

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 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55,
6 7-66, 15-6, 16-11, 17-12, 17-18, 17-43, 18-40, 19-15, 20-15,
7 24-22, 24A-2, 24A-6.1, 24A-7, 24A-8, 24A-9, 24A-10.1, 24A-14,
8 24B-2, 24B-10.1, and 24B-14 and adding Section 1A-20 as
9 follows:

10 (10 ILCS 5/1A-20 new)

11 Sec. 1A-20. In-precinct automatic counting equipment
12 reimbursement. The State Board of Elections, from moneys
13 appropriated for this purpose, shall develop and administer a
14 program of partial reimbursements to election authorities for
15 the costs of acquiring, leasing, or upgrading in-precinct
16 automatic counting equipment necessary for compliance with
17 this amendatory Act of the 92nd General Assembly. An
18 election authority may apply to the State Board until
19 December 31, 2001 for reimbursement of up to 50% of the
20 election authority's cost of acquiring or leasing new
21 equipment or upgrading existing equipment owned or leased by
22 the election authority. For the purpose of this program,
23 acquisition or lease of new equipment includes, but is not
24 limited to, acquisition or lease before the effective date of
25 this amendatory Act of the 92nd General Assembly of equipment
26 used after the effective date of this amendatory Act of the
27 92nd General Assembly.

28 The State Board of Elections shall adopt rules necessary
29 for the implementation of this Section.

30 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

1 Sec. 7-19. The primary ballot of each political party for
2 each precinct shall be arranged and printed substantially in
3 the manner following:

4 1. Designating words. At the top of the ballot shall be
5 printed in large capital letters, words designating the
6 ballot, if a Republican ballot, the designating words shall
7 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the
8 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and
9 in like manner for each political party.

10 2. Order of Names, Directions to Voters, etc. Beginning
11 not less than one inch below designating words, the name of
12 each office to be filled shall be printed in capital letters.
13 Such names may be printed on the ballot either in a single
14 column or in 2 or more columns and in the following order,
15 to-wit:

16 President of the United States, State offices,
17 congressional offices, delegates and alternate delegates to
18 be elected from the State at large to National nominating
19 conventions, delegates and alternate delegates to be elected
20 from congressional districts to National nominating
21 conventions, member or members of the State central
22 committee, trustees of sanitary districts, county offices,
23 judicial officers, city, village and incorporated town
24 offices, town offices, or of such of the said offices as
25 candidates are to be nominated for at such primary, and
26 precinct, township or ward committeemen. If two or more
27 columns are used, the foregoing offices to and including
28 member of the State central committee shall be listed in the
29 left-hand column and Senatorial offices, as defined in
30 Section 8-3, shall be the first offices listed in the second
31 column.

32 Below the name of each office shall be printed in small
33 letters the directions to voters: "Vote for one"; "Vote for
34 two"; "Vote for three"; or a spelled number designating how

1 many persons under that head are to be voted for.

2 Next to the name of each candidate for delegate or
3 alternate delegate to a national nominating convention shall
4 appear either (a) the name of the candidate's preference for
5 President of the United States or the word "uncommitted" or
6 (b) no official designation, depending upon the action taken
7 by the State central committee pursuant to Section 7-10.3 of
8 this Act.

9 Below the name of each office shall be printed in capital
10 letters the names of all candidates, arranged in the order in
11 which their petitions for nominations were filed, except as
12 otherwise provided in Sections 7-14 and 7-17 of this Article.
13 Opposite and in front of the name of each candidate shall be
14 printed a square and all squares upon the primary ballot
15 shall be of uniform size. Spaces between the names of
16 candidates under each office shall be uniform and sufficient
17 spaces shall separate the names of candidates for one office
18 from the names of candidates for another office, to avoid
19 confusion and to permit the writing in of the names of other
20 candidates.

21 Where voting machines or electronic voting systems are
22 used, the provisions of this Section may be modified as
23 required or authorized by Article 24, ~~or~~ Article 24A, or
24 Article 24B, whichever is applicable.

25 (Source: P.A. 83-33.)

26 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

27 Sec. 7-46. On receiving from the primary judges a primary
28 ballot of his party, the primary elector shall forthwith and
29 without leaving the polling place, retire alone to one of the
30 voting booths and prepare such primary ballot by marking a
31 cross (X) in the square in front of and opposite the name of
32 each candidate of his choice for each office to be filled,
33 and for delegates and alternate delegates to national

1 nominating conventions, and for committeemen, if committeemen
2 are being elected at such primary.

3 Any primary elector may, instead of voting for any
4 candidate for nomination or for committeeman or for delegate
5 or alternate delegate to national nominating conventions,
6 whose name is printed on the primary ballot, write in the
7 name of any other person affiliated with such party as a
8 candidate for the nomination for any office, or for
9 committeeman, or for delegates or alternate delegates to
10 national nominating conventions, and indicate his choice of
11 such candidate or committeeman or delegate or alternate
12 delegate, by placing to the left of and opposite the name
13 thus written a square and placing in the square a cross (X).

14 Where voting machines or electronic voting systems are
15 used, the provisions of this section may be modified as
16 required or authorized by Article 24, ~~or~~ Article 24A, or
17 Article 24B, whichever is applicable.

18 (Source: Laws 1965, p. 2220.)

19 (10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

20 Sec. 7-47. Before leaving the booth, the primary elector
21 shall fold his primary ballot in such manner as to conceal
22 the marks thereon. Such voter shall then vote forthwith by
23 handing the primary judge the primary ballot received by such
24 voter. Thereupon the primary judge shall deposit such primary
25 ballot in the ballot box. One of the judges shall thereupon
26 enter in the primary poll book the name of the primary
27 elector, his residence and his party affiliation or shall
28 make the entries on the official poll record as required by
29 articles 4, 5 and 6, if any one of them is applicable.

30 Where voting machines or electronic voting systems are
31 used, the provisions of this section may be modified as
32 required or authorized by Article 24, ~~or~~ Article 24A, Article
33 24B, whichever is applicable.

1 (Source: Laws 1965, p. 2220.)

2 (10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

3 Sec. 7-49. After the opening of the polls at a primary no
4 adjournment shall be had nor recess taken until the canvass
5 of all the votes is completed and the returns carefully
6 enveloped and sealed.

7 Where voting machines or electronic voting systems are
8 used, the provisions of this section may be modified as
9 required or authorized by Article 24, ~~or~~ Article 24A, or
10 Article 24B, whichever is applicable.

11 (Source: Laws 1965, p. 2220.)

12 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

13 Sec. 7-52. Immediately upon closing the polls, the
14 primary judges shall proceed to canvass the votes in the
15 manner following:

16 (1) They shall separate and count the ballots of each
17 political party.

18 (2) They shall then proceed to ascertain the number of
19 names entered on the applications for ballot under each party
20 affiliation.

21 (3) If the primary ballots of any political party exceed
22 the number of applications for ballot by voters of such
23 political party, the primary ballots of such political party
24 shall be folded and replaced in the ballot box, the box
25 closed, well shaken and again opened and one of the primary
26 judges, who shall be blindfolded, shall draw out so many of
27 the primary ballots of such political party as shall be equal
28 to such excess. Such excess ballots shall be marked
29 "Excess-Not Counted" and signed by a majority of the judges
30 and shall be placed in the "After 6:00 p.m. Defective Ballots
31 Envelope". The number of excess ballots shall be noted in the
32 remarks section of the Certificate of Results. "Excess"

1 ballots shall not be counted in the total of "defective"
2 ballots;

3 (4) The primary judges shall then proceed to count the
4 primary ballots of each political party separately; and as
5 the primary judges shall open and read the primary ballots, 3
6 of the judges shall carefully and correctly mark upon
7 separate tally sheets the votes which each candidate of the
8 party whose name is written or printed on the primary ballot
9 has received, in a separate column for that purpose, with the
10 name of such candidate, the name of his political party and
11 the name of the office for which he is a candidate for
12 nomination at the head of such column.

13 Where voting machines or electronic voting systems are
14 used, the provisions of this section may be modified as
15 required or authorized by Article 24, ~~or~~ Article 24A, or
16 Article 24B, whichever is applicable.

17 (Source: P.A. 80-484.)

18 (10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

19 Sec. 7-53. As soon as the ballots of a political party
20 shall have been read and the votes of the political party
21 counted, as provided in the last above section, the 3 judges
22 in charge of the tally sheets shall foot up the tally sheets
23 so as to show the total number of votes cast for each
24 candidate of the political party and for each candidate for
25 State Central committeeman and precinct committeeman,
26 township committeeman or ward committeeman, and delegate and
27 alternate delegate to National nominating conventions, and
28 certify the same to be correct. Thereupon, the primary judges
29 shall set down in a certificate of results on the tally
30 sheet, under the name of the political party, the name of
31 each candidate voted for upon the primary ballot, written at
32 full length, the name of the office for which he is a
33 candidate for nomination or for committeeman, or delegate or

1 alternate delegate to National nominating conventions, the
 2 total number of votes which the candidate received, and they
 3 shall also set down the total number of ballots voted by the
 4 primary electors of the political party in the precinct. The
 5 certificate of results shall be made substantially in the
 6 following form:

7 Party

8 At the primary election held in the precinct of the
 9 (1) *township of, or (2) *City of, or (3) *....
 10 ward in the city of on (insert date), the primary
 11 electors of the party voted ballots, and the
 12 respective candidates whose names were written or printed on
 13 the primary ballot of the party, received respectively
 14 the following votes:

Name of	Title of Office,	No. of
Candidate,		Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

22 *Fill in either (1), (2) or (3).

