



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1902

Introduced 2/15/2013, 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.

LRB098 06152 HLH 36193 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 98th ~~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 98th ~~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 (insert  
3 date) ~~the .... day of ....., in the year of our Lord, one~~  
4 ~~thousand nine hundred and .....,~~ a total of .... voters  
5 requested and received ballots 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 -----

9			Candidate's			
10	Name of	Candidates	Total			
11	office	Names	Vote	5	10	15 20
12	-----					
13	United	John Smith	77			11
14	States					
15	Senator					
16	-----					
17	-----					

18		Names of candidates				
19	Name of	and total vote				
20	office	for each			5	10 15 20
21	-----					
22	For United	John Smith				
23	States					
24	Senator					
25		Total Vote.....				

1 -----

2 (Source: P.A. 89-700, eff. 1-17-97; revised 10-17-12.)

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;

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 (5) The voter's name appears on the list of voters who  
14 voted during the early voting period, but the voter claims  
15 not to have voted during the early voting period; or

16 (6) The voter received an absentee ballot but did not  
17 return the absentee ballot to the election authority.

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

20 (1) After first verifying through an examination of the  
21 precinct register that the person's address is within the  
22 precinct boundaries, an election judge at the polling place  
23 shall notify a person who is entitled to cast a provisional  
24 ballot pursuant to subsection (a) that he or she may cast a  
25 provisional ballot in that election. An election judge must  
26 accept any information provided by a person who casts a

1 provisional ballot that the person believes supports his or  
 2 her claim that he or she is a duly registered voter and  
 3 qualified to vote in the election. However, if the person's  
 4 residence address is outside the precinct boundaries, the  
 5 election judge shall inform the person of that fact, give  
 6 the person the appropriate telephone number of the election  
 7 authority in order to locate the polling place assigned to  
 8 serve that address, and instruct the person to go to the  
 9 proper polling place to vote.

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

13 (i) an affidavit stating the following:

14 State of Illinois, County of .....  
 15 Township ....., Precinct ....., Ward  
 16 ....., I, ....., do solemnly  
 17 swear (or affirm) that: I am a citizen of the  
 18 United States; I am 18 years of age or older; I  
 19 have resided in this State and in this precinct for  
 20 30 days preceding this election; I have not voted  
 21 in this election; I am a duly registered voter in  
 22 every respect; and I am eligible to vote in this  
 23 election. Signature ..... Printed Name of Voter  
 24 ..... Printed Residence Address of Voter .....  
 25 City ..... State .... Zip Code ..... Telephone  
 26 Number ..... Date of Birth ..... and Illinois

1           Driver's License Number ..... or Last 4 digits of  
2           Social Security Number ..... or State  
3           Identification Card Number issued to you by the  
4           Illinois Secretary of State.....

5           (ii) A box for the election judge to check one of  
6           the 6 reasons why the person was given a provisional  
7           ballot under subsection (a) of Section 18A-5.

8           (iii) An area for the election judge to affix his  
9           or her signature and to set forth any facts that  
10          support or oppose the allegation that the person is not  
11          qualified to vote in the precinct in which the person  
12          is seeking to vote.

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

17          (3) After the person executes the portion of the  
18          written affidavit described in subsection (b)(2)(i) of  
19          this Section, the election judge shall complete the portion  
20          of the written affidavit described in subsection  
21          (b)(2)(iii) and (b)(2)(iv).

22          (4) The election judge shall give a copy of the  
23          completed written affidavit to the person. The election  
24          judge shall place the original written affidavit in a  
25          self-adhesive clear plastic packing list envelope that  
26          must be attached to a separate envelope marked as a



1 "provisional ballot envelope". The election judge shall  
2 also place any information provided by the person who casts  
3 a provisional ballot in the clear plastic packing list  
4 envelope. Each county clerk or board of election  
5 commissioners, as the case may be, must design, obtain or  
6 procure self-adhesive clear plastic packing list envelopes  
7 and provisional ballot envelopes that are suitable for  
8 implementing this subsection (b) (4) of this Section.

