



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3669

Introduced 2/10/2012, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-5	from Ch. 46, par. 7-5
10 ILCS 5/12-1	from Ch. 46, par. 12-1
10 ILCS 5/13-10	from Ch. 46, par. 13-10
10 ILCS 5/17-1	from Ch. 46, par. 17-1
10 ILCS 5/17-16	from Ch. 46, par. 17-16
10 ILCS 5/17-21	from Ch. 46, par. 17-21
10 ILCS 5/18-2	from Ch. 46, par. 18-2
10 ILCS 5/18A-5	
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/20-8	from Ch. 46, par. 20-8
10 ILCS 5/24A-10	from Ch. 46, par. 24A-10
10 ILCS 5/24B-10	

Amends the Election Code. Provides that polls shall be open until 6:00 p.m. (now, 7:00 p.m.). Provides that the portion of an election judge's daily compensation reimbursement by the State Board of Elections shall be \$25 (rather than, is increased by an additional \$20). Provides that the money (rather than, the increase) provided by the Board must be used to increase each judge's compensation. Makes conforming changes to references to the closing time of the polls. Effective immediately.

LRB097 18256 PJG 63482 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 7-5, 12-1, 13-10, 17-1, 17-16, 17-21, 18-2, 18A-5,
6 19-8, 20-8, 24A-10, and 24B-10 as follows:

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

8 Sec. 7-5. (a) Primary elections shall be held on the dates
9 prescribed in Article 2A.

10 (b) Notwithstanding the provisions of any other statute, no
11 primary shall be held for an established political party in any
12 township, municipality, or ward thereof, where the nomination
13 of such party for every office to be voted upon by the electors
14 of such township, municipality, or ward thereof, is
15 uncontested. Whenever a political party's nomination of
16 candidates is uncontested as to one or more, but not all, of
17 the offices to be voted upon by the electors of a township,
18 municipality, or ward thereof, then a primary shall be held for
19 that party in such township, municipality, or ward thereof;
20 provided that the primary ballot shall not include those
21 offices within such township, municipality, or ward thereof,
22 for which the nomination is uncontested. For purposes of this
23 Article, the nomination of an established political party of a

1 candidate for election to an office shall be deemed to be
2 uncontested where not more than the number of persons to be
3 nominated have timely filed valid nomination papers seeking the
4 nomination of such party for election to such office.

5 (c) Notwithstanding the provisions of any other statute, no
6 primary election shall be held for an established political
7 party for any special primary election called for the purpose
8 of filling a vacancy in the office of representative in the
9 United States Congress where the nomination of such political
10 party for said office is uncontested. For the purposes of this
11 Article, the nomination of an established political party of a
12 candidate for election to said office shall be deemed to be
13 uncontested where not more than the number of persons to be
14 nominated have timely filed valid nomination papers seeking the
15 nomination of such established party for election to said
16 office. This subsection (c) shall not apply if such primary
17 election is conducted on a regularly scheduled election day.

18 (d) Notwithstanding the provisions in subsection (b) and
19 (c) of this Section whenever a person who has not timely filed
20 valid nomination papers and who intends to become a write-in
21 candidate for a political party's nomination for any office for
22 which the nomination is uncontested files a written statement
23 or notice of that intent with the State Board of Elections or
24 the local election official with whom nomination papers for
25 such office are filed, a primary ballot shall be prepared and a
26 primary shall be held for that office. Such statement or notice

1 shall be filed on or before the date established in this
2 Article for certifying candidates for the primary ballot. Such
3 statement or notice shall contain (i) the name and address of
4 the person intending to become a write-in candidate, (ii) a
5 statement that the person is a qualified primary elector of the
6 political party from whom the nomination is sought, (iii) a
7 statement that the person intends to become a write-in
8 candidate for the party's nomination, and (iv) the office the
9 person is seeking as a write-in candidate. An election
10 authority shall have no duty to conduct a primary and prepare a
11 primary ballot for any office for which the nomination is
12 uncontested, unless a statement or notice meeting the
13 requirements of this Section is filed in a timely manner.

14 (e) The polls shall be open from 6:00 a.m. to 6:00 ~~7:00~~
15 p.m.

16 (Source: P.A. 86-873.)

17 (10 ILCS 5/12-1) (from Ch. 46, par. 12-1)

18 Sec. 12-1. At least 60 days prior to each general and
19 consolidated election, the election authority shall provide
20 public notice, calculated to reach elderly and handicapped
21 voters, of the availability of registration and voting aids
22 under the Federal Voting Accessibility for the Elderly and
23 Handicapped Act, of the availability of assistance in marking
24 the ballot, procedures for voting by absentee ballot, and
25 procedures for voting early by personal appearance.

1 At least 30 days before any general election, and at least
2 20 days before any special congressional election, the county
3 clerk shall publish a notice of the election in 2 or more
4 newspapers published in the county, city, village,
5 incorporated town or town, as the case may be, or if there is
6 no such newspaper, then in any 2 or more newspapers published
7 in the county and having a general circulation throughout the
8 community. The notice may be substantially as follows:

9 Notice is hereby given that on (give date), at (give the
10 place of holding the election and the name of the precinct or
11 district) in the county of (name county), an election will be
12 held for (give the title of the several offices to be filled),
13 which election will be open at 6:00 a.m. and continued open
14 until 6:00 ~~7:00~~ p.m. of that day.

15 Dated at on (insert date).

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

17 (10 ILCS 5/13-10) (from Ch. 46, par. 13-10)

18 Sec. 13-10. The compensation of the judges of all primaries
19 and all elections, except judges supervising absentee ballots
20 as provided in Section 19-12.2 of this Act, in counties of less
21 than 600,000 inhabitants shall be fixed by the respective
22 county boards or boards of election commissioners in all
23 counties and municipalities, but in no case shall such
24 compensation be less than \$35 per day. The compensation of
25 judges of all primaries and all elections not under the

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

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

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

24 In precincts in which there are tally judges, the
25 compensation of the tally judges shall be 2/3 of that of the
26 judges of election and each holdover judge shall be paid the

1 compensation of a judge of election plus that of a tally judge.