23 And so on for each candidate.

24 We hereby certify the above and foregoing to be true and
 25 correct.

26 Dated (insert date).

27

28 Name Address

29

30 Name Address

31

32 Name Address

33

34 Name Address

1
 2 Name Address
 3 Judges of Primary

4 Where voting machines or electronic voting systems are
 5 used, the provisions of this Section may be modified as
 6 required or authorized by Article 24, and Article 24A, or
 7 Article 24B, whichever is applicable.
 8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

10 Sec. 7-54. After the votes of a political party have been
 11 counted and set down and the tally sheets footed and the
 12 entry made in the primary poll books or return, as above
 13 provided, all the primary ballots of said political party,
 14 except those marked "defective" or "objected to" shall be
 15 securely bound, lengthwise and in width, with a soft cord
 16 having a minimum tensile strength of 60 pounds separately for
 17 each political party in the order in which said primary
 18 ballots have been read, and shall thereupon be carefully
 19 sealed in an envelope, which envelope shall be endorsed as
 20 follows:

21 "Primary ballots of the.... party of the.... precinct of
 22 the county of.... and State of Illinois."

23 Below each endorsement, each primary judge shall write
 24 his name.

25 Immediately thereafter the judges shall designate one of
 26 their number to go to the nearest telephone and report to the
 27 office of the county clerk or board of election commissioners
 28 (as the case may be) the results of such primary. Such clerk
 29 or board shall keep his or its office open after the close of
 30 the polls until he or it has received from each precinct
 31 under his or its jurisdiction the report above provided for.
 32 Immediately upon receiving such report such clerk or board
 33 shall cause the same to be posted in a public place in his or

1 its office for inspection by the public. Immediately after
2 making such report such judge shall return to the polling
3 place.

4 Where voting machines or electronic voting systems are
5 used, the provisions of this section may be modified as
6 required or authorized by Article 24, ~~or~~ Article 24A, or
7 Article 24B, whichever is applicable.

8 (Source: P.A. 81-1433.)

9 (10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

10 Sec. 7-55. The primary poll books or the official poll
11 record, and the tally sheets with the certificates of the
12 primary judges written thereon, together with the envelopes
13 containing the ballots, including the envelope containing the
14 ballots marked "defective" or "objected to", shall be
15 carefully enveloped and sealed up together, properly
16 endorsed, and the primary judges shall elect 2 judges (one
17 from each of the major political parties), who shall
18 immediately deliver the same to the clerk from whom the
19 primary ballots were obtained, which clerk shall safely keep
20 the same for 2 months, and thereafter shall safely keep the
21 poll books until the next primary. Each election authority
22 shall keep the office of the election authority, or any
23 receiving stations designated by such authority, open for at
24 least 12 consecutive hours after the polls close, or until
25 the judges of each precinct under the jurisdiction of the
26 election authority have delivered to the election authority
27 all the above materials sealed up together and properly
28 endorsed as provided herein. Materials delivered to the
29 election authority which are not in the condition required by
30 this Section shall not be accepted by the election authority
31 until the judges delivering the same make and sign the
32 necessary corrections. Upon acceptance of the materials by
33 the election authority, the judges delivering the same shall

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

7 The county clerk or board of election commissioners shall
 8 deliver a copy of each tally sheet to the county chairmen of
 9 the two largest political parties.

10 Where voting machines or electronic voting systems are
 11 used, the provisions of this section may be modified as
 12 required or authorized by Article 24, and Article 24A, or
 13 Article 24B, whichever is applicable.

14 (Source: P.A. 83-764.)

15 (10 ILCS 5/7-66)

16 Sec. 7-66. Electronic voting systems; precinct
 17 tabulation optical scan technology voting equipment.

18 If the election authority has adopted the use of
 19 electronic voting systems pursuant to Article 24A of this
 20 Code or Precinct Tabulation Optical Scan Technology voting
 21 equipment pursuant to Article 24B of this Code, and the
 22 provisions of those Articles ~~the-Article~~ are in conflict with
 23 the provisions of this Article 7, the provisions of Article
 24 24A or Article 24B, as the case may be, shall govern the
 25 procedures followed by the election authority, its judges of
 26 elections, and all employees and agents. In following the
 27 provisions of Article 24A or Article 24B, the election
 28 authority is authorized to develop and implement procedures
 29 to fully utilize electronic voting systems or Precinct
 30 Tabulation Optical Scan Technology voting equipment
 31 authorized by the State Board of Elections as long as the
 32 procedure is not in conflict with Article 24A, either Article
 33 24B, or the administrative rules of the State Board of

1 Elections.

2 (Source: P.A. 89-394, eff. 1-1-97.)

3 (10 ILCS 5/15-6)

4 Sec. 15-6. Electronic voting systems; precinct
5 tabulation optical scan technology voting equipment.

6 If the election authority has adopted the use of
7 electronic voting systems pursuant to Article 24A of this
8 Code or Precinct Tabulation Optical Scan Technology voting
9 equipment pursuant to Article 24B of this Code, and the
10 provisions of those Articles ~~the-Artiele~~ are in conflict with
11 the provisions of this Article 15, the provisions of Article
12 24A or Article 24B, as the case may be, shall govern the
13 procedures followed by the election authority, its judges of
14 elections, and all employees and agents. In following the
15 provisions of Article 24A or Article 24B, the election
16 authority is authorized to develop and implement procedures
17 to fully utilize electronic voting systems or Precinct
18 Tabulation Optical Scan Technology voting equipment
19 authorized by the State Board of Elections as long as the
20 procedure is not in conflict with Article 24A, either Article
21 24B, or the administrative rules of the State Board of
22 Elections.

23 (Source: P.A. 89-394, eff. 1-1-97.)

24 (10 ILCS 5/16-11)

25 Sec. 16-11. Electronic voting systems; precinct
26 tabulation optical scan technology voting equipment.

27 If the election authority has adopted the use of
28 electronic voting systems pursuant to Article 24A of this
29 Code or Precinct Tabulation Optical Scan Technology voting
30 equipment pursuant to Article 24B of this Code, and the
31 provisions of those Articles ~~the-Artiele~~ are in conflict with
32 the provisions of this Article 16, the provisions of Article

1 24A or Article 24B, as the case may be, shall govern the
2 procedures followed by the election authority, its judges of
3 elections, and all employees and agents. In following the
4 provisions of Article 24A or Article 24B, the election
5 authority is authorized to develop and implement procedures
6 to fully utilize electronic voting systems or Precinct
7 Tabulation Optical Scan Technology voting equipment
8 authorized by the State Board of Elections as long as the
9 procedure is not in conflict with Article 24A, either Article
10 24B, or the administrative rules of the State Board of
11 Elections.

12 (Source: P.A. 89-394, eff. 1-1-97.)

13 (10 ILCS 5/17-12) (from Ch. 46, par. 17-12)

14 Sec. 17-12. The ballot shall be folded by the voter and
15 delivered to one of the judges of election; and if the judge
16 be satisfied, that the person offering the vote is a legal
17 voter, the judges of election shall enter the name of the
18 voter, and his number, under the proper heading in the poll
19 books, (except as otherwise provided in Articles 4, 5 or 6)
20 and shall immediately put the ballot into the ballot box.

21 The voter shall in like manner fold and deliver the
22 separate blue ballot or ballots pertaining to a proposal or
23 proposals for constitutional amendments or the calling of a
24 constitutional convention, if such proposal or proposals have
25 been submitted to a vote of the people at such election and
26 shall also in like manner fold and deliver the separate
27 representative ballot provided for in Article 8A in cases
28 where that Article is applicable. The judge of election to
29 whom the voter delivers his ballots shall not accept the same
30 unless all of the ballots given to the voter are returned by
31 him. If a voter delivers less than all of the ballots given
32 to him, the judge to whom the same are offered shall advise
33 him in a voice clearly audible to the other judges of

1 election that the voter must return the remainder of the
2 ballots. The statement of the judge to the voter shall
3 clearly express the fact that the voter is not required to
4 vote such remaining ballots but that whether or not he votes
5 them he must fold and deliver them to the judge. In making
6 such statement the judge of election shall not indicate by
7 word, gesture or intonation of voice that the unreturned
8 ballots shall be voted in any particular manner. No new voter
9 shall be permitted to enter the voting booth of a voter who
10 has failed to deliver the total number of ballots received by
11 him until such voter has returned to the voting booth
12 pursuant to the judge's request and again quit the booth with
13 all of the ballots required to be returned by him. Upon
14 receipt of all such ballots the judges of election shall
15 enter the name of the voter, and his number, as above
16 provided in this section, and the judge to whom the ballots
17 are delivered shall immediately put the ballots into the
18 ballot box but, in the case of an election for
19 Representatives in the General Assembly pursuant to Article
20 8A, the official representative ballot shall be placed in the
21 separate ballot box provided for such purpose. If any voter
22 who has failed to deliver all the ballots received by him
23 refuses to return to the voting booth after being advised by
24 the judge of election as herein provided, the judge shall
25 inform the other judges of such refusal, and thereupon the
26 ballot or ballots returned to the judge shall be deposited in
27 the ballot box, the voter shall be permitted to depart from
28 the polling place, and a new voter shall be permitted to
29 enter the voting booth.