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

24 (6) After the person has completed marking his or her  
25 provisional ballot, he or she shall place the marked ballot  
26 inside of the provisional ballot envelope, close and seal

1 the envelope, and return the envelope to an election judge,  
2 who shall then deposit the sealed provisional ballot  
3 envelope into a securable container separately identified  
4 and utilized for containing sealed provisional ballot  
5 envelopes. Ballots that are provisional because they are  
6 cast after 6:00 ~~7:00~~ p.m. by court order shall be kept  
7 separate from other provisional ballots. Upon the closing  
8 of the polls, the securable container shall be sealed with  
9 filament tape provided for that purpose, which shall be  
10 wrapped around the box lengthwise and crosswise, at least  
11 twice each way, and each of the election judges shall sign  
12 the seal.

13 (c) Instead of the affidavit form described in subsection  
14 (b), the county clerk or board of election commissioners, as  
15 the case may be, may design and use a multi-part affidavit form  
16 that is imprinted upon or attached to the provisional ballot  
17 envelope described in subsection (b). If a county clerk or  
18 board of election commissioners elects to design and use its  
19 own multi-part affidavit form, then the county clerk or board  
20 of election commissioners shall establish a mechanism for  
21 accepting any information the provisional voter has supplied to  
22 the election judge to support his or her claim that he or she  
23 is a duly registered voter. In all other respects, a county  
24 clerk or board of election commissioners shall establish  
25 procedures consistent with subsection (b).

26 (d) The county clerk or board of election commissioners, as

1 the case may be, shall use the completed affidavit form  
2 described in subsection (b) to update the person's voter  
3 registration information in the State voter registration  
4 database and voter registration database of the county clerk or  
5 board of election commissioners, as the case may be. If a  
6 person is later determined not to be a registered voter based  
7 on Section 18A-15 of this Code, then the affidavit shall be  
8 processed by the county clerk or board of election  
9 commissioners, as the case may be, as a voter registration  
10 application.

11 (Source: P.A. 97-766, eff. 7-6-12.)

12 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

13 Sec. 19-8. 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 6:00 ~~7:00~~  
22 p.m., 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 ballots that are mailed to an election authority  
5 and postmarked by the midnight preceding the opening of the  
6 polls 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 an election day shall be endorsed by the election  
18 authority receiving them with the day and hour of receipt and  
19 shall be safely kept unopened by the election authority for the  
20 period of time required for the preservation of ballots used at  
21 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 an absentee ballot, other than an  
7 in-person absentee ballot, is received, but in all cases before  
8 the close of the period for counting provisional ballots, the  
9 election judge or official shall compare the voter's signature  
10 on the certification envelope of that absentee ballot with the  
11 signature of the voter on file in the office of the election  
12 authority. If the election judge or official determines that  
13 the 2 signatures match, and that the absentee voter is  
14 otherwise qualified to cast an absentee ballot, the election  
15 authority shall cast and count the ballot on election day or  
16 the day the ballot is determined to be valid, whichever is  
17 later, adding the results to the precinct in which the voter is  
18 registered. If the election judge or official determines that  
19 the signatures do not match, or that the absentee voter is not  
20 qualified to cast an absentee ballot, then without opening the  
21 certification envelope, the judge or official shall mark across  
22 the face of the certification envelope the word "Rejected" and  
23 shall not cast or count the ballot.

24 In addition to the voter's signatures not matching, an  
25 absentee ballot may be rejected by the election judge or  
26 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 an absentee ballot, other than an in-person  
13          absentee ballot, is rejected by the election judge or official  
14          for any reason, the election authority shall, within 2 days  
15          after the rejection but in all cases before the close of the  
16          period for counting provisional ballots, notify the absentee  
17          voter that his or her ballot was rejected. The notice shall  
18          inform the voter of the reason or reasons the ballot was  
19          rejected and shall state that the voter may appear before the  
20          election authority, on or before the 14th day after the  
21          election, to show cause as to why the ballot should not be  
22          rejected. The voter may present evidence to the election  
23          authority supporting his or her contention that the ballot  
24          should be counted. The election authority shall appoint a panel  
25          of 3 election judges to review the contested ballot,  
26          application, and certification envelope, as well as any

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

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

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

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

16 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
17 95-699, eff. 11-9-07.)

