1, 19-8, 19A-35, 20-8,  
7 24A-10.1, 24A-15, 24A-16, 24B-6, 24B-10.1, 24B-15, 24B-16,  
8 24C-12, 24C-15, 24C-16, and 28-6 as follows:

9 (10 ILCS 5/9-9.5)

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

11 (a) Any political committee, organized under the Election  
12 Code, that makes an expenditure for a pamphlet, circular,  
13 handbill, Internet or telephone communication, radio,  
14 television, or print advertisement, or other communication  
15 directed at voters and mentioning the name of a candidate in  
16 the next upcoming election shall ensure that the name of the

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

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

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

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

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

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

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

17 Sec. 16-10. The judges of election shall cause not less  
18 than one of such cards to be posted in each voting booth  
19 provided for the preparation of ballots, and not less than four  
20 of such cards to be posted in and about the polling places upon  
21 the day of election. In every county of not more than 500,000  
22 inhabitants, each election authority shall cause to be  
23 published, prior to the day of any election, in at least two  
24 newspapers, if there be so many published in such county, a  
25 list of all the nominations made as in this Act provided and to

1 be voted for at such election, as near as may be, in the form in  
2 which they shall appear upon the general ballot; provided that  
3 this requirement shall not apply with respect to any  
4 consolidated primary for which the local election official is  
5 required to make the publication under Section 7-21.

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

7 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

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

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

25 The election authority or authorities shall deliver a list

1 of all persons who have filed such declarations to the election  
2 judges in the appropriate precincts prior to the election.

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

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

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

20 Nothing in this Section shall be construed to apply to  
21 votes cast under the provisions of subsection (b) of Section  
22 16-5.01.

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

24 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

25 Sec. 18-9.1. Write-in votes shall be counted only for

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

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

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

20 A candidate for whom a nomination paper has been filed as a  
21 partisan candidate at a primary election, and who is defeated  
22 for his or her nomination at the primary election, is  
23 ineligible to file a declaration of intent to be a write-in  
24 candidate for election in that general or consolidated  
25 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 5/19-8) (from Ch. 46, par. 19-8)  
17 Sec. 19-8. Time and place of counting ballots.

18 (a) (Blank.)

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

1 except as provided in subsections (g) and (g-5).

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

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

25 (d) Special write-in absentee voter's blank ballots  
26 returned to an election authority, by any means authorized by



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

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

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

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

1 shall not cast or count the ballot.

2 In addition to the voter's signatures not matching, an  
3 absentee ballot may be rejected by the election judge or  
4 official:

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

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

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

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

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

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

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

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

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

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

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

21 (10 ILCS 5/19A-35)

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

23 (a) Not more than 23 days before the start of the election,  
24 the county clerk shall make available to the election official  
25 conducting early voting by personal appearance a sufficient

1 number of early ballots, envelopes, and printed voting  
2 instruction slips for the use of early voters. The election  
3 official shall receipt for all ballots received and shall  
4 return unused or spoiled ballots at the close of the early  
5 voting period to the county clerk and must strictly account for  
6 all ballots received. The ballots delivered to the election  
7 official must include early ballots for each precinct in the  
8 election authority's jurisdiction and must include separate  
9 ballots for each political subdivision conducting an election  
10 of officers or a referendum at that election.

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

1 registration from the most recent poll list provided by the  
2 election authority, and if the applicant is not listed on that  
3 poll list, by telephoning the office of the election authority.

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

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

23 (b-15) This subsection applies to early voting polling  
24 places using optical scan technology voting equipment subject  
25 to Article 24B. Immediately after voting an early ballot, the  
26 voter shall be instructed whether the voting equipment accepted

1 or rejected the ballot. A voter whose early voting ballot is  
2 not accepted by the voting equipment may, upon surrendering the  
3 ballot, request and vote another early voting ballot. The  
4 voter's ballot that was not accepted shall be initialed by the  
5 election judge or official conducting the early voting and  
6 handled as provided in Article 24B.