30 No judge of election shall accept from any voter less
31 than the full number of ballots received by such voter
32 without first advising the voter in the manner above provided
33 of the necessity of returning all of the ballots, nor shall
34 any judge advise such voter in a manner contrary to that

1 which is herein permitted, or in any other manner violate the
2 provisions of this section; provided that the acceptance by a
3 judge of election of less than the full number of ballots
4 delivered to a voter who refuses to return to the voting
5 booth after being properly advised by the judge shall not be
6 a violation of this section.

7 Beginning with elections in 2002 and thereafter, each
8 election authority shall use in-precinct automatic vote
9 counting equipment that detects and rejects any ballot with a
10 voting defect as that term is defined in Sections 24A-2 and
11 24B-2. Beginning with elections in 2002 and thereafter, each
12 ballot other than an absentee ballot shall be inserted into
13 the automatic counting equipment by the voter, or at the
14 voter's request by a person who assisted the voter in marking
15 his or her ballot, and not by the judge or any other person.
16 The automatic counting equipment shall return a rejected
17 ballot to the person who inserted the ballot. If a ballot is
18 rejected solely because it lacks a judge's initials, the
19 voter may request that a judge initial the ballot and the
20 voter may re-insert the ballot into the automatic counting
21 equipment. If a ballot is undervoted, the voter has the
22 option of completing the ballot. Otherwise, a rejected
23 ballot shall be treated as a spoiled ballot. The voter of
24 the rejected ballot may request a new ballot, which shall be
25 initialed by a judge and voted by the voter. Provisions in
26 this Code for handling or counting ballots that conflict
27 with this paragraph apply only to elections before 2002 and
28 not to elections in 2002 and thereafter. The State Board of
29 Elections shall adopt rules for the testing and use of
30 in-precinct automatic vote counting equipment.

31 (Source: Laws 1964, 1st S.S., p. 711.)

32 (10 ILCS 5/17-18) (from Ch. 46, par. 17-18)
33 Sec. 17-18. Immediately upon closing the polls the

1 judges shall proceed to canvass the votes polled. They shall
2 first count the whole number of ballots in the box. If 2 or
3 more ballots are folded together so as to appear to have been
4 cast by the same person, all of the ballots so folded
5 together shall be marked and returned with the other ballots
6 in the same conditions, as near as may be, in which they were
7 found when first opened, but shall not be counted. If the
8 remaining ballots shall be found to exceed the number of
9 applications for ballot, the ballots shall be replaced in
10 the box, and the box closed and well shaken and again opened
11 and one of the judges shall publicly draw out so many ballots
12 unopened as shall be equal to such excess; and the number of
13 the ballots agreeing with the poll lists, or being made to
14 agree. Such excess ballots shall be marked "Excess-Not
15 Counted" and signed by a majority of the judges and shall be
16 placed in the "After 6:00 p.m. Defective Ballots Envelope".
17 The number of excess ballots shall be noted in the remarks
18 section of the Certificate of Results. "Excess" ballots shall
19 not be counted in the total of "defective" ballots.

20 The judges shall then proceed to count and record the
21 votes; and when the judges of election shall open and read
22 the ballots, 3 judges, with at least one from each political
23 party from which the precinct judges were chosen, shall
24 carefully and correctly mark down upon the three tally sheets
25 the vote each candidate has received, in a separate box
26 prepared for that purpose, with the name of such candidate at
27 the head of such box, and the office designated by the votes
28 such candidate shall fill. Whenever a proposition is
29 submitted to the electors at the same election, the ballots
30 for or against such proposition shall always be canvassed,
31 counted or tallied. The votes shall be canvassed in the room
32 or place where the election is held, and the judges shall not
33 allow the ballot box, or any of the ballots, or the
34 applications for ballot, or any of the tally sheets to be

1 removed or carried away from such room or place, until the
2 canvass of the vote is completed, and the returns carefully
3 enveloped and sealed up as provided by law.

4 Where voting machines or electronic voting systems are
5 used, the provisions of this section may be modified as
6 required or authorized by Article 24 or Article 24A,
7 whichever is applicable.

8 Beginning with elections in 2002 and thereafter, each
9 election authority shall use in-precinct automatic vote
10 counting equipment that detects and rejects any ballot with a
11 voting defect as that term is defined in Sections 24A-2 and
12 24B-2. Beginning with elections in 2002 and thereafter, each
13 ballot other than an absentee ballot shall be inserted into
14 the automatic counting equipment by the voter, or at the
15 voter's request by a person who assisted the voter in marking
16 his or her ballot, and not by the judge or any other person.
17 The automatic counting equipment shall return a rejected
18 ballot to the person who inserted the ballot. If a ballot is
19 rejected solely because it lacks a judge's initials, the
20 voter may request that a judge initial the ballot and the
21 voter may re-insert the ballot into the automatic counting
22 equipment. If a ballot is undervoted, the voter has the
23 option of completing the ballot. Otherwise, a rejected
24 ballot shall be treated as a spoiled ballot. The voter of
25 the rejected ballot may request a new ballot, which shall be
26 initialed by a judge and voted by the voter. Provisions in
27 this Code for handling or counting ballots that conflict
28 with this paragraph apply only to elections before 2002 and
29 not to elections in 2002 and thereafter. The State Board of
30 Elections shall adopt rules for the testing and use of
31 in-precinct automatic vote counting equipment.

32 (Source: P.A. 83-333.)

33 (10 ILCS 5/17-43)

1 Sec. 17-43. Electronic voting systems; precinct
2 tabulation optical scan technology voting equipment.

3 If the election authority has adopted the use of
4 electronic voting systems pursuant to Article 24A of this
5 Code or Precinct Tabulation Optical Scan Technology voting
6 equipment pursuant to Article 24B of this Code, and the
7 provisions of those Articles ~~the-Artiele~~ are in conflict with
8 the provisions of this Article 17, the provisions of Article
9 24A or Article 24B, as the case may be, shall govern the
10 procedures followed by the election authority, its judges of
11 elections, and all employees and agents. In following the
12 provisions of Article 24A or Article 24B, the election
13 authority is authorized to develop and implement procedures
14 to fully utilize electronic voting systems or Precinct
15 Tabulation Optical Scan Technology voting equipment
16 authorized by the State Board of Elections as long as the
17 procedure is not in conflict with either Article 24A, Article
18 24B, or the administrative rules of the State Board of
19 Elections.

20 (Source: P.A. 89-394, eff. 1-1-97.)

21 (10 ILCS 5/18-40)

22 Sec. 18-40. Electronic voting systems; precinct
23 tabulation optical scan technology voting equipment.

24 If the election authority has adopted the use of
25 electronic voting systems pursuant to Article 24A of this
26 Code or Precinct Tabulation Optical Scan Technology voting
27 equipment pursuant to Article 24B of this Code, and the
28 provisions of those Articles ~~the-Artiele~~ are in conflict with
29 the provisions of this Article 18, the provisions of Article
30 24A or Article 24B, as the case may be, shall govern the
31 procedures followed by the election authority, its judges of
32 elections, and all employees and agents. In following the
33 provisions of Article 24A or Article 24B, the election

1 authority is authorized to develop and implement procedures
 2 to fully utilize electronic voting systems or Precinct
 3 Tabulation Optical Scan Technology voting equipment
 4 authorized by the State Board of Elections as long as the
 5 procedure is not in conflict with either Article 24A, Article
 6 24B, or the administrative rules of the State Board of
 7 Elections.

8 (Source: P.A. 89-394, eff. 1-1-97.)

9 (10 ILCS 5/19-15)

10 Sec. 19-15. Electronic voting systems; precinct
 11 tabulation optical scan technology voting equipment.

12 If the election authority has adopted the use of
 13 electronic voting systems pursuant to Article 24A of this
 14 Code or Precinct Tabulation Optical Scan Technology voting
 15 equipment pursuant to Article 24B of this Code, and the
 16 provisions of those Articles ~~the-Article~~ are in conflict with
 17 the provisions of this Article 19, the provisions of Article
 18 24A or Article 24B, as the case may be, shall govern the
 19 procedures followed by the election authority, its judges of
 20 elections, and all employees and agents. In following the
 21 provisions of Article 24A or Article 24B, the election
 22 authority is authorized to develop and implement procedures
 23 to fully utilize electronic voting systems or Precinct
 24 Tabulation Optical Scan Technology voting equipment
 25 authorized by the State Board of Elections as long as the
 26 procedure is not in conflict with Article 24A, either Article
 27 24B, or the administrative rules of the State Board of
 28 Elections.