2 ~~Beginning on the effective date of this amendatory Act of~~
3 ~~1998, the portion of an election judge's daily compensation~~
4 ~~reimbursed by the State Board of Elections is increased by \$15.~~
5 ~~The increase provided by this amendatory Act of 1998 must be~~
6 ~~used to increase each judge's compensation and may not be used~~
7 ~~by the county to reduce its portion of a judge's compensation.~~

8 Beginning on the effective date of this amendatory Act of
9 the 97th ~~95th~~ General Assembly, the portion of an election
10 judge's daily compensation reimbursement by the State Board of
11 Elections shall be \$25 ~~is increased by an additional \$20~~. The
12 money increase provided by this amendatory Act of the 97th ~~95th~~
13 General Assembly must be used to increase each judge's
14 compensation and may not be used by the election authority or
15 election jurisdiction to reduce its portion of a judge's
16 compensation.

17 (Source: P.A. 95-699, eff. 11-9-07.)

18 (10 ILCS 5/17-1) (from Ch. 46, par. 17-1)

19 Sec. 17-1. The polls shall be opened at the hour of 6:00
20 a.m. and continued open until 6:00 ~~7:00~~ p.m. of the same day,
21 at which time the polls shall be closed; but if the judges
22 shall not attend at the hour of six o'clock in the morning, or
23 if it shall be necessary for the electors present to appoint
24 judges to conduct the election, as herein prescribed, the polls
25 may, in that case, be opened at any hour before the time for

1 closing the same shall arrive, as the case may require.

2 (Source: P.A. 81-850; 81-1149.)

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

4 Sec. 17-16. If the voter marks more candidates than there
5 are persons to be elected to an office, or if for any reason it
6 is impossible to determine the voter's choice for any office to
7 be filled, his ballot shall not be counted for such office,
8 provided that if the name of a candidate appears in more than
9 one column on the ballot as authorized by this Act, and a
10 ballot has been marked in his or her favor in more than one
11 column and the voter's intention is otherwise ascertainable,
12 the candidate shall receive only one vote from such ballot and
13 the remaining votes cast for him or her on such ballot shall
14 not be counted. No ballot without the official endorsement
15 shall be deposited in the ballot box, and none but ballots
16 provided in accordance with the provisions of this Act shall be
17 counted. Ballots not counted shall be marked "defective" on the
18 back thereof, and ballots to which objection has been made by
19 either of the judges or challengers shall be marked "objected
20 to" on the back thereof, and a memorandum signed by the judges
21 stating how it was counted shall be written upon the back of
22 each ballot so marked, and all ballots marked defective or
23 objected to shall be enclosed in an envelope securely sealed
24 and so marked and endorsed as to clearly disclose its contents.
25 The envelope to be used for enclosing ballots marked

1 "defective" or "objected to" shall bear upon its face, in large
2 type, the legend: "This envelope is for use after 6:00 ~~7:00~~
3 P.M. only." The envelope to be used for enclosing ballots
4 spoiled by voters while attempting to vote shall bear upon its
5 face, in large type, the legend: "This envelope is for use
6 before 6:00 ~~7:00~~ P.M. only." All ballots not voted, and all
7 that have been spoiled by voters while attempting to vote,
8 shall be returned by the judges of election to the county clerk
9 and a receipt taken therefor, and shall be preserved 2 months;
10 the county clerk shall keep a record of the number of ballots
11 delivered for each polling place, the name of the person to
12 whom and the time when delivered, and he shall also enter upon
13 such record the number and character of ballots returned, with
14 the time when and the person by whom they are returned.

15 (Source: P.A. 84-861.)

16 (10 ILCS 5/17-21) (from Ch. 46, par. 17-21)

17 Sec. 17-21. When the votes shall have been examined and
18 counted, the judges shall set down on a sheet or return form to
19 be supplied to them, the name of every person voted for,
20 written or printed at full length, the office for which such
21 person received such votes, and the number he did receive and
22 such additional information as is necessary to complete, as
23 nearly as circumstances will admit, the following form, to-wit:

24 TALLY SHEET AND CERTIFICATE OF

25 RESULTS

1 We do hereby certify that at the election held in the
2 precinct hereinafter (general or special) specified on the
3 day of, in the year of our Lord, one thousand nine hundred
4 and, a total of voters requested and received ballots
5 and we do further certify:

6 Number of blank ballots delivered to us

7 Number of absentee ballots delivered to us

8 Total number of ballots delivered to us

9 Number of blank and spoiled ballots returned.

10 (1) Total number of ballots cast (in box)....

11 Defective and Objected To ballots sealed in envelope

12 (2) Total number of ballots cast (in box)

13 Line (2) equals line (1)

14 We further certify that each of the candidates for
15 representative in the General Assembly received the number of
16 votes ascribed to him on the separate tally sheet.

17 We further certify that each candidate received the number
18 of votes set forth opposite his name or in the box containing
19 his name on the tally sheet contained in the page or pages
20 immediately following our signatures.

21 The undersigned actually served as judges and counted the
22 ballots at the election on the day of in the
23 precinct of the (1) *township of, or (2) *City of, or
24 (3) *.... ward in the city of and the polls were opened at
25 6:00 A.M. and closed at 6:00 ~~7:00~~ P.M. Certified by us.