7 (c) The sealed early ballots in their carrier envelope  
8 shall be delivered by the election authority to the central  
9 ballot counting location before the close of the polls on the  
10 day of the election.

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

12 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

14 (a) (Blank.)

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

23 (c) Each absent voter's ballot that is mailed to an  
24 election authority and postmarked by the midnight preceding the  
25 opening of the polls on election day, but that is received by

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

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

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



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

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

23 (f) Counting required under this Section to begin on  
24 election day after the closing of the polls shall commence no  
25 later than 8:00 p.m. and shall be conducted by a panel or  
26 panels of election judges appointed in the manner provided by

1 law. The counting shall continue until all absent voters'  
2 ballots and special write-in absentee voter's blank ballots  
3 required to be counted on election day have been counted.

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

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

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

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

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

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

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

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

1 election judges on the reviewing panel shall be of the same  
2 political party. The reviewing panel of election judges shall  
3 make a final determination as to the validity of the contested  
4 ballot. The judges' determination shall not be reviewable  
5 either administratively or judicially.

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

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

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

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

16 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

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

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

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

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

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

25 The ballot cards and ballot card envelopes shall be  
26 separated in preparation for counting by the automatic

1 tabulating equipment provided for that purpose by the election  
2 authority.

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

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

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

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



1 ~~which has been posted.~~

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

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

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

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

8 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

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

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

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

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

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

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

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

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

8 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

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

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

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

14 (2) (Blank);

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

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

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

1 cast;

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

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

9 The State Board of Elections is authorized to withdraw its  
10 approval of a voting system if the system fails to fulfill the  
11 above requirements.

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

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

1 approved unless the fee is paid.

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

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

11 (10 ILCS 5/24B-6)

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

25 All propositions, including but not limited to

1 propositions calling for a constitutional convention,  
2 constitutional amendment, judicial retention, and public  
3 measures to be voted upon shall be placed on separate portions  
4 of the ballot sheet or marking device by utilizing borders or  
5 grey screens. Candidates shall be listed on a separate portion  
6 of the ballot sheet or marking device by utilizing borders or  
7 grey screens. Whenever a person has submitted a declaration of  
8 intent to be a write-in candidate as required in Sections  
9 17-16.1 and 18-9.1, ~~Below the name of the last candidate listed~~  
10 for an office shall be printed or displayed a line or lines on  
11 which the voter may select a write-in candidate shall be  
12 printed below the name of the last candidate listed for such  
13 office. Such line or lines shall be proximate to an area  
14 provided for marking votes for the write-in candidate or  
15 candidates. The number of write-in lines for an office shall  
16 equal the number of write-in candidates who have filed for such  
17 office plus an additional line or lines for write-in candidates  
18 who may file for office under Sections 17-16.1 and 18-9.1 due  
19 to vacancies in nomination due to objections to nominating  
20 papers or petitions still pending 61 days prior to the  
21 election, up to the number of candidates for which a voter may  
22 vote. More than one amendment to the constitution may be placed  
23 on the same portion of the ballot sheet or marking device.  
24 Constitutional convention or constitutional amendment  
25 propositions shall be printed or displayed on a separate  
26 portion of the ballot sheet or marking device and designated by



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

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

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

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

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

16           (10 ILCS 5/24B-10.1)

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

22           Before the opening of the polls, and before the ballots are  
23 entered into the automatic tabulating equipment, the judges of  
24 election shall be sure that the totals are all zeros in the  
25 counting column. Ballots may then be counted by entering or

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

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

1 defective ballot, so that the count of the ballots to be  
2 counted on the automatic tabulating equipment will be the same,  
3 and each "Defective Ballot" and "Replacement" ballot shall  
4 contain the same serial number which shall be placed thereon by  
5 the judges of election, beginning with number 1 and continuing  
6 consecutively for the ballots of that kind in that precinct.  
7 The original "Defective" ballot shall be placed in the  
8 "Defective Ballot Envelope" provided for that purpose.