29 (Source: P.A. 89-394, eff. 1-1-97.)

30 (10 ILCS 5/20-15)

31 Sec. 20-15. Electronic voting systems; precinct
 32 tabulation optical scan technology voting equipment.

1 If the election authority has adopted the use of
2 electronic voting systems pursuant to Article 24A of this
3 Code or Precinct Tabulation Optical Scan Technology voting
4 equipment pursuant to Article 24B of this Code, and the
5 provisions of those Articles ~~the Article~~ are in conflict with
6 the provisions of this Article 20, the provisions of Article
7 24A or Article 24B, as the case may be, shall govern the
8 procedures followed by the election authority, its judges of
9 elections, and all employees and agents. In following the
10 provisions of Article 24A or Article 24B, the election
11 authority is authorized to develop and implement procedures
12 to fully utilize electronic voting systems or Precinct
13 Tabulation Optical Scan Technology voting equipment
14 authorized by the State Board of Elections as long as the
15 procedure is not in conflict with Article 24A, either Article
16 24B, or the administrative rules of the State Board of
17 Elections.

18 (Source: P.A. 89-394, eff. 1-1-97.)

19 (10 ILCS 5/24-22) (from Ch. 46, par. 24-22)

20 Sec. 24-22. All the provisions of this Act, not
21 inconsistent with this Article, shall apply to all the
22 elections in the precincts where such voting machines are
23 used. Any provisions of law which conflict with the use of
24 such machine or machines as set forth in this Article, shall
25 not apply to the precinct or precincts in which an election
26 is conducted by the use of such machine or machines.

27 Beginning with elections in 2002 and thereafter, each
28 election authority shall use in-precinct automatic vote
29 counting equipment that detects and rejects any ballot with a
30 voting defect as that term is defined in Sections 24A-2 and
31 24B-2. Beginning with elections in 2002 and thereafter, each
32 ballot other than an absentee ballot shall be inserted into
33 the automatic counting equipment by the voter, or at the

1 voter's request by a person who assisted the voter in marking
2 his or her ballot, and not by the judge or any other person.
3 The automatic counting equipment shall return a rejected
4 ballot to the person who inserted the ballot. If a ballot is
5 rejected solely because it lacks a judge's initials, the
6 voter may request that a judge initial the ballot and the
7 voter may re-insert the ballot into the automatic counting
8 equipment. If a ballot is undervoted, the voter has the
9 option of completing the ballot. Otherwise, a rejected
10 ballot shall be treated as a spoiled ballot. The voter of
11 the rejected ballot may request a new ballot, which shall be
12 initialed by a judge and voted by the voter. Provisions in
13 this Code for handling or counting ballots that conflict
14 with this paragraph apply only to elections before 2002 and
15 not to elections in 2002 and thereafter. The State Board of
16 Elections shall adopt rules for the testing and use of
17 in-precinct automatic vote counting equipment.

18 (Source: Laws 1943, vol. 2, p. 1.)

19 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)
20 Sec. 24A-2. As used in this Article: "Computer",
21 "Automatic tabulating equipment" or "equipment" includes
22 apparatus necessary to automatically examine and count votes
23 as designated on ballots, and data processing machines which
24 can be used for counting ballots and tabulating results.

25 "Ballot card" means a ballot which is voted by the
26 process of punching.

27 "Ballot configuration" means the particular combination
28 of political subdivision ballots including, for each
29 political subdivision, the particular combination of offices,
30 candidate names and ballot position numbers for each
31 candidate and question as it appears for each group of voters
32 who may cast the same ballot.

33 "Ballot labels" means the cards, papers, booklet, pages

1 or other material containing the names of officers and
2 candidates and statements of measures to be voted on.

3 "Ballot sheet" means a paper ballot printed on one or
4 both sides which is (1) designed and prepared so that the
5 voter may indicate his or her votes in designated areas,
6 which must be enclosed areas clearly printed or otherwise
7 delineated for such purpose, and (2) capable of having votes
8 marked in the designated areas automatically examined,
9 counted, and tabulated by an electronic scanning process.

10 "Ballot" may include ballot cards, ballot labels and
11 paper ballots.

12 "Separate ballot", with respect to ballot sheets, means a
13 separate portion of the ballot sheet in which the color of
14 the ink used in printing that portion of the ballot sheet is
15 distinct from the color of the ink used in printing any other
16 portion of the ballot sheet.

17 "Column" in an electronic voting system which utilizes a
18 ballot card means a space on a ballot card for punching the
19 voter's vote arranged in a row running lengthwise on the
20 ballot card.

21 "Central Counting" means the counting of ballots in one
22 or more locations selected by the election authority for the
23 processing or counting, or both, of ballots. A location for
24 central counting shall be within the territorial jurisdiction
25 of such election authority unless there is no suitable
26 tabulating equipment available within his territorial
27 jurisdiction. However, in any event a counting location shall
28 be within this State.

29 "In-precinct counting" means the counting of ballots on
30 automatic tabulating equipment provided by the election
31 authority in the same precinct polling place in which those
32 ballots have been cast.

33 "Computer operator" means any person or persons
34 designated by the election authority to operate the automatic

1 tabulating equipment during any portion of the vote tallying
2 process in an election, but shall not include judges of
3 election operating vote tabulating equipment in the precinct.

4 "Computer program" or "program" means the set of
5 operating instructions for the automatic tabulating equipment
6 by which it examines, counts, tabulates, canvasses and prints
7 votes recorded by a voter on a ballot card or other medium.

8 "Edit listing" means a computer generated listing of the
9 names and ballot position numbers for each candidate and
10 proposition as they appear in the program for each precinct.

11 "Voting System" or "Electronic Voting System" means that
12 combination of equipment and programs used in the casting,
13 examination and tabulation of ballots and the cumulation and
14 reporting of results by electronic means.

15 "Header card" or "program card" means a data processing
16 card which is coded to indicate to the computer the precinct
17 identity of the ballot cards that will follow immediately and
18 may indicate to the computer how such ballot cards are to be
19 tabulated.

20 "Marking device" means either an apparatus in which
21 ballots or ballot cards are inserted and used in connection
22 with a punch apparatus for the piercing of ballots by the
23 voter, or any approved device for marking a paper ballot with
24 ink or other substance which will enable the ballot to be
25 tabulated by means of automatic tabulating equipment or by an
26 electronic scanning process.

27 "Precinct program memory medium" or "PPMM" means the
28 program disc or pack of an in-precinct computer tabulator
29 that is programmed for a single precinct and that may be
30 activated by means other than a header card or precinct
31 identifier card to indicate to the automatic tabulating
32 equipment the precinct identity of the ballot cards to be
33 counted by the tabulator and how such ballot cards are to be
34 counted.

1 "Public counter" means a mechanical or electronic display
2 on in-precinct automatic tabulating equipment that displays
3 the number of ballots counted by the equipment. Public
4 counters shall not display any vote totals.

5 "Redundant count" means a verification of the original
6 computer count by another count using compatible equipment or
7 by hand as part of a discovery recount.

8 "Security punch" means a punch placed on a ballot card to
9 identify to the computer program the offices and propositions
10 for which votes may be cast and to indicate the manner in
11 which votes cast should be tabulated while negating any
12 inadmissible votes.

13 "Security sleeve" or "security envelope" means an opaque
14 envelope or sleeve into which a voted ballot card shall be
15 inserted that fully covers all votes cast on the ballot and
16 that permits the ballot to be inserted into the automatic
17 tabulating equipment from within the envelope or sleeve
18 without public observation of the votes cast on the ballot.

19 "Voting defect" means an overvoted ballot, an undervoted
20 ballot, a ballot that cannot be read by automatic tabulating
21 equipment, or a ballot that does not contain the initials of
22 a judge of election.

23 "Voting defect identification" means the capability to
24 detect ballots that contain a voting defect.

25 (Source: P.A. 86-867.)

26 (10 ILCS 5/24A-6.1) (from Ch. 46, par. 24A-6.1)

27 Sec. 24A-6.1. In all elections conducted pursuant to
28 this Article, ballot cards shall have a security punch. In
29 precincts where more than one ballot configuration may be
30 voted upon, ballot cards shall have a different security
31 punch for each ballot configuration. If a precinct has only
32 one possible ballot configuration, the ballot cards must have
33 a security punch to identify the election. Where--ballot

1 cards--from--more--than--one--precinct--are--being--tabulated,
 2 precinct-header-cards-shall-also-be--used;--official--results
 3 shall--not-be-generated-unless-the-precinct-identification-of
 4 the-header-cards-for--any--precinct--correspond.---Where--the
 5 tabulating-equipment-being-used-requires-entering-the-program
 6 immediately--prior--to--tabulating--the-ballot-cards-for-each
 7 precinct,--the-precinct-program-may-be-used-in-lieu-of--header
 8 cards.