26 *Fill in either (1), (2) or (3)

- 1 A B,(Address)
- 2 C D,(Address)
- 3 E F,(Address)
- 4 G H,(Address)
- 5 I J,(Address)

6 Each tally sheet shall be in substantially one of the
 7 following forms:

8 -----

		Candidate's				
Name of	Candidates	Total				
office	Names	Vote	5	10	15	20

13	United States Senator	John Smith	77		11	

		Names of candidates						
Name of	and total vote							
office	for each				5	10	15	20

22 For United States Senator John Smith

23 States

24 Senator

25 Total Vote.....

1 -----

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

3 (10 ILCS 5/18-2) (from Ch. 46, par. 18-2)

4 Sec. 18-2. In any municipality operating under Article 6 of
5 this Act, the election polls shall be open at 6:00 a.m., and
6 continued open until 6:00 ~~7:00~~ p.m., of the same day, at which
7 time the polls shall be closed, and no judge shall be behind
8 time for more than 15 minutes after the time for opening such
9 polls. Any judge may absent himself for a reasonable time but
10 only during the casting of ballots, and upon leaving and
11 returning, the judge shall sign a time sheet indicating the
12 period of his absence. When absent for any cause, the judge
13 shall authorize some one of the same political party with
14 himself to act for him until his return.

15 (Source: P.A. 81-850; 81-1149.)

16 (10 ILCS 5/18A-5)

17 Sec. 18A-5. Provisional voting; general provisions.

18 (a) A person who claims to be a registered voter is
19 entitled to cast a provisional ballot under the following
20 circumstances:

21 (1) The person's name does not appear on the official
22 list of eligible voters for the precinct in which the
23 person seeks to vote. The official list is the centralized
24 statewide voter registration list established and

1 maintained in accordance with Section 1A-25;

2 (2) The person's voting status has been challenged by
3 an election judge, a pollwatcher, or any legal voter and
4 that challenge has been sustained by a majority of the
5 election judges;

6 (3) A federal or State court order extends the time for
7 closing the polls beyond the time period established by
8 State law and the person votes during the extended time
9 period; or

10 (4) The voter registered to vote by mail and is
11 required by law to present identification when voting
12 either in person or by absentee ballot, but fails to do so.

13 (b) The procedure for obtaining and casting a provisional
14 ballot at the polling place shall be as follows:

15 (1) After first verifying through an examination of the
16 precinct register that the person's address is within the
17 precinct boundaries, an election judge at the polling place
18 shall notify a person who is entitled to cast a provisional
19 ballot pursuant to subsection (a) that he or she may cast a
20 provisional ballot in that election. An election judge must
21 accept any information provided by a person who casts a
22 provisional ballot that the person believes supports his or
23 her claim that he or she is a duly registered voter and
24 qualified to vote in the election. However, if the person's
25 residence address is outside the precinct boundaries, the
26 election judge shall inform the person of that fact, give

1 the person the appropriate telephone number of the election
 2 authority in order to locate the polling place assigned to
 3 serve that address, and instruct the person to go to the
 4 proper polling place to vote.

5 (2) The person shall execute a written form provided by
 6 the election judge that shall state or contain all of the
 7 following that is available:

8 (i) an affidavit stating the following:

9 State of Illinois, County of,
 10 Township, Precinct, Ward
 11, I,, do solemnly
 12 swear (or affirm) that: I am a citizen of the United
 13 States; I am 18 years of age or older; I have resided
 14 in this State and in this precinct for 30 days
 15 preceding this election; I have not voted in this
 16 election; I am a duly registered voter in every
 17 respect; and I am eligible to vote in this election.
 18 Signature Printed Name of Voter Printed
 19 Residence Address of Voter City State
 20 Zip Code Telephone Number Date of
 21 Birth and Illinois Driver's License Number
 22 or Last 4 digits of Social Security Number
 23 or State Identification Card Number issued to
 24 you by the Illinois Secretary of State.....

25 (ii) A box for the election judge to check one of the 3
 26 reasons why the person was given a provisional ballot under

1 subsection (a) of Section 18A-5.

2 (iii) An area for the election judge to affix his or
3 her signature and to set forth any facts that support or
4 oppose the allegation that the person is not qualified to
5 vote in the precinct in which the person is seeking to
6 vote.

7 The written affidavit form described in this subsection
8 (b) (2) must be printed on a multi-part form prescribed by the
9 county clerk or board of election commissioners, as the case
10 may be.

11 (3) After the person executes the portion of the written
12 affidavit described in subsection (b) (2) (i) of this Section,
13 the election judge shall complete the portion of the written
14 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

15 (4) The election judge shall give a copy of the completed
16 written affidavit to the person. The election judge shall place
17 the original written affidavit in a self-adhesive clear plastic
18 packing list envelope that must be attached to a separate
19 envelope marked as a "provisional ballot envelope". The
20 election judge shall also place any information provided by the
21 person who casts a provisional ballot in the clear plastic
22 packing list envelope. Each county clerk or board of election
23 commissioners, as the case may be, must design, obtain or
24 procure self-adhesive clear plastic packing list envelopes and
25 provisional ballot envelopes that are suitable for
26 implementing this subsection (b) (4) of this Section.

1 (5) The election judge shall provide the person with a
2 provisional ballot, written instructions for casting a
3 provisional ballot, and the provisional ballot envelope with
4 the clear plastic packing list envelope affixed to it, which
5 contains the person's original written affidavit and, if any,
6 information provided by the provisional voter to support his or
7 her claim that he or she is a duly registered voter. An
8 election judge must also give the person written information
9 that states that any person who casts a provisional ballot
10 shall be able to ascertain, pursuant to guidelines established
11 by the State Board of Elections, whether the provisional vote
12 was counted in the official canvass of votes for that election
13 and, if the provisional vote was not counted, the reason that
14 the vote was not counted.

15 (6) After the person has completed marking his or her
16 provisional ballot, he or she shall place the marked ballot
17 inside of the provisional ballot envelope, close and seal the
18 envelope, and return the envelope to an election judge, who
19 shall then deposit the sealed provisional ballot envelope into
20 a securable container separately identified and utilized for
21 containing sealed provisional ballot envelopes. Ballots that
22 are provisional because they are cast after 6:00 ~~7:00~~ p.m. by
23 court order shall be kept separate from other provisional
24 ballots. Upon the closing of the polls, the securable container
25 shall be sealed with filament tape provided for that purpose,
26 which shall be wrapped around the box lengthwise and crosswise,

1 at least twice each way, and each of the election judges shall
2 sign the seal.