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

23 When a Precinct Tabulation Optical Scan Technology  
24 electronic voting system is used which uses a paper ballot, the  
25 judges of election shall examine the ballot for write-in votes.  
26 When the voter has cast a write-in vote, the judges of election

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

23 If any ballot is damaged or defective, or if any ballot  
24 contains a Voting Defect, so that it cannot properly be counted  
25 by the automatic tabulating equipment, the voter or the judges  
26 of election, consisting in each case of at least one judge of

1 election of each of the 2 major political parties, shall make a  
2 true duplicate ballot of all votes on such ballot by using the  
3 ballot of the precinct and one of the marking devices of the  
4 precinct, or equivalent. If a damaged ballot, the original  
5 ballot shall be clearly labeled "Damaged Ballot" and the ballot  
6 so produced shall be clearly labeled "Damaged Ballot" and the  
7 ballot so produced shall be clearly labeled "Duplicate Damaged  
8 Ballot", and each shall contain the same serial number which  
9 shall be placed by the judges of election, beginning with  
10 number 1 and continuing consecutively for the ballots of that  
11 kind in the precinct. The judges of election shall initial the  
12 "Duplicate Damaged Ballot" ballot and shall enter or otherwise  
13 scan the duplicate damaged ballot into the automatic tabulating  
14 equipment. The "Damaged Ballots" shall be placed in the  
15 "Duplicated Ballots" envelope; after all ballots have been  
16 successfully read, the judges of election shall check to make  
17 certain that the Precinct Tabulation Optical Scan Technology  
18 equipment readout agrees with the number of voters making  
19 application for ballot in that precinct. The number shall be  
20 listed on the "Statement of Ballots" form provided by the  
21 election authority.

22 The totals for all candidates and propositions shall be  
23 tabulated. One copy of an "In-Precinct Totals Report" shall be  
24 generated by the automatic tabulating equipment for return to  
25 the election authority. One copy of an "In-Precinct Totals  
26 Report" shall be generated and posted in a conspicuous place

1 inside the polling place, provided that any authorized  
2 pollwatcher or other official authorized to be present in the  
3 polling place to observe the counting of ballots is present.

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

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

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 as  
24 instructed by the election authority; provided, however, that  
25 such container must first be sealed by the election judges with  
26 filament tape or other approved sealing devices provided for

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



1 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
2 94-1000, eff. 7-3-06.)

3 (10 ILCS 5/24B-15)

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

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

1 and control of the election authority and shall be transported  
2 and retabulated by the designated staff of the election  
3 authority.

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

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 retabulation and may be represented at  
20 the retabulation.

21 The results of this retabulation shall be treated in the  
22 same manner and have the same effect as the results of the  
23 discovery procedures set forth in Section 22-9.1 of this Code.  
24 Upon completion of the retabulation, the election authority  
25 shall print a comparison of the results of the retabulation  
26 with the original precinct return printed by the automatic

1 tabulating equipment. The comparison shall be done for each  
2 precinct and for each office voted upon within that precinct,  
3 and the comparisons shall be open to the public. Upon  
4 completion of the retabulation, the returns shall be open to  
5 the public.

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

7 (10 ILCS 5/24B-16)

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

12 No Precinct Tabulation Optical Scan Technology voting  
13 system shall be approved unless it fulfills the following  
14 requirements:

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

16 (b) (Blank);

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

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

25 (e) It will reject all votes for an office or upon a

1 proposition when the voter has cast more votes for the  
2 office or upon the proposition than he or she is entitled  
3 to cast; and

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

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

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

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

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

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

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

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

14 (10 ILCS 5/24C-12)

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

19 Before the opening of the polls, the judges of elections  
20 shall assemble the voting equipment and devices and turn the  
21 equipment on. The judges shall, if necessary, take steps to  
22 activate the voting devices and counting equipment by inserting  
23 into the equipment and voting devices appropriate data cards  
24 containing passwords and data codes that will select the proper  
25 ballot formats selected for that polling place and that will

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

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

1 appear upon the ballot for any office by entering  
2 electronically as many names of candidates as the voter is  
3 entitled to select for each office.