18 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

20 (a) (Blank.)

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



1 be counted in the central ballot counting location of the  
2 election authority on the day of the election after 6:00 ~~7:00~~  
3 p.m., except as provided in subsections (g) and (g-5).

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

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

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

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

1 used at the election, and shall then, without being opened, be  
2 destroyed in like manner as the used ballots of that election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
22 95-699, eff. 11-9-07.)

23 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

24 Sec. 24A-10. (1) In an election jurisdiction which has  
25 adopted an electronic voting system, the election official in

1 charge of the election shall select one of the 3 following  
2 procedures for receiving, counting, tallying, and return of the  
3 ballots:

4 (a) Two ballot boxes shall be provided for each polling  
5 place. The first ballot box is for the depositing of votes cast  
6 on the electronic voting system; and the second ballot box is  
7 for all votes cast on paper ballots, including any paper  
8 ballots required to be voted other than on the electronic  
9 voting system. Ballots deposited in the second ballot box shall  
10 be counted, tallied, and returned as is elsewhere provided in  
11 "The Election Code," as amended, for the counting and handling  
12 of paper ballots. Immediately after the closing of the polls,  
13 the judges of election shall make out a slip indicating the  
14 number of persons who voted in the precinct at the election.  
15 Such slip shall be signed by all the judges of election and  
16 shall be inserted by them in the first ballot box. The judges  
17 of election shall thereupon immediately lock each ballot box;  
18 provided, that if such box is not of a type which may be  
19 securely locked, such box shall be sealed with filament tape  
20 provided for such purpose which shall be wrapped around the box  
21 lengthwise and crosswise, at least twice each way, and in such  
22 manner that the seal completely covers the slot in the ballot  
23 box, and each of the judges shall sign such seal. Thereupon two  
24 of the judges of election, of different political parties,  
25 shall forthwith and by the most direct route transport both  
26 ballot boxes to the counting location designated by the county

1 clerk or board of election commissioners.

2 Before the ballots of a precinct are fed to the electronic  
3 tabulating equipment, the first ballot box shall be opened at  
4 the central counting station by the two precinct transport  
5 judges. Upon opening a ballot box, such team shall first count  
6 the number of ballots in the box. If 2 or more are folded  
7 together so as to appear to have been cast by the same person,  
8 all of the ballots so folded together shall be marked and  
9 returned with the other ballots in the same condition, as near  
10 as may be, in which they were found when first opened, but  
11 shall not be counted. If the remaining ballots are found to  
12 exceed the number of persons voting in the precinct as shown by  
13 the slip signed by the judges of election, the ballots shall be  
14 replaced in the box, and the box closed and well shaken and  
15 again opened and one of the precinct transport judges shall  
16 publicly draw out so many ballots unopened as are equal to such  
17 excess.

18 Such excess ballots shall be marked "Excess-Not Counted"  
19 and signed by the two precinct transport judges and shall be  
20 placed in the "After 6:00 ~~7:00~~ p.m. Defective Ballots  
21 Envelope". The number of excess ballots shall be noted in the  
22 remarks section of the Certificate of Results. "Excess" ballots  
23 shall not be counted in the total of "defective" ballots.

24 The precinct transport judges shall then examine the  
25 remaining ballots for write-in votes and shall count and  
26 tabulate the write-in vote; or

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

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

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

24           When an electronic voting system is used which utilizes a  
25 ballot card, before separating the ballot cards from their  
26 respective covering envelopes, the judges of election shall