3 (c) Instead of the affidavit form described in subsection
4 (b), the county clerk or board of election commissioners, as
5 the case may be, may design and use a multi-part affidavit form
6 that is imprinted upon or attached to the provisional ballot
7 envelope described in subsection (b). If a county clerk or
8 board of election commissioners elects to design and use its
9 own multi-part affidavit form, then the county clerk or board
10 of election commissioners shall establish a mechanism for
11 accepting any information the provisional voter has supplied to
12 the election judge to support his or her claim that he or she
13 is a duly registered voter. In all other respects, a county
14 clerk or board of election commissioners shall establish
15 procedures consistent with subsection (b).

16 (d) The county clerk or board of election commissioners, as
17 the case may be, shall use the completed affidavit form
18 described in subsection (b) to update the person's voter
19 registration information in the State voter registration
20 database and voter registration database of the county clerk or
21 board of election commissioners, as the case may be. If a
22 person is later determined not to be a registered voter based
23 on Section 18A-15 of this Code, then the affidavit shall be
24 processed by the county clerk or board of election
25 commissioners, as the case may be, as a voter registration
26 application.

1 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;
2 94-645, eff. 8-22-05.)

3 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

5 (a) (Blank.)

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

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

24 Each absent voter's ballot that is mailed to an election
25 authority absent a postmark, but that is received by the

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

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

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

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

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

21 (g) The procedures set forth in Articles 17 and 18 of this
22 Code shall apply to all ballots counted under this Section. In
23 addition, within 2 days after an absentee ballot, other than an
24 in-person absentee ballot, is received, but in all cases before
25 the close of the period for counting provisional ballots, the
26 election judge or official shall compare the voter's signature

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

15 In addition to the voter's signatures not matching, an
16 absentee ballot may be rejected by the election judge or
17 official:

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

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

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

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

25 If the election judge or official determines that any of
26 these reasons apply, the judge or official shall mark across

1 the face of the certification envelope the word "Rejected" and
2 shall not cast or count the ballot.

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

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

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

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

7 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
8 95-699, eff. 11-9-07.)

9 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

11 (a) (Blank.)

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

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

1 receiving authority with the day and hour of receipt and shall
2 be counted at the central ballot counting location of the
3 election authority during the period for counting provisional
4 ballots.

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

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

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

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

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

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

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

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

26 (2) if the voter has already cast an early or grace

1 period ballot;

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

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

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

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

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

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

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

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

12 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
13 95-699, eff. 11-9-07.)

14 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

15 Sec. 24A-10. (1) In an election jurisdiction which has
16 adopted an electronic voting system, the election official in
17 charge of the election shall select one of the 3 following
18 procedures for receiving, counting, tallying, and return of the
19 ballots:

20 (a) Two ballot boxes shall be provided for each polling
21 place. The first ballot box is for the depositing of votes cast
22 on the electronic voting system; and the second ballot box is
23 for all votes cast on paper ballots, including any paper
24 ballots required to be voted other than on the electronic
25 voting system. Ballots deposited in the second ballot box shall

1 be counted, tallied, and returned as is elsewhere provided in
2 "The Election Code," as amended, for the counting and handling
3 of paper ballots. Immediately after the closing of the polls,
4 the judges of election shall make out a slip indicating the
5 number of persons who voted in the precinct at the election.
6 Such slip shall be signed by all the judges of election and
7 shall be inserted by them in the first ballot box. The judges
8 of election shall thereupon immediately lock each ballot box;
9 provided, that if such box is not of a type which may be
10 securely locked, such box shall be sealed with filament tape
11 provided for such purpose which shall be wrapped around the box
12 lengthwise and crosswise, at least twice each way, and in such
13 manner that the seal completely covers the slot in the ballot
14 box, and each of the judges shall sign such seal. Thereupon two
15 of the judges of election, of different political parties,
16 shall forthwith and by the most direct route transport both
17 ballot boxes to the counting location designated by the county
18 clerk or board of election commissioners.

19 Before the ballots of a precinct are fed to the electronic
20 tabulating equipment, the first ballot box shall be opened at
21 the central counting station by the two precinct transport
22 judges. Upon opening a ballot box, such team shall first count
23 the number of ballots in the box. If 2 or more are folded
24 together so as to appear to have been cast by the same person,
25 all of the ballots so folded together shall be marked and
26 returned with the other ballots in the same condition, as near

1 as may be, in which they were found when first opened, but
2 shall not be counted. If the remaining ballots are found to
3 exceed the number of persons voting in the precinct as shown by
4 the slip signed by the judges of election, the ballots shall be
5 replaced in the box, and the box closed and well shaken and
6 again opened and one of the precinct transport judges shall
7 publicly draw out so many ballots unopened as are equal to such
8 excess.

9 Such excess ballots shall be marked "Excess-Not Counted"
10 and signed by the two precinct transport judges and shall be
11 placed in the "After 6:00 ~~7:00~~ p.m. Defective Ballots
12 Envelope". The number of excess ballots shall be noted in the
13 remarks section of the Certificate of Results. "Excess" ballots
14 shall not be counted in the total of "defective" ballots.

15 The precinct transport judges shall then examine the
16 remaining ballots for write-in votes and shall count and
17 tabulate the write-in vote; or

18 (b) A single ballot box, for the deposit of all votes cast,
19 shall be used. All ballots which are not to be tabulated on the
20 electronic voting system shall be counted, tallied, and
21 returned as elsewhere provided in "The Election Code," as
22 amended, for the counting and handling of paper ballots.

23 All ballots to be processed and tabulated with the
24 electronic voting system shall be processed as follows:

25 Immediately after the closing of the polls, the precinct
26 judges of election then shall open the ballot box and canvass

1 the votes polled to determine that the number of ballots
2 therein agree with the number of voters voting as shown by the
3 applications for ballot or if the same do not agree the judges
4 of election shall make such ballots agree with the applications
5 for ballot in the manner provided by Section 17-18 of "The
6 Election Code." The judges of election shall then examine all
7 ballot cards and ballot card envelopes which are in the ballot
8 box to determine whether the ballot cards and ballot card
9 envelopes bear the initials of a precinct judge of election. If
10 any ballot card or ballot card envelope is not initialed, it
11 shall be marked on the back "Defective," initialed as to such
12 label by all judges immediately under such word "Defective,"
13 and not counted, but placed in the envelope provided for that
14 purpose labeled "Defective Ballots Envelope."