9 (Source: P.A. 82-1014.)

10 (10 ILCS 5/24A-7) (from Ch. 46, par. 24A-7)

11 Sec. 24A-7. A separate write-in ballot, which may be in
 12 the form of a paper ballot, card, extended stub of a ballot
 13 card, security or envelope, or security sleeve in which the
 14 elector places his ballot card after voting, shall be
 15 designated and provided by the election authority if
 16 necessary to permit electors to write in the names of persons
 17 whose names are not on the ballot. The ballots, ballot cards,
 18 and security ballot--card envelopes or sleeves may, at the
 19 discretion of the election authority, be printed on white
 20 paper and then striped with the appropriate colors. When an
 21 electronic voting system is used which utilizes a ballot stub
 22 of the ballot card, each ballot card envelope shall contain
 23 the write-in form and information required by Section 16-3 of
 24 this Act.

25 (Source: P.A. 83-110.)

26 (10 ILCS 5/24A-8) (from Ch. 46, par. 24A-8)

27 Sec. 24A-8. The county clerk or board of election
 28 commissioners, as the case may be, shall cause the marking
 29 devices to be put in order, set, adjusted and made ready for
 30 voting when delivered to the polling places. Before the
 31 opening of the polls the judges of election shall compare the
 32 ballots used in the marking devices with the specimen ballots

1 furnished and see that the names, numbers and letters thereon
2 agree and shall certify thereto on forms provided by the
3 county clerk or board of election commissioners, as the case
4 may be.

5 In addition, ~~in these polling places where in precinct~~
6 ~~counting equipment is utilized,~~ the judges of election shall
7 make an operational check of the automatic tabulating
8 equipment before the opening of the polls. Either
9 instructions for activating the precincts program memory
10 medium or a precinct identification card provided by the
11 election authority shall be entered into the automatic
12 tabulating equipment to ensure that the totals are all zeroes
13 in the count column on the printing unit.

14 Pollwatchers as provided by law shall be permitted to
15 closely observe the judges in these procedures and to
16 periodically inspect the equipment when not in use by the
17 voters to see that the ballot labels are in proper position
18 and have not been marked upon or mutilated.

19 (Source: P.A. 82-1014.)

20 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

21 Sec. 24A-9. Prior to the public test, the election
22 authority shall conduct an errorless pre-test of the
23 in-precinct automatic tabulating equipment and program to
24 ascertain that they will correctly count the votes cast for
25 all offices and all measures. On any day not less than 5 days
26 prior to the election day, the election authority shall
27 publicly test the automatic tabulating equipment and program
28 to ascertain that they will correctly count the votes cast
29 for all offices and on all measures. Public notice of the
30 time and place of the test shall be given at least 48 hours
31 prior thereto by publication once in one or more newspapers
32 published within the election jurisdiction of the election
33 authority if a newspaper is published therein, otherwise in a

1 newspaper of general circulation therein. Timely written
2 notice stating the date, time and location of the public test
3 shall also be provided to the State Board of Elections. The
4 test shall be open to representatives of the political
5 parties, the press, representatives of the State Board of
6 Elections, and the public. The test shall be conducted by
7 processing a preaudited group of ballots so punched or marked
8 as to record a predetermined number of valid votes for each
9 candidate and on each measure, and shall include for each
10 office one or more ballots which have votes in excess of the
11 number allowed by law in order to test the ability of the
12 automatic tabulating equipment to reject such votes. Such
13 test shall also include the use of precinct header cards or
14 precinct program memory medium and may include the production
15 of an edit listing. ~~In--these--election--jurisdictions--where~~
16 ~~in-precinct--counting-equipment-is-utilized,-a-public-test-of~~
17 ~~both-such-equipment-and-program-shall-be-conducted-as--nearly~~
18 ~~as--possible--in-the-manner-prescribed-above.~~ The State Board
19 of Elections may select as many election jurisdictions as the
20 Board deems advisable in the interests of the election
21 process of this State in which to order a special test of the
22 automatic tabulating equipment and program prior to any
23 regular election. The Board may order a special test in any
24 election jurisdiction where, during the preceding twelve
25 months, computer programming errors or other errors in the
26 use of electronic voting systems resulted in vote tabulation
27 errors. Not less than 30 days prior to any election, the
28 State Board of Elections shall provide written notice to
29 those selected jurisdictions of their intent to conduct a
30 test. Within 5 days of receipt of the State Board of
31 Elections' written notice of intent to conduct a test, the
32 selected jurisdictions shall forward to the principal office
33 of the State Board of Elections a copy of all specimen
34 ballots. The State Board of Elections' tests shall be

1 conducted and completed not less than 2 days prior to the
2 public test utilizing testing materials supplied by the Board
3 and under the supervision of the Board, and the Board shall
4 reimburse the election authority for the reasonable cost of
5 computer time required to conduct the special test. After
6 an errorless test, materials used in the public test,
7 including the program, if appropriate, shall be sealed and
8 remain so until the time provided in this Section ~~test-is-run~~
9 ~~again-on-election-day~~. If any error is detected, the cause
10 therefor shall be ascertained and corrected and an errorless
11 public test shall be made before the automatic tabulating
12 equipment is approved. Each election authority shall file a
13 sealed copy of each tested program to be used within its
14 jurisdiction at an election with the State Board of Elections
15 prior to the election. The Board shall secure the program
16 or programs of each election jurisdiction so filed in its
17 office for the 60 days following the canvass and proclamation
18 of election results. Upon the expiration of that time, if no
19 election contest or appeal therefrom is pending in an
20 election jurisdiction, the Board shall return the sealed
21 program or programs to the election authority of the
22 jurisdiction. ~~Except-where-in-precinct-counting-equipment-is~~
23 ~~utilized, the test shall be repeated immediately before the~~
24 ~~start of the official count of the ballots, in the same~~
25 ~~manner as set forth above. After the completion of the count,~~
26 ~~the test shall be re-run using the same program. An election~~
27 ~~jurisdiction that was employing, as of January 1, 1983, an~~
28 ~~electronic voting system that, because of its design, is not~~
29 ~~technically capable of compliance with such a post-tabulation~~
30 ~~testing requirement shall satisfy the post-tabulation testing~~
31 ~~requirement by conducting the post-tabulation test on a~~
32 ~~duplicate program until such electronic voting system is~~
33 ~~replaced or until November 1, 1992, whichever is earlier.~~
34 ~~Immediately thereafter the ballots,~~ All sealed material

1 employed in testing the program and the program shall be
 2 sealed--and retained under the custody of the election
 3 authority for a period of 60 days. At the expiration of that
 4 time the election authority shall destroy the voted ballot
 5 cards, together with all unused ballots returned from the
 6 precincts. Provided, if any contest of election is pending at
 7 such time in which such ballots may be required as evidence
 8 and such election authority has notice thereof, the same
 9 shall not be destroyed until after such contest is finally
 10 determined. If the use of back-up equipment becomes
 11 necessary, the same testing required for the original
 12 equipment shall be conducted.

13 (Source: P.A. 86-873; 86-874; 86-1028; 87-1052.)

14 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

15 Sec. 24A-10.1. In--an--election--jurisdiction--where
 16 in-precinct-counting-equipment--is--utilized, The following
 17 procedures for counting and tallying the ballots set forth in
 18 this Section and in Section 24A-14 shall govern apply
 19 in-precinct tabulating:

20 (a) Voter ballot insertion during poll hours.

21 (1) The in-precinct counting equipment shall be set
 22 to count each ballot for candidates and for or against
 23 propositions to be voted upon as the ballot is inserted
 24 into the automatic tabulating equipment, and the
 25 equipment shall internally tally accurate vote totals for
 26 all such candidates and for and against all such
 27 propositions. Before the opening of the polls and before
 28 ballots are entered into the counting equipment, the
 29 judges of election shall turn on the automatic tabulating
 30 equipment, activate the precinct program memory medium,
 31 and verify that the public counter is set at zero.

32 (2) After the polls have been declared open, each
 33 ballot shall be inserted into the automatic tabulating

1 equipment by the voter immediately after the voter has
2 completed marking his or her ballot and placing it in a
3 security envelope or sleeve. The ballot shall be
4 inserted into the automatic tabulating equipment from
5 within the security envelope or sleeve without public
6 observation of the votes cast on the ballot. The judges
7 of election shall not handle any voted ballot except as
8 provided in this Code for uninitialed, spoiled, and
9 defective and damaged ballots. Each voted ballot shall
10 be deposited into a secure ballot box immediately after
11 it has been counted by the automatic tabulating
12 equipment.

13 (3) The automatic tabulating equipment shall have
14 voting defect identification capability, and the
15 equipment shall be set to automatically return to the
16 voter any ballot that does not contain a judge's initial
17 in the area required by this Code. If the judges of
18 election reasonably believe that the failure to initial
19 the ballot was due to an error by the judges and that no
20 fraud or other irregularity has occurred affecting the
21 integrity of the ballots, the ballot shall then be
22 initialed by one of the judges of election and
23 re-inserted by the voter into the automatic tabulating
24 equipment. Otherwise, the ballot shall be marked
25 "Spoiled Ballot", initialed by all judges immediately
26 under the words "Spoiled Ballot", and not counted. The
27 judges shall initial and issue a new ballot to the voter
28 in lieu of the original "Spoiled Ballot" and the voter
29 shall then be permitted to vote the new ballot.