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



1 it has been properly re-activated. If a voting device has been  
2 enabled for voting but the voter leaves the polling place  
3 without casting a ballot, 2 judges of election, one from each  
4 of the 2 major political parties, shall spoil the ballot.

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

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

22 The totals for all candidates and propositions shall be  
23 tabulated. One copy of an "In-Precinct Totals Report" shall be  
24 generated by the automatic tabulating equipment for return to  
25 the election authority. One copy of an "In-Precinct Totals  
26 Report" shall be generated and posted in a conspicuous place

1 inside the polling place, provided that any authorized  
2 pollwatcher or other official authorized to be present in the  
3 polling place to observe the counting of ballots is present.

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

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

25 If instructed by the election authority, the judges of  
26 election shall cause the tabulated returns to be transmitted

1 electronically to the offices of the election authority via  
2 modem or other electronic medium.

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

1 judges whose duty it is to return any ballots and election  
2 materials and equipment as provided shall, in the event the  
3 ballots, materials or equipment cannot be found when needed, on  
4 proper request, produce the receipt which they are to take as  
5 above provided.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
7 94-1073, eff. 12-26-06.)

8 (10 ILCS 5/24C-15)

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

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

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

25 The test shall be conducted by counting the votes marked on  
26 the permanent paper record of each ballot cast in the tested

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

23 The State Board of Elections, the State's Attorney and  
24 other appropriate law enforcement agencies, the county  
25 chairman of each established political party and qualified  
26 civic organizations shall be given prior written notice of the

1 time and place of the test and may be represented at the test.

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

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

7 (10 ILCS 5/24C-16)

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

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

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

24 The vendor, person, or other private entity shall be solely  
25 responsible for the production and cost of: all application

1 fees; all ballots; additional temporary workers; and other  
2 equipment or facilities needed and used in the testing of the  
3 vendor's, person's, or other private entity's respective  
4 equipment and software.

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

15 No vendor, person, or other entity may sell, lease, or  
16 loan, or have a written contract, including a contract  
17 contingent upon State Board approval of the voting system or  
18 voting system component, to sell, lease, or loan, a Direct  
19 Recording Electronic Voting System or system component to any  
20 election jurisdiction unless the system or system component is  
21 first approved by the State Board of Elections pursuant to this  
22 Section.

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

24 (10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

25 Sec. 28-6. Petitions; filing.



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

21           (b) In a municipality with more than 1,000,000 inhabitants,  
22 when a question of public policy exclusively concerning a  
23 contiguous territory included entirely within but not  
24 coextensive with the municipality is initiated by resolution or  
25 ordinance of the corporate authorities of the municipality, or  
26 by a petition which may be signed by registered voters who

1 reside in any part of any precinct all or part of which  
2 includes all or part of the territory and who equal in number  
3 at least 8% of the total votes cast for candidates for Governor  
4 in the preceding gubernatorial election by the total number of  
5 registered voters of the precinct or precincts the registered  
6 voters of which are eligible to sign the petition, it shall be  
7 the duty of the election authority having jurisdiction over  
8 such municipality to submit such question to the electors  
9 throughout each precinct all or part of which includes all or  
10 part of the territory at the regular election specified in the  
11 resolution, ordinance or petition initiating the public  
12 question. A petition initiating a public question described in  
13 this subsection shall be filed with the election authority  
14 having jurisdiction over the municipality. A resolution,  
15 ordinance or petition initiating a public question described in  
16 this subsection shall specify the election at which the  
17 question is to be submitted.

18 (c) Local questions of public policy authorized by this  
19 Section and statewide questions of public policy authorized by  
20 Section 28-9 shall be advisory public questions, and no legal  
21 effects shall result from the adoption or rejection of such  
22 propositions.

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

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

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

3           (65 ILCS 5/3.1-20-45)

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

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

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

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

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

10 Sec. 3.1-25-40. Ballots.

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

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

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

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

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

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

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

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

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

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

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

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