15 When an electronic voting system is used which utilizes a
16 ballot card, before separating the ballot cards from their
17 respective covering envelopes, the judges of election shall
18 examine the ballot card envelopes for write-in votes. When the
19 voter has voted a write-in vote, the judges of election shall
20 compare the write-in vote with the votes on the ballot card to
21 determine whether such write-in results in an overvote for any
22 office. In case of an overvote for any office, the judges of
23 election, consisting in each case of at least one judge of
24 election of each of the two major political parties, shall make
25 a true duplicate ballot of all votes on such ballot card except
26 for the office which is overvoted, by using the ballot label

1 booklet of the precinct and one of the marking devices of the
2 precinct so as to transfer all votes of the voter except for
3 the office overvoted, to an official ballot card of that kind
4 used in the precinct at that election. The original ballot card
5 and envelope upon which there is an overvote shall be clearly
6 labeled "Overvoted Ballot", and each shall bear the same serial
7 number which shall be placed thereon by the judges of election,
8 commencing with number 1 and continuing consecutively for the
9 ballots of that kind in that precinct. The judges of election
10 shall initial the "Duplicate Overvoted Ballot" ballot cards and
11 shall place them in the box for return of the ballots. The
12 "Overvoted Ballot" ballots and their envelopes shall be placed
13 in the "Duplicate Ballots" envelope. Envelopes bearing
14 write-in votes marked in the place designated therefor and
15 bearing the initials of a precinct judge of election and not
16 resulting in an overvote and otherwise complying with the
17 election laws as to marking shall be counted, tallied, and
18 their votes recorded on a tally sheet provided by the election
19 official in charge of the election. The ballot cards and ballot
20 card envelopes shall be separated and all except any defective
21 or overvoted shall be placed separately in the box for return
22 of the ballots. The judges of election shall examine the
23 ballots and ballot cards to determine if any is damaged or
24 defective so that it cannot be counted by the automatic
25 tabulating equipment. If any ballot or ballot card is damaged
26 or defective so that it cannot properly be counted by the

1 automatic tabulating equipment, the judges of election,
2 consisting in each case of at least one judge of election of
3 each of the two major political parties, shall make a true
4 duplicate ballot of all votes on such ballot card by using the
5 ballot label booklet of the precinct and one of the marking
6 devices of the precinct. The original ballot or ballot card and
7 envelope shall be clearly labeled "Damaged Ballot" and the
8 ballot or ballot card so produced "Duplicate Damaged Ballot,"
9 and each shall bear the same number which shall be placed
10 thereon by the judges of election, commencing with number 1 and
11 continuing consecutively for the ballots of that kind in the
12 precinct. The judges of election shall initial the "Duplicate
13 Damaged Ballot" ballot or ballot cards, and shall place them in
14 the box for return of the ballots. The "Damaged Ballot" ballots
15 or ballot cards and their envelopes shall be placed in the
16 "Duplicated Ballots" envelope. A slip indicating the number of
17 voters voting in person shall be made out, signed by all judges
18 of election, and inserted in the box for return of the ballots.
19 The tally sheets recording the write-in votes shall be placed
20 in this box. The judges of election thereupon immediately shall
21 securely lock the ballot box or other suitable box furnished
22 for return of the ballots by the election official in charge of
23 the election; provided that if such box is not of a type which
24 may be securely locked, such box shall be sealed with filament
25 tape provided for such purpose which shall be wrapped around
26 the box lengthwise and crosswise, at least twice each way. A

1 separate adhesive seal label signed by each of the judges of
2 election of the precinct shall be affixed to the box so as to
3 cover any slot therein and to identify the box of the precinct;
4 and if such box is sealed with filament tape as provided herein
5 rather than locked, such tape shall be wrapped around the box
6 as provided herein, but in such manner that the separate
7 adhesive seal label affixed to the box and signed by the judges
8 may not be removed without breaking the filament tape and
9 disturbing the signature of the judges. Thereupon, 2 of the
10 judges of election, of different major political parties,
11 forthwith shall by the most direct route transport the box for
12 return of the ballots and enclosed ballots and returns to the
13 central counting location designated by the election official
14 in charge of the election. If, however, because of the lack of
15 adequate parking facilities at the central counting location or
16 for any other reason, it is impossible or impracticable for the
17 boxes from all the polling places to be delivered directly to
18 the central counting location, the election official in charge
19 of the election may designate some other location to which the
20 boxes shall be delivered by the 2 precinct judges. While at
21 such other location the boxes shall be in the care and custody
22 of one or more teams, each consisting of 4 persons, 2 from each
23 of the two major political parties, designated for such purpose
24 by the election official in charge of elections from
25 recommendations by the appropriate political party
26 organizations. As soon as possible, the boxes shall be

1 transported from such other location to the central counting
2 location by one or more teams, each consisting of 4 persons, 2
3 from each of the 2 major political parties, designated for such
4 purpose by the election official in charge of elections from
5 recommendations by the appropriate political party
6 organizations.

7 The "Defective Ballots" envelope, and "Duplicated Ballots"
8 envelope each shall be securely sealed and the flap or end
9 thereof of each signed by the precinct judges of election and
10 returned to the central counting location with the box for
11 return of the ballots, enclosed ballots and returns.