1 examine the ballot card envelopes for write-in votes. When the  
2 voter has voted a write-in vote, the judges of election shall  
3 compare the write-in vote with the votes on the ballot card to  
4 determine whether such write-in results in an overvote for any  
5 office. In case of an overvote for any office, the judges of  
6 election, consisting in each case of at least one judge of  
7 election of each of the two major political parties, shall make  
8 a true duplicate ballot of all votes on such ballot card except  
9 for the office which is overvoted, by using the ballot label  
10 booklet of the precinct and one of the marking devices of the  
11 precinct so as to transfer all votes of the voter except for  
12 the office overvoted, to an official ballot card of that kind  
13 used in the precinct at that election. The original ballot card  
14 and envelope upon which there is an overvote shall be clearly  
15 labeled "Overvoted Ballot", and each shall bear the same serial  
16 number which shall be placed thereon by the judges of election,  
17 commencing with number 1 and continuing consecutively for the  
18 ballots of that kind in that precinct. The judges of election  
19 shall initial the "Duplicate Overvoted Ballot" ballot cards and  
20 shall place them in the box for return of the ballots. The  
21 "Overvoted Ballot" ballots and their envelopes shall be placed  
22 in the "Duplicate Ballots" envelope. Envelopes bearing  
23 write-in votes marked in the place designated therefor and  
24 bearing the initials of a precinct judge of election and not  
25 resulting in an overvote and otherwise complying with the  
26 election laws as to marking shall be counted, tallied, and

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

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

1 the central counting location, the election official in charge  
2 of the election may designate some other location to which the  
3 boxes shall be delivered by the 2 precinct judges. While at  
4 such other location the boxes shall be in the care and custody  
5 of one or more teams, each consisting of 4 persons, 2 from each  
6 of the two major political parties, designated for such purpose  
7 by the election official in charge of elections from  
8 recommendations by the appropriate political party  
9 organizations. As soon as possible, the boxes shall be  
10 transported from such other location to the central counting  
11 location by one or more teams, each consisting of 4 persons, 2  
12 from each of the 2 major political parties, designated for such  
13 purpose by the election official in charge of elections from  
14 recommendations by the appropriate political party  
15 organizations.

16 The "Defective Ballots" envelope, and "Duplicated Ballots"  
17 envelope each shall be securely sealed and the flap or end  
18 thereof of each signed by the precinct judges of election and  
19 returned to the central counting location with the box for  
20 return of the ballots, enclosed ballots and returns.

21 At the central counting location, a team of tally judges  
22 designated by the election official in charge of the election  
23 shall check the box returned containing the ballots to  
24 determine that all seals are intact, and thereupon shall open  
25 the box, check the voters' slip and compare the number of  
26 ballots so delivered against the total number of voters of the

1 precinct who voted, remove the ballots or ballot cards and  
2 deliver them to the technicians operating the automatic  
3 tabulating equipment. Any discrepancies between the number of  
4 ballots and total number of voters shall be noted on a sheet  
5 furnished for that purpose and signed by the tally judges; or

6 (c) A single ballot box, for the deposit of all votes cast,  
7 shall be used. Immediately after the closing of the polls, the  
8 precinct judges of election shall securely lock the 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. A separate  
13 adhesive seal label signed by each of the judges of election of  
14 the precinct shall be affixed to the box so as to cover any  
15 slot therein and to identify the box of the precinct; and if  
16 such box is sealed with filament tape as provided herein rather  
17 than locked, such tape shall be wrapped around the box as  
18 provided herein, but in such manner that the separate adhesive  
19 seal label affixed to the box and signed by the judges may not  
20 be removed without breaking the filament tape and disturbing  
21 the signature of the judges. Thereupon, 2 of the judges of  
22 election, of different major political parties, shall  
23 forthwith by the most direct route transport the box for return  
24 of the ballots and enclosed absentee and early ballots and  
25 returns to the central counting location designated by the  
26 election official in charge of the election. If however,

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

19 At the central counting location there shall be one or more  
20 teams of tally judges who possess the same qualifications as  
21 tally judges in election jurisdictions using paper ballots. The  
22 number of such teams shall be determined by the election  
23 authority. Each team shall consist of 5 tally judges, 3  
24 selected and approved by the county board from a certified list  
25 furnished by the chairman of the county central committee of  
26 the party with the majority of members on the county board and