30 (4) The automatic tabulating equipment shall be set
31 to automatically return to the voter any ballot on which
32 the number of votes for an office or proposition exceeds
33 the number of votes that the voter is entitled to cast.
34 If the voter, after being informed that an overvote has

1 occurred, determines to have the ballot counted despite
2 containing an overvote, the automatic tabulating
3 equipment shall be set to accept the ballot and count the
4 votes for or against propositions and for candidates for
5 offices for which there is no overvote. If the overvoted
6 ballot was also rejected because it lacks a judge's
7 initials, the voter may request that a judge initial the
8 ballot before the voter re-inserts the ballot into the
9 automatic tabulating equipment. If the voter determines
10 to have the overvoted ballot rejected and to vote a new
11 ballot, the original ballot shall be marked "Spoiled
12 Ballot", initialed by all judges immediately under the
13 words "Spoiled Ballot", and not counted. The judges
14 shall issue a new ballot to the voter in lieu of the
15 original "Spoiled Ballot" and the voter shall then be
16 permitted to vote the new ballot.

17 (5) The automatic tabulating equipment shall be set
18 to automatically return to the voter any ballot on which
19 the number of votes for an office or proposition is less
20 than the number of votes that the voter is entitled to
21 cast. The voter, after being informed that an undervote
22 has occurred, may return to the voting area and complete
23 voting that ballot. If the voter, after being informed
24 that an undervote has occurred, determines to have the
25 ballot counted despite containing an undervote, the
26 automatic tabulating equipment shall be set to accept the
27 ballot and count the votes for or against propositions
28 and for candidates for offices. If the undervoted ballot
29 was also rejected because it lacks a judge's initials,
30 the voter may request that a judge initial the ballot
31 before the voter re-inserts the ballot into the automatic
32 tabulating equipment. If the voter determines to have the
33 undervoted ballot rejected and to vote a new ballot, the
34 original ballot shall be marked "Spoiled Ballot",

1 initialed by all judges immediately under the words
2 "Spoiled Ballot", and not counted. The judges shall
3 issue a new ballot to the voter in lieu of the original
4 "Spoiled Ballot" and the voter shall then be permitted to
5 vote the new ballot.

6 (6) The automatic tabulating equipment shall be set
7 to return any ballot that is damaged or defective and
8 cannot properly be read by the automatic tabulating
9 equipment. The ballot shall be marked "Spoiled Ballot",
10 initialed by all judges immediately under the words
11 "Spoiled Ballot", and not counted. The judges shall
12 initial and issue a new ballot to the voter in lieu of
13 the original "Spoiled Ballot" and the voter shall then be
14 permitted to vote the new ballot.

15 (7) Immediately after the closing of the polls and
16 after the insertion of absentee ballots entitled to be
17 counted, the automatic tabulating equipment shall be
18 locked against further processing of ballots and the vote
19 totals shall be displayed and read.

20 (8) Throughout the election day and before the
21 close of the polls, no person shall be permitted to check
22 for vote totals for any candidate or proposition on the
23 automatic tabulating equipment. However, any voter,
24 judge of election, or poll watcher may examine the number
25 of counted ballots shown on the public counter of the
26 automatic tabulating equipment when the polls are open.
27 During the time that polling places are open for voting,
28 no person may reset the equipment for re-insertion of
29 ballots except upon the specific authorization of the
30 election authority; the automatic tabulating equipment
31 shall be programmed to prevent such re-insertion unless
32 provided a code by an authorized representative of the
33 election authority. If the automatic tabulating
34 equipment becomes inoperative during voting hours, until

1 such time as it is repaired and restarted by a
2 representative of the election authority, the voters
3 shall deposit their voted ballots into the secure portion
4 of the supply carrier case or other secure ballot
5 container supplied by the election authority and the
6 judges of election shall open the container used for this
7 purpose only after the close of the polls and shall then
8 insert each of the deposited ballots into the automatic
9 tabulating equipment to be tallied.

10 (b) Procedures after the close of the polls.

11 (1) Immediately after the closing of the polls, the
12 absentee ballots delivered to the precinct judges of
13 election by the election authority shall be examined to
14 determine that such ballots comply with Sections 19-9 and
15 20-9 of this Act and are entitled to be deposited in the
16 ballot box; those entitled to be deposited in the ballot
17 box shall be initialed by the precinct judges of election
18 and deposited in the ballot box. Those not entitled to
19 be deposited in the ballot box shall be marked "Rejected"
20 and disposed of as provided in said Sections 19-9 and
21 20-9.

22 (2) The precinct judges of election shall open the
23 ballot box and count the number of ballots therein to
24 determine if such number agrees with the number of voters
25 voting as shown by the automatic tabulating equipment, by
26 the public counter on the automatic tabulating equipment
27 where available, and by applications for ballot. If
28 the same do not agree, the judges of election shall make
29 such ballots agree with the applications for ballot in
30 the manner provided by Section 17-18 of this Code Act.

31 (3) The judges of election shall then examine all
32 ballot cards and ballot card envelopes which are in the
33 ballot box to determine whether the ballot cards and
34 ballot card envelopes contain the initials of a precinct

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

16 (4) ~~When an electronic voting system is used which~~
17 ~~utilizes a ballot card,~~ Before separating the remaining
18 ballot cards from their respective covering envelopes or
19 sleeves, the judges of election shall examine the ballot
20 cards, ballot card envelopes, ballot card stubs, or
21 security sleeves for write-in votes. When the voter has
22 cast a write-in vote, the judges of election shall
23 compare the write-in vote with the votes on the ballot
24 card to determine whether such write-in results in an
25 overvote for any office unless the automatic tabulating
26 equipment has already done so. In case of an overvote
27 for any office, the judges of election, consisting in
28 each case of at least one judge of election of each of
29 the 2 major political parties, shall make a true
30 duplicate ballot of all votes on such ballot card except
31 for the office which is overvoted, by using the ballot
32 label booklet of the precinct and one of the marking
33 devices of the precinct so as to transfer all votes of
34 the voter, except for the office overvoted, to a

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

22 The ballot cards and ballot card envelopes or
23 sleeves shall be separated in preparation for counting by
24 the automatic tabulating equipment provided for that
25 purpose by the election authority.

26 (5) After closing the polls and examining the
27 absentee ballots pursuant to subsection (c)(1) of this
28 Section, the judges of election shall insert into the
29 automatic tabulating equipment all absentee ballots
30 entitled to be counted. Thereafter, the judges of
31 election shall generate vote totals for all candidates
32 and propositions. However, if the judges of election
33 have removed a ballot from the ballot box pursuant to
34 Section 17-18, have labeled "Defective" a ballot which is

1 not initialed, or have otherwise determined under this
 2 Code to not count a ballot originally deposited into a
 3 ballot box, the judges of election shall reset the totals
 4 on the automatic tabulating equipment to all zeroes.
 5 Thereafter the judges of election shall enter each ballot
 6 to be counted in the automatic tabulating equipment.
 7 Resetting of the automatic tabulating equipment to all
 8 zeros and re-inserting of ballots to be counted may occur
 9 at the polling place, the office of the election
 10 authority, or any receiving station designated by the
 11 election authority. The election authority shall
 12 designate the place for resetting the equipment and
 13 re-inserting ballots.

14 ~~Before the ballots are entered into the automatic~~
 15 ~~tabulating equipment, a precinct identification card~~
 16 ~~provided by the election authority shall be entered into~~
 17 ~~the device to ensure that the totals are all zeroes in~~
 18 ~~the count column on the printing unit. A precinct judge~~
 19 ~~of election shall then count the ballots by entering each~~
 20 ~~ballot card into the automatic tabulating equipment, and~~
 21 ~~if any ballot or ballot card is damaged or defective so~~
 22 ~~that it cannot properly be counted by the automatic~~
 23 ~~tabulating equipment, the judges of election, consisting~~
 24 ~~in each case of at least one judge of election of each of~~
 25 ~~the two major political parties, shall make a true~~
 26 ~~duplicate ballot of all votes on such ballot card by~~
 27 ~~using the ballot label booklet of the precinct and one of~~
 28 ~~the marking devices of the precinct. The original ballot~~
 29 ~~or ballot card and envelope shall be clearly labeled~~
 30 ~~"Damaged Ballot" and the ballot or ballot card so~~
 31 ~~produced shall be clearly labeled "Duplicate Damaged~~
 32 ~~Ballot", and each shall contain the same serial number~~
 33 ~~which shall be placed thereon by the judges of election,~~
 34 ~~commencing with number 1 and continuing consecutively for~~

1 the--ballots-of-that-kind-in-the-precinct.--The-judges-of
2 election-shall-initial--the--"Duplicate--Damaged--Ballot"
3 ballot--or--ballot--cards--and--shall-enter-the-duplicate
4 damaged-cards-into-the--automatic--tabulating--equipment.
5 The--"Damaged--Ballot"--cards--shall--be--placed--in--the
6 "Duplicated--Ballots"--envelope;--after--all-ballot-cards
7 have-been-successfully-read, the-judges-of-election-shall
8 check-to-make-certain-that-the-last-number-printed-by-the
9 printing-unit-is-the-same-as-the-number-of-voters--making
10 application--for--ballot--in--that--precinct.--The-number
11 shall-be--listed--on--the--"Statement--of--Ballots"--form
12 provided-by-the-election-authority.