12 At the central counting location, a team of tally judges
13 designated by the election official in charge of the election
14 shall check the box returned containing the ballots to
15 determine that all seals are intact, and thereupon shall open
16 the box, check the voters' slip and compare the number of
17 ballots so delivered against the total number of voters of the
18 precinct who voted, remove the ballots or ballot cards and
19 deliver them to the technicians operating the automatic
20 tabulating equipment. Any discrepancies between the number of
21 ballots and total number of voters shall be noted on a sheet
22 furnished for that purpose and signed by the tally judges; or

23 (c) A single ballot box, for the deposit of all votes cast,
24 shall be used. Immediately after the closing of the polls, the
25 precinct judges of election shall securely lock the ballot box;
26 provided that if such box is not of a type which may be

1 securely locked, such box shall be sealed with filament tape
2 provided for such purpose which shall be wrapped around the box
3 lengthwise and crosswise, at least twice each way. A separate
4 adhesive seal label signed by each of the judges of election of
5 the precinct shall be affixed to the box so as to cover any
6 slot therein and to identify the box of the precinct; and if
7 such box is sealed with filament tape as provided herein rather
8 than locked, such tape shall be wrapped around the box as
9 provided herein, but in such manner that the separate adhesive
10 seal label affixed to the box and signed by the judges may not
11 be removed without breaking the filament tape and disturbing
12 the signature of the judges. Thereupon, 2 of the judges of
13 election, of different major political parties, shall
14 forthwith by the most direct route transport the box for return
15 of the ballots and enclosed absentee and early ballots and
16 returns to the central counting location designated by the
17 election official in charge of the election. If however,
18 because of the lack of adequate parking facilities at the
19 central counting location or for some other reason, it is
20 impossible or impracticable for the boxes from all the polling
21 places to be delivered directly to the central counting
22 location, the election official in charge of the election may
23 designate some other location to which the boxes shall be
24 delivered by the 2 precinct judges. While at such other
25 location the boxes shall be in the care and custody of one or
26 more teams, each consisting of 4 persons, 2 from each of the

1 two major political parties, designated for such purpose by the
2 election official in charge of elections from recommendations
3 by the appropriate political party organizations. As soon as
4 possible, the boxes shall be transported from such other
5 location to the central counting location by one or more teams,
6 each consisting of 4 persons, 2 from each of the 2 major
7 political parties, designated for such purpose by the election
8 official in charge of the election from recommendations by the
9 appropriate political party organizations.

10 At the central counting location there shall be one or more
11 teams of tally judges who possess the same qualifications as
12 tally judges in election jurisdictions using paper ballots. The
13 number of such teams shall be determined by the election
14 authority. Each team shall consist of 5 tally judges, 3
15 selected and approved by the county board from a certified list
16 furnished by the chairman of the county central committee of
17 the party with the majority of members on the county board and
18 2 selected and approved by the county board from a certified
19 list furnished by the chairman of the county central committee
20 of the party with the second largest number of members on the
21 county board. At the central counting location a team of tally
22 judges shall open the ballot box and canvass the votes polled
23 to determine that the number of ballot sheets therein agree
24 with the number of voters voting as shown by the applications
25 for ballot; and, if the same do not agree, the tally judges
26 shall make such ballots agree with the number of applications

1 for ballot in the manner provided by Section 17-18 of the
2 Election Code. The tally judges shall then examine all ballot
3 sheets which are in the ballot box to determine whether they
4 bear the initials of the precinct judge of election. If any
5 ballot is not initialed, it shall be marked on the back
6 "Defective", initialed as to such label by all tally judges
7 immediately under such word "Defective", and not counted, but
8 placed in the envelope provided for that purpose labeled
9 "Defective Ballots Envelope". An overvote for one office shall
10 invalidate only the vote or count of that particular office.

11 At the central counting location, a team of tally judges
12 designated by the election official in charge of the election
13 shall deliver the ballot sheets to the technicians operating
14 the automatic tabulating equipment. Any discrepancies between
15 the number of ballots and total number of voters shall be noted
16 on a sheet furnished for that purpose and signed by the tally
17 judges.

18 (2) Regardless of which procedure described in subsection
19 (1) of this Section is used, the judges of election designated
20 to transport the ballots, properly signed and sealed as
21 provided herein, shall ensure that the ballots are delivered to
22 the central counting station no later than 12 hours after the
23 polls close. At the central counting station a team of tally
24 judges designated by the election official in charge of the
25 election shall examine the ballots so transported and shall not
26 accept ballots for tabulating which are not signed and sealed

1 as provided in subsection (1) of this Section until the judges
2 transporting the same make and sign the necessary corrections.
3 Upon acceptance of the ballots by a team of tally judges at the
4 central counting station, the election judges transporting the
5 same shall take a receipt signed by the election official in
6 charge of the election and stamped with the date and time of
7 acceptance. The election judges whose duty it is to transport
8 any ballots shall, in the event such ballots cannot be found
9 when needed, on proper request, produce the receipt which they
10 are to take as above provided.

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

12 (10 ILCS 5/24B-10)

13 Sec. 24B-10. Receiving, Counting, Tallying and Return of
14 Ballots; Acceptance of Ballots by Election Authority.

15 (a) In an election jurisdiction which has adopted an
16 electronic Precinct Tabulation Optical Scan Technology voting
17 system, the election official in charge of the election shall
18 select one of the 3 following procedures for receiving,
19 counting, tallying, and return of the ballots:

20 (1) Two ballot boxes shall be provided for each polling
21 place. The first ballot box is for the depositing of votes
22 cast on the electronic voting system; and the second ballot
23 box is for all votes cast on other ballots, including any
24 paper ballots required to be voted other than on the
25 Precinct Tabulation Optical Scan Technology electronic

1 voting system. Ballots deposited in the second ballot box
2 shall be counted, tallied, and returned as is elsewhere
3 provided in this Code for the counting and handling of
4 paper ballots. Immediately after the closing of the polls,
5 the judges of election shall make out a slip indicating the
6 number of persons who voted in the precinct at the
7 election. The slip shall be signed by all the judges of
8 election and shall be inserted by them in the first ballot
9 box. The judges of election shall thereupon immediately
10 lock each ballot box; provided, that if the box is not of a
11 type which may be securely locked, the box shall be sealed
12 with filament tape provided for the purpose that shall be
13 wrapped around the box lengthwise and crosswise, at least
14 twice each way, and in a manner that the seal completely
15 covers the slot in the ballot box, and each of the judges
16 shall sign the seal. Two of the judges of election, of
17 different political parties, shall by the most direct route
18 transport both ballot boxes to the counting location
19 designated by the county clerk or board of election
20 commissioners.