1 2 selected and approved by the county board from a certified  
2 list furnished by the chairman of the county central committee  
3 of the party with the second largest number of members on the  
4 county board. At the central counting location a team of tally  
5 judges shall open the ballot box and canvass the votes polled  
6 to determine that the number of ballot sheets therein agree  
7 with the number of voters voting as shown by the applications  
8 for ballot; and, if the same do not agree, the tally judges  
9 shall make such ballots agree with the number of applications  
10 for ballot in the manner provided by Section 17-18 of the  
11 Election Code. The tally judges shall then examine all ballot  
12 sheets which are in the ballot box to determine whether they  
13 bear the initials of the precinct judge of election. If any  
14 ballot is not initialed, it shall be marked on the back  
15 "Defective", initialed as to such label by all tally judges  
16 immediately under such word "Defective", and not counted, but  
17 placed in the envelope provided for that purpose labeled  
18 "Defective Ballots Envelope". An overvote for one office shall  
19 invalidate only the vote or count of that particular office.

20 At the central counting location, a team of tally judges  
21 designated by the election official in charge of the election  
22 shall deliver the ballot sheets to the technicians operating  
23 the automatic tabulating equipment. Any discrepancies between  
24 the number of ballots and total number of voters shall be noted  
25 on a sheet furnished for that purpose and signed by the tally  
26 judges.

1           (2) Regardless of which procedure described in subsection  
2           (1) of this Section is used, the judges of election designated  
3           to transport the ballots, properly signed and sealed as  
4           provided herein, shall ensure that the ballots are delivered to  
5           the central counting station no later than 12 hours after the  
6           polls close. At the central counting station a team of tally  
7           judges designated by the election official in charge of the  
8           election shall examine the ballots so transported and shall not  
9           accept ballots for tabulating which are not signed and sealed  
10          as provided in subsection (1) of this Section until the judges  
11          transporting the same make and sign the necessary corrections.  
12          Upon acceptance of the ballots by a team of tally judges at the  
13          central counting station, the election judges transporting the  
14          same shall take a receipt signed by the election official in  
15          charge of the election and stamped with the date and time of  
16          acceptance. The election judges whose duty it is to transport  
17          any ballots shall, in the event such ballots cannot be found  
18          when needed, on proper request, produce the receipt which they  
19          are to take as above provided.

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

21           (10 ILCS 5/24B-10)

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

24           (a) In an election jurisdiction which has adopted an  
25           electronic Precinct Tabulation Optical Scan Technology voting



1 system, the election official in charge of the election shall  
2 select one of the 3 following procedures for receiving,  
3 counting, tallying, and return of the ballots:

4 (1) Two ballot boxes shall be provided for each polling  
5 place. The first ballot box is for the depositing of votes  
6 cast on the electronic voting system; and the second ballot  
7 box is for all votes cast on other ballots, including any  
8 paper ballots required to be voted other than on the  
9 Precinct Tabulation Optical Scan Technology electronic  
10 voting system. Ballots deposited in the second ballot box  
11 shall be counted, tallied, and returned as is elsewhere  
12 provided in this Code for the counting and handling of  
13 paper ballots. Immediately after the closing of the polls,  
14 the judges of election shall make out a slip indicating the  
15 number of persons who voted in the precinct at the  
16 election. The slip shall be signed by all the judges of  
17 election and shall be inserted by them in the first ballot  
18 box. The judges of election shall thereupon immediately  
19 lock each ballot box; provided, that if the box is not of a  
20 type which may be securely locked, the box shall be sealed  
21 with filament tape provided for the purpose that shall be  
22 wrapped around the box lengthwise and crosswise, at least  
23 twice each way, and in a manner that the seal completely  
24 covers the slot in the ballot box, and each of the judges  
25 shall sign the seal. Two of the judges of election, of  
26 different political parties, shall by the most direct route

1 transport both ballot boxes to the counting location  
2 designated by the county clerk or board of election  
3 commissioners.