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

28 (7) The judges of election shall count all unused
29 ballot cards and enter the number on the "Statement of
30 Ballots". All "Spoiled", "Defective" and "Duplicated"
31 ballot cards shall be counted and the number entered on
32 the "Statement of Ballots".

33 (8) The precinct judges of election shall select a
34 bi-partisan team of 2 judges, who shall immediately

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

30 (Source: P.A. 83-1362.)

31 (10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)
32 Sec. 24A-14. Damaged ballots; duplicates. If any ballot
33 is damaged or defective so that it cannot properly be counted

1 by the automatic tabulating equipment, that ballot shall be
2 treated as a spoiled ballot, and the voter shall be provided
3 a new ballot to vote, which shall be initialed by a judge of
4 election. ~~If--any--ballot-is-damaged-or-defective-so-that-it~~
5 ~~cannot--properly--be--counted--by--the--automatic--tabulating~~
6 ~~equipment, a true duplicate copy shall be made of the damaged~~
7 ~~ballot in the presence of witnesses and substituted for the~~
8 ~~damaged ballot. Likewise, a duplicate ballot shall be made of~~
9 ~~a defective ballot which shall not include the invalid votes.~~
10 ~~All duplicate ballots shall be clearly labeled "duplicate",~~
11 ~~shall bear a serial number which shall be registered on the~~
12 ~~damaged or defective ballot, and shall be counted in lieu of~~
13 ~~the damaged or defective ballot.~~

14 (Source: Laws 1965, p. 2220.)

15 (10 ILCS 5/24B-2)

16 Sec. 24B-2. Definitions. As used in this Article:

17 "Computer", "automatic tabulating equipment" or
18 "equipment" includes apparatus necessary to automatically
19 examine and count votes as designated on ballots, and data
20 processing machines which can be used for counting ballots
21 and tabulating results.

22 "Ballot" means paper ballot sheets.

23 "Ballot configuration" means the particular combination
24 of political subdivision ballots including, for each
25 political subdivision, the particular combination of offices,
26 candidate names and questions as it appears for each group of
27 voters who may cast the same ballot.

28 "Ballot sheet" means a paper ballot printed on one or
29 both sides which is (1) designed and prepared so that the
30 voter may indicate his or her votes in designated areas,
31 which must be areas clearly printed or otherwise delineated
32 for such purpose, and (2) capable of having votes marked in
33 the designated areas automatically examined, counted, and

1 tabulated by an electronic scanning process.

2 "Central counting" means the counting of ballots in one
3 or more locations selected by the election authority for the
4 processing or counting, or both, of ballots. A location for
5 central counting shall be within the territorial jurisdiction
6 of the election authority unless there is no suitable
7 tabulating equipment available within his territorial
8 jurisdiction. However, in any event a counting location
9 shall be within this State.

10 "Computer operator" means any person or persons
11 designated by the election authority to operate the automatic
12 tabulating equipment during any portion of the vote tallying
13 process in an election, but shall not include judges of
14 election operating vote tabulating equipment in the precinct.

15 "Computer program" or "program" means the set of
16 operating instructions for the automatic tabulating equipment
17 that examines, counts, tabulates, canvasses and prints votes
18 recorded by a voter on a ballot.

19 "Edit listing" means a computer generated listing of the
20 names of each candidate and proposition as they appear in the
21 program for each precinct.

22 "Header sheet" means a data processing document which is
23 coded to indicate to the computer the precinct identity of
24 the ballots that will follow immediately and may indicate to
25 the computer how such ballots are to be tabulated.

26 "In-precinct counting" means the counting of ballots on
27 automatic tabulating equipment provided by the election
28 authority in the same precinct polling place in which those
29 ballots have been cast.

30 "Marking device" means a pen or similar device approved
31 by the State Board of Elections for marking a paper ballot
32 with ink or other substance which will enable the ballot to
33 be tabulated by automatic tabulating equipment or by an
34 electronic scanning process.

1 "Precinct Tabulation Optical Scan Technology" means the
2 capability to examine a ballot through electronic means and
3 tabulate the votes at one or more counting places.

4 "Redundant count" means a verification of the original
5 computer count by another count using compatible equipment or
6 by hand as part of a discovery recount.

7 "Security designation" means a printed designation placed
8 on a ballot to identify to the computer program the offices
9 and propositions for which votes may be cast and to indicate
10 the manner in which votes cast should be tabulated while
11 negating any inadmissible votes.

12 "Separate ballot", with respect to ballot sheets, means a
13 separate portion of the ballot sheet which is clearly defined
14 by a border or borders or shading.

15 "Voting defect identification" means the capability to
16 detect ~~overvoted ballots~~ that contain a voting defect or
17 ~~ballots-which-cannot-be-read-by-the-automatic-tabulating~~
18 ~~equipment.~~

19 "Voting defects" means an overvoted ballot, an undervoted
20 ballot, or a ballot which cannot be read by the automatic
21 tabulating equipment, or a ballot that does not contain the
22 initials of a judge of election.

23 "Voting system" or "electronic voting system" means that
24 combination of equipment and programs used in the casting,
25 examination and tabulation of ballots and the cumulation and
26 reporting of results by electronic means.

27 (Source: P.A. 89-394, eff. 1-1-97.)

28 (10 ILCS 5/24B-10.1)

29 Sec. 24B-10.1. In-Precinct Counting Equipment;
30 Procedures for Counting and Tallying Ballots. In an election
31 jurisdiction where Precinct Tabulation Optical Scan
32 Technology counting equipment is used, the following
33 procedures for counting and tallying the ballots shall apply:

1 (a) The in-precinct counting equipment shall be set to
2 count each ballot for candidates and for or against
3 propositions to be voted upon as the ballot is inserted into
4 the automatic tabulating equipment, and the equipment shall
5 internally tally accurate vote totals for all such candidates
6 and for and against all such propositions. Before the opening
7 of the polls, and before the ballots are entered into the
8 automatic tabulating equipment, the judges of election shall
9 turn on the automatic tabulating equipment, activate the
10 precinct program memory medium, and verify that the public
11 counter is set at zero shall-be-sure-that-the-totals-are--all
12 zeros-in-the-counting-column. Ballots-may-then-be-counted-by
13 entering-each-ballot-into-the-automatic-tabulating-equipment.

14 After the polls have been declared open, each ballot
15 shall be inserted into the automatic tabulating equipment by
16 the voter immediately after the voter has completed marking
17 his or her ballot. The ballot shall be inserted into the
18 automatic tabulating equipment without public observation of
19 the votes cast on the ballot. The judges of election shall
20 not handle any voted ballot except as provided in this Code
21 for uninitialed, spoiled, and defective and damaged ballots.
22 Each voted ballot shall be deposited into a secure ballot box
23 immediately after it has been counted by the automatic
24 tabulating equipment.

25 Immediately after the closing of the polls and after the
26 insertion of absentee ballots entitled to be counted, the
27 automatic tabulating equipment shall be locked against
28 further processing of ballots and the vote totals shall be
29 displayed and read.

30 Throughout the election day and before the closing of the
31 polls, no person shall be permitted to may check for any vote
32 totals for any candidate or proposition on the automatic
33 tabulating equipment. However, any voter, judge of election,
34 or poll watcher may examine the number of counted ballots

1 shown on the public counter of the automatic tabulating
2 equipment when the polls are open. During the time that
3 polling places are open for voting, no person may reset the
4 equipment for re-insertion of ballots except upon the
5 specific authorization of the election authority; the
6 automatic tabulating equipment shall be programmed to prevent
7 such re-insertion unless provided a code by an authorized
8 representative of the election authority. If the automatic
9 tabulating equipment becomes inoperative during voting hours,
10 until such time as it is repaired and restarted by a
11 representative of the election authority, the voters shall
12 deposit their voted ballots into the secure portion of the
13 supply carrier case or other secure ballot container supplied
14 by the election authority and the judges of election shall
15 open the container used for this purpose only after the close
16 of the polls and shall then insert each of the deposited
17 ballots into the automatic tabulating equipment to be
18 tallied. Such--automatic--tabulating--equipment---shall---be
19 programmed--so--that--no--person--may--reset--the--equipment--for
20 refeeding--of--ballots--unless--provided--a--code---from---an
21 authorized--representative--of--the--election--authority.-At-the
22 option-of-the-election-authority,-the-ballots-may-be-fed-into
23 the-Precinct-Tabulation-Optical-Scan-Technology-equipment--by
24 the--voters--under--the--direct--supervision-of-the-judges-of
25 elections-

26 (b) The in-precinct automatic tabulating equipment shall
27 have the capability to identify voting defects. The election
28 authority shall develop and implement procedures for the
29 following:

30 (1) The equipment shall be set to automatically
31 return to the voter any ballot that does not contain a
32 judge's initial in the area required by this Code. If
33 the judges of election reasonably believe that the
34 failure to initial the ballot was due to an error by the

1 judges and that no fraud or other irregularity has
2 occurred affecting the integrity of the ballots, the
3 ballot shall then be initialed by one of the judges of
4 election and re-inserted by the voter into the automatic
5 tabulating equipment. Otherwise, the ballot shall be
6 marked "Spoiled Ballot", initialed by all judges
7 immediately under the words "Spoiled Ballot", and not
8 counted. The judges shall initial and issue a new ballot
9 to the voter in lieu of the original "Spoiled Ballot" and
10 the voter shall then be permitted to vote the new ballot.