21 Before the ballots of a precinct are fed to the
22 electronic Precinct Tabulation Optical Scan Technology
23 tabulating equipment, the first ballot box shall be opened
24 at the central counting station by the 2 precinct transport
25 judges. Upon opening a ballot box, the team shall first
26 count the number of ballots in the box. If 2 or more are

1 folded together to appear to have been cast by the same
2 person, all of the ballots folded together shall be marked
3 and returned with the other ballots in the same condition,
4 as near as may be, in which they were found when first
5 opened, but shall not be counted. If the remaining ballots
6 are found to exceed the number of persons voting in the
7 precinct as shown by the slip signed by the judges of
8 election, the ballots shall be replaced in the box, and the
9 box closed and well shaken and again opened and one of the
10 precinct transport judges shall publicly draw out so many
11 ballots unopened as are equal to the excess.

12 The excess ballots shall be marked "Excess-Not
13 Counted" and signed by the 2 precinct transport judges and
14 shall be placed in the "After 6:00 ~~7:00~~ p.m. Defective
15 Ballots Envelope". The number of excess ballots shall be
16 noted in the remarks section of the Certificate of Results.
17 "Excess" ballots shall not be counted in the total of
18 "defective" ballots.

19 The precinct transport judges shall then examine the
20 remaining ballots for write-in votes and shall count and
21 tabulate the write-in vote.

22 (2) A single ballot box, for the deposit of all votes
23 cast, shall be used. All ballots which are not to be
24 tabulated on the electronic voting system shall be counted,
25 tallied, and returned as elsewhere provided in this Code
26 for the counting and handling of paper ballots.

1 All ballots to be processed and tabulated with the
2 electronic Precinct Tabulation Optical Scan Technology
3 voting system shall be processed as follows:

4 Immediately after the closing of the polls, the
5 precinct judges of election shall open the ballot box and
6 canvass the votes polled to determine that the number of
7 ballots agree with the number of voters voting as shown by
8 the applications for ballot, or if the same do not agree
9 the judges of election shall make such ballots agree with
10 the applications for ballot in the manner provided by
11 Section 17-18 of this Code.

12 In case of an overvote for any office, the judges of
13 election, consisting in each case of at least one judge of
14 election of each of the 2 major political parties, shall
15 make a true duplicate ballot of all votes on the ballot
16 except for the office which is overvoted, by using the
17 ballot of the precinct and one of the marking devices, or
18 equivalent ballot, of the precinct to transfer all votes of
19 the voter except for the office overvoted, to an official
20 ballot of that kind used in the precinct at that election.
21 The original ballot upon which there is an overvote shall
22 be clearly labeled "Overvoted Ballot", and each shall bear
23 the same serial number which shall be placed thereon by the
24 judges of election, beginning with number 1 and continuing
25 consecutively for the ballots of that kind in that
26 precinct. The judges of election shall initial the

1 "Duplicate Overvoted Ballot" ballots and shall place them
2 in the box for return of the ballots. The "Overvoted
3 Ballot" ballots shall be placed in the "Duplicate Ballots"
4 envelope. The ballots except any defective or overvoted
5 ballot shall be placed separately in the box for return of
6 the ballots. The judges of election shall examine the
7 ballots to determine if any is damaged or defective so that
8 it cannot be counted by the automatic tabulating equipment.
9 If any ballot is damaged or defective so that it cannot
10 properly be counted by the automatic tabulating equipment,
11 the judges of election, consisting in each case of at least
12 one judge of election of each of the 2 major political
13 parties, shall make a true duplicate ballot of all votes on
14 such ballot by using the ballot of the precinct and one of
15 the marking devices, or equivalent ballot, of the precinct.
16 The original ballot and ballot envelope shall be clearly
17 labeled "Damaged Ballot" and the ballot so produced
18 "Duplicate Damaged Ballot", and each shall bear the same
19 number which shall be placed thereon by the judges of
20 election, commencing with number 1 and continuing
21 consecutively for the ballots of that kind in the precinct.
22 The judges of election shall initial the "Duplicate Damaged
23 Ballot" ballot and shall place them in the box for return
24 of the ballots. The "Damaged Ballot" ballots shall be
25 placed in the "Duplicated Ballots" envelope. A slip
26 indicating the number of voters voting in person and the

1 total number of voters of the precinct who voted at the
2 election shall be made out, signed by all judges of
3 election, and inserted in the box for return of the
4 ballots. The tally sheets recording the write-in votes
5 shall be placed in this box. The judges of election
6 immediately shall securely lock the ballot box or other
7 suitable box furnished for return of the ballots by the
8 election official in charge of the election; provided that
9 if the box is not of a type which may be securely locked,
10 the box shall be sealed with filament tape provided for the
11 purpose which shall be wrapped around the box lengthwise
12 and crosswise, at least twice each way. A separate adhesive
13 seal label signed by each of the judges of election of the
14 precinct shall be affixed to the box to cover any slot
15 therein and to identify the box of the precinct; and if the
16 box is sealed with filament tape as provided rather than
17 locked, such tape shall be wrapped around the box as
18 provided, but in such manner that the separate adhesive
19 seal label affixed to the box and signed by the judges may
20 not be removed without breaking the filament tape and
21 disturbing the signature of the judges. Two of the judges
22 of election, of different major political parties, shall by
23 the most direct route transport the box for return of the
24 ballots and enclosed ballots and returns to the central
25 counting location designated by the election official in
26 charge of the election. If, however, because of the lack of

1 adequate parking facilities at the central counting
2 location or for any other reason, it is impossible or
3 impracticable for the boxes from all the polling places to
4 be delivered directly to the central counting location, the
5 election official in charge of the election may designate
6 some other location to which the boxes shall be delivered
7 by the 2 precinct judges. While at the other location the
8 boxes shall be in the care and custody of one or more
9 teams, each consisting of 4 persons, 2 from each of the 2
10 major political parties, designated for such purpose by the
11 election official in charge of elections from
12 recommendations by the appropriate political party
13 organizations. As soon as possible, the boxes shall be
14 transported from the other location to the central counting
15 location by one or more teams, each consisting of 4
16 persons, 2 from each of the 2 major political parties,
17 designated for the purpose by the election official in
18 charge of elections from recommendations by the
19 appropriate political party organizations.