4 Before the ballots of a precinct are fed to the  
5 electronic Precinct Tabulation Optical Scan Technology  
6 tabulating equipment, the first ballot box shall be opened  
7 at the central counting station by the 2 precinct transport  
8 judges. Upon opening a ballot box, the team shall first  
9 count the number of ballots in the box. If 2 or more are  
10 folded together to appear to have been cast by the same  
11 person, all of the ballots folded together shall be marked  
12 and returned with the other ballots in the same condition,  
13 as near as may be, in which they were found when first  
14 opened, but shall not be counted. If the remaining ballots  
15 are found to exceed the number of persons voting in the  
16 precinct as shown by the slip signed by the judges of  
17 election, the ballots shall be replaced in the box, and the  
18 box closed and well shaken and again opened and one of the  
19 precinct transport judges shall publicly draw out so many  
20 ballots unopened as are equal to the excess.

21 The excess ballots shall be marked "Excess-Not  
22 Counted" and signed by the 2 precinct transport judges and  
23 shall be placed in the "After 6:00 ~~7:00~~ p.m. Defective  
24 Ballots Envelope". The number of excess ballots shall be  
25 noted in the remarks section of the Certificate of Results.  
26 "Excess" ballots shall not be counted in the total of

1 "defective" ballots.

2 The precinct transport judges shall then examine the  
3 remaining ballots for write-in votes and shall count and  
4 tabulate the write-in vote.

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

10 All ballots to be processed and tabulated with the  
11 electronic Precinct Tabulation Optical Scan Technology  
12 voting system shall be processed as follows:

13 Immediately after the closing of the polls, the  
14 precinct judges of election shall open the ballot box and  
15 canvass the votes polled to determine that the number of  
16 ballots agree with the number of voters voting as shown by  
17 the applications for ballot, or if the same do not agree  
18 the judges of election shall make such ballots agree with  
19 the applications for ballot in the manner provided by  
20 Section 17-18 of this Code.

21 In case of an overvote for any office, the judges of  
22 election, consisting in each case of at least one judge of  
23 election of each of the 2 major political parties, shall  
24 make a true duplicate ballot of all votes on the ballot  
25 except for the office which is overvoted, by using the  
26 ballot of the precinct and one of the marking devices, or

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

1 "Duplicate Damaged Ballot", and each shall bear the same  
2 number which shall be placed thereon by the judges of  
3 election, commencing with number 1 and continuing  
4 consecutively for the ballots of that kind in the precinct.  
5 The judges of election shall initial the "Duplicate Damaged  
6 Ballot" ballot and shall place them in the box for return  
7 of the ballots. The "Damaged Ballot" ballots shall be  
8 placed in the "Duplicated Ballots" envelope. A slip  
9 indicating the number of voters voting in person and the  
10 total number of voters of the precinct who voted at the  
11 election shall be made out, signed by all judges of  
12 election, and inserted in the box for return of the  
13 ballots. The tally sheets recording the write-in votes  
14 shall be placed in this box. The judges of election  
15 immediately shall securely lock the ballot box or other  
16 suitable box furnished for return of the ballots by the  
17 election official in charge of the election; provided that  
18 if the box is not of a type which may be securely locked,  
19 the box shall be sealed with filament tape provided for the  
20 purpose which shall be wrapped around the box lengthwise  
21 and crosswise, at least twice each way. A separate adhesive  
22 seal label signed by each of the judges of election of the  
23 precinct shall be affixed to the box to cover any slot  
24 therein and to identify the box of the precinct; and if the  
25 box is sealed with filament tape as provided rather than  
26 locked, such tape shall be wrapped around the box as

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

1 charge of elections from recommendations by the  
2 appropriate political party organizations.

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

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

20 (3) A single ballot box, for the deposit of all votes  
21 cast, shall be used. Immediately after the closing of the  
22 polls, the precinct judges of election shall securely lock  
23 the ballot box; provided that if such box is not of a type  
24 which may be securely locked, the box shall be sealed with  
25 filament tape provided for the purpose which shall be  
26 wrapped around the box lengthwise and crosswise, at least

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



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

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

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

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

20 (b) Regardless of which procedure described in subsection  
21 (a) of this Section is used, the judges of election designated  
22 to transport the ballots properly signed and sealed, shall  
23 ensure that the ballots are delivered to the central counting  
24 station no later than 12 hours after the polls close. At the  
25 central counting station, a team of tally judges designated by  
26 the election official in charge of the election shall examine

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

13 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
14 94-1000, eff. 7-3-06.)

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