11 (2) The counting equipment shall be set to
12 automatically return to the voter any ballot on which the
13 number of votes for an office or proposition exceeds the
14 number of votes that the voter is entitled to cast. If
15 the voter, after being informed that an overvote has
16 occurred, determines to have the ballot counted despite
17 containing an overvote, the automatic tabulating
18 equipment shall be set to accept the ballot and count the
19 votes for or against propositions and for candidates for
20 offices for which there is no overvote. If the overvoted
21 ballot was also rejected because it lacks a judge's
22 initials, the voter may request that a judge initial the
23 ballot before the voter re-inserts the ballot into the
24 automatic tabulating equipment. If the voter determines
25 to have the overvoted ballot rejected and to vote a new
26 ballot, the original ballot shall be marked "Spoiled
27 Ballot", initialed by all judges immediately under the
28 words "Spoiled Ballot", and not counted. The judges
29 shall issue a new ballot to the voter in lieu of the
30 original "Spoiled Ballot" and the voter shall then be
31 permitted to vote the new ballot.

32 (3) The counting equipment shall be set to
33 automatically return to the voter any ballot on which the
34 number of votes for an office or proposition is less than

1 the number of votes that the voter is entitled to cast.
2 The voter, after being informed that an undervote has
3 occurred, may return to the voting area and complete
4 voting that ballot. If the voter, after being informed
5 that an undervote has occurred, determines to have the
6 ballot counted despite containing an undervote, the
7 automatic tabulating equipment shall be set to accept the
8 ballot and count the votes for or against propositions
9 and for candidates for offices. If the undervoted ballot
10 was also rejected because it lacks a judge's initials,
11 the voter may request that a judge initial the ballot
12 before the voter re-inserts the ballot into the automatic
13 tabulating equipment. If the voter determines to have the
14 undervoted ballot rejected and to vote a new ballot, the
15 original ballot shall be marked "Spoiled Ballot",
16 initialed by all judges immediately under the words
17 "Spoiled Ballot", and not counted. The judges shall
18 issue a new ballot to the voter in lieu of the original
19 "Spoiled Ballot" and the voter shall then be permitted to
20 vote the new ballot.

21 (4) The equipment shall be set to return any ballot
22 that is damaged or defective and cannot properly be read
23 by the automatic tabulating equipment. The ballot shall
24 be marked "Spoiled Ballot", initialed by all judges
25 immediately under the words "Spoiled Ballot", and not
26 counted. The judges shall initial and issue a new ballot
27 to the voter in lieu of the original "Spoiled Ballot" and
28 the voter shall then be permitted to vote the new ballot.

29 (c) Immediately after the closing of the polls, the
30 absentee ballots delivered to the precinct judges of election
31 by the election authority shall be examined to determine that
32 the ballots comply with Sections 19-9 and 20-9 of this Code
33 and are entitled to be scanned by the Precinct Tabulation
34 Optical Scan Technology equipment and then deposited in the

1 ballot box; those entitled to be scanned and deposited in the
2 ballot box shall be initialed by the precinct judges of
3 election and then scanned and deposited in the ballot box.
4 Those not entitled to be deposited in the ballot box shall be
5 marked "Rejected" and disposed of as provided in said
6 Sections 19-9 and 20-9.

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

30 If the judges of election have removed a ballot pursuant
31 to Section 17-18, have labeled "Defective" a ballot which is
32 not initialed, or have otherwise determined under this Code
33 to not count a ballot originally deposited into a ballot box,
34 the judges of election shall be sure that the totals on the

1 automatic tabulating equipment are reset to all zeros in the
2 counting column. Thereafter the judges of election shall
3 enter each ballot to be counted in the automatic tabulating
4 equipment. Resetting the automatic tabulating equipment to
5 all zeros and re-entering of ballots to be counted may occur
6 at the precinct polling place, the office of the election
7 authority, or any receiving station designated by the
8 election authority. The election authority shall designate
9 the place for resetting and re-entering.

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

1 place them with the other ballots to be counted on the
2 automatic tabulating equipment.

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

29 The totals for all candidates and propositions shall be
30 tabulated; and 4 copies of a "Certificate of Results" shall
31 be generated by the automatic tabulating equipment; one copy
32 shall be posted in a conspicuous place inside the polling
33 place; and every effort shall be made by the judges of
34 election to provide a copy for each authorized pollwatcher or

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

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

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

1 sign the necessary corrections. Upon acceptance of the
 2 ballots by the election authority, the judges returning the
 3 ballots shall take a receipt signed by the election authority
 4 and stamped with the time and date of the return. The
 5 election judges whose duty it is to return any ballots as
 6 provided shall, in the event the ballots cannot be found when
 7 needed, on proper request, produce the receipt which they are
 8 to take as above provided. The precinct judges of election
 9 shall also deliver the Precinct Tabulation Optical Scan
 10 Technology equipment to the election authority.

11 (Source: P.A. 89-394, eff. 1-1-97.)

12 (10 ILCS 5/24B-14)

13 Sec. 24B-14. Damaged Ballots; Duplicates. If any ballot
 14 is damaged or defective so that it cannot properly be counted
 15 by the automatic Precinct Tabulation Optical Scan Technology
 16 tabulating equipment, that ballot shall be treated as a
 17 spoiled ballot, and the voter shall be provided a new ballot
 18 to vote, which shall be initialed by a judge of election. If
 19 ~~any ballot is damaged or defective so that it cannot properly~~
 20 ~~be counted by the automatic Precinct Tabulation Optical Scan~~
 21 ~~Technology tabulating equipment, a true duplicate copy shall~~
 22 ~~be made of the damaged ballot in the presence of witnesses~~
 23 ~~and substituted for the damaged ballot. Likewise, a~~
 24 ~~duplicate ballot shall be made of a defective ballot which~~
 25 ~~shall not include the invalid votes. All duplicate ballots~~
 26 ~~shall be clearly labeled "Duplicate", shall bear a serial~~
 27 ~~number which shall be registered on the damaged or defective~~
 28 ~~ballot, and shall be counted in lieu of the damaged or~~
 29 ~~defective ballot.~~

30 (Source: P.A. 89-394, eff. 1-1-97.)

31 Section 99. Effective date. This Act takes effect upon
 32 becoming law.

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INDEX

Statutes amended in order of appearance

- 10 ILCS 5/1A-20 new
- 10 ILCS 5/7-19 from Ch. 46, par. 7-19
- 10 ILCS 5/7-46 from Ch. 46, par. 7-46
- 10 ILCS 5/7-47 from Ch. 46, par. 7-47
- 10 ILCS 5/7-49 from Ch. 46, par. 7-49
- 10 ILCS 5/7-52 from Ch. 46, par. 7-52
- 10 ILCS 5/7-53 from Ch. 46, par. 7-53
- 10 ILCS 5/7-54 from Ch. 46, par. 7-54
- 10 ILCS 5/7-55 from Ch. 46, par. 7-55
- 10 ILCS 5/7-66
- 10 ILCS 5/15-6
- 10 ILCS 5/16-11
- 10 ILCS 5/17-12 from Ch. 46, par. 17-12
- 10 ILCS 5/17-18 from Ch. 46, par. 17-18
- 10 ILCS 5/17-43
- 10 ILCS 5/18-40
- 10 ILCS 5/19-15
- 10 ILCS 5/20-15
- 10 ILCS 5/24-22 from Ch. 46, par. 24-22
- 10 ILCS 5/24A-2 from Ch. 46, par. 24A-2
- 10 ILCS 5/24A-6.1 from Ch. 46, par. 24A-6.1
- 10 ILCS 5/24A-7 from Ch. 46, par. 24A-7
- 10 ILCS 5/24A-8 from Ch. 46, par. 24A-8
- 10 ILCS 5/24A-9 from Ch. 46, par. 24A-9
- 10 ILCS 5/24A-10.1 from Ch. 46, par. 24A-10.1
- 10 ILCS 5/24A-14 from Ch. 46, par. 24A-14
- 10 ILCS 5/24B-2
- 10 ILCS 5/24B-10.1
- 10 ILCS 5/24B-14