20 The "Defective Ballots" envelope, and "Duplicated
21 Ballots" envelope each shall be securely sealed and the
22 flap or end of each envelope signed by the precinct judges
23 of election and returned to the central counting location
24 with the box for return of the ballots, enclosed ballots
25 and returns.

26 At the central counting location, a team of tally

1 judges designated by the election official in charge of the
2 election shall check the box returned containing the
3 ballots to determine that all seals are intact, and shall
4 open the box, check the voters' slip and compare the number
5 of ballots so delivered against the total number of voters
6 of the precinct who voted, remove the ballots and deliver
7 them to the technicians operating the automatic tabulating
8 equipment. Any discrepancies between the number of ballots
9 and total number of voters shall be noted on a sheet
10 furnished for that purpose and signed by the tally judges.

11 (3) A single ballot box, for the deposit of all votes
12 cast, shall be used. Immediately after the closing of the
13 polls, the precinct judges of election shall securely lock
14 the ballot box; provided that if such box is not of a type
15 which may be securely locked, the box shall be sealed with
16 filament tape provided for the purpose which shall be
17 wrapped around the box lengthwise and crosswise, at least
18 twice each way. A separate adhesive seal label signed by
19 each of the judges of election of the precinct shall be
20 affixed to the box to cover any slot therein and to
21 identify the box of the precinct; and if the box is sealed
22 with filament tape as provided rather than locked, such
23 tape shall be wrapped around the box as provided, but in a
24 manner that the separate adhesive seal label affixed to the
25 box and signed by the judges may not be removed without
26 breaking the filament tape and disturbing the signature of

1 the judges. Two of the judges of election, of different
2 major political parties, shall by the most direct route
3 transport the box for return of the ballots and enclosed
4 absentee and early ballots and returns to the central
5 counting location designated by the election official in
6 charge of the election. If however, because of the lack of
7 adequate parking facilities at the central counting
8 location or for some other reason, it is impossible or
9 impracticable for the boxes from all the polling places to
10 be delivered directly to the central counting location, the
11 election official in charge of the election may designate
12 some other location to which the boxes shall be delivered
13 by the 2 precinct judges. While at the other location the
14 boxes shall be in the care and custody of one or more
15 teams, each consisting of 4 persons, 2 from each of the 2
16 major political parties, designated for the purpose by the
17 election official in charge of elections from
18 recommendations by the appropriate political party
19 organizations. As soon as possible, the boxes shall be
20 transported from the other location to the central counting
21 location by one or more teams, each consisting of 4
22 persons, 2 from each of the 2 major political parties,
23 designated for the purpose by the election official in
24 charge of the election from recommendations by the
25 appropriate political party organizations.

26 At the central counting location there shall be one or

1 more teams of tally judges who possess the same
2 qualifications as tally judges in election jurisdictions
3 using paper ballots. The number of the teams shall be
4 determined by the election authority. Each team shall
5 consist of 5 tally judges, 3 selected and approved by the
6 county board from a certified list furnished by the
7 chairman of the county central committee of the party with
8 the majority of members on the county board and 2 selected
9 and approved by the county board from a certified list
10 furnished by the chairman of the county central committee
11 of the party with the second largest number of members on
12 the county board. At the central counting location a team
13 of tally judges shall open the ballot box and canvass the
14 votes polled to determine that the number of ballot sheets
15 therein agree with the number of voters voting as shown by
16 the applications for ballot and, if the same do not agree,
17 the tally judges shall make such ballots agree with the
18 number of applications for ballot in the manner provided by
19 Section 17-18 of this Code. The tally judges shall then
20 examine all ballot sheets that are in the ballot box to
21 determine whether they bear the initials of the precinct
22 judge of election. If any ballot is not initialed, it shall
23 be marked on the back "Defective", initialed as to that
24 label by all tally judges immediately under the word
25 "Defective", and not counted, but placed in the envelope
26 provided for that purpose labeled "Defective Ballots

1 Envelope". An overvote for one office shall invalidate only
2 the vote or count for that particular office.

3 At the central counting location, a team of tally
4 judges designated by the election official in charge of the
5 election shall deliver the ballot sheets to the technicians
6 operating the automatic Precinct Tabulation Optical Scan
7 Technology tabulating equipment. Any discrepancies between
8 the number of ballots and total number of voters shall be
9 noted on a sheet furnished for that purpose and signed by
10 the tally judges.

11 (b) Regardless of which procedure described in subsection
12 (a) of this Section is used, the judges of election designated
13 to transport the ballots properly signed and sealed, shall
14 ensure that the ballots are delivered to the central counting
15 station no later than 12 hours after the polls close. At the
16 central counting station, a team of tally judges designated by
17 the election official in charge of the election shall examine
18 the ballots so transported and shall not accept ballots for
19 tabulating which are not signed and sealed as provided in
20 subsection (a) of this Section until the judges transporting
21 the ballots make and sign the necessary corrections. Upon
22 acceptance of the ballots by a team of tally judges at the
23 central counting station, the election judges transporting the
24 ballots shall take a receipt signed by the election official in
25 charge of the election and stamped with the date and time of
26 acceptance. The election judges whose duty it is to transport

1 any ballots shall, in the event the ballots cannot be found
2 when needed, on proper request, produce the receipt which they
3 are to take as above provided.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.