

1 AMENDMENT TO HOUSE BILL 3147

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3147 by replacing  
3 everything after the enacting clause with the following:

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, 17-43, 18-40, 19-15, 20-15, 24A-2,  
7 24A-6.1, 24A-7, 24A-8, 24A-9, 24A-10.1, 24A-14, 24B-2,  
8 24B-10.1, and 24B-14 and adding Section 1A-20 as follows:

9 (10 ILCS 5/1A-20 new)

10 Sec. 1A-20. In-precinct automatic counting equipment  
11 reimbursement. The State Board of Elections, from moneys  
12 appropriated for this purpose, shall develop and administer a  
13 program of grants to election authorities for the costs of  
14 acquiring, leasing, or upgrading in-precinct automatic  
15 counting equipment with voting defect identification as  
16 provided in Articles 24A and 24B of this Code. An election  
17 authority may apply to the State Board for reimbursement,  
18 subject to appropriation, of up to 100% of the election  
19 authority's cost of acquiring or leasing new equipment or  
20 upgrading existing equipment owned or leased by the election  
21 authority in order to implement voting defect identification  
22 technology. For the purpose of this program, acquisition or

1 lease of new equipment includes, but is not limited to,  
2 acquisition or lease before the effective date of this  
3 amendatory Act of the 92nd General Assembly of equipment used  
4 after the effective date of this amendatory Act of the 92nd  
5 General Assembly.

6 The State Board of Elections shall adopt rules necessary  
7 for the implementation of this Section.

8 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

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

12 1. Designating words. At the top of the ballot shall be  
13 printed in large capital letters, words designating the  
14 ballot, if a Republican ballot, the designating words shall  
15 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the  
16 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and  
17 in like manner for each political party.

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

24 President of the United States, State offices,  
25 congressional offices, delegates and alternate delegates to  
26 be elected from the State at large to National nominating  
27 conventions, delegates and alternate delegates to be elected  
28 from congressional districts to National nominating  
29 conventions, member or members of the State central  
30 committee, trustees of sanitary districts, county offices,  
31 judicial officers, city, village and incorporated town  
32 offices, town offices, or of such of the said offices as  
33 candidates are to be nominated for at such primary, and

1 precinct, township or ward committeemen. If two or more  
2 columns are used, the foregoing offices to and including  
3 member of the State central committee shall be listed in the  
4 left-hand column and Senatorial offices, as defined in  
5 Section 8-3, shall be the first offices listed in the second  
6 column.

7 Below the name of each office shall be printed in small  
8 letters the directions to voters: "Vote for one"; "Vote for  
9 two"; "Vote for three"; or a spelled number designating how  
10 many persons under that head are to be voted for.

11 Next to the name of each candidate for delegate or  
12 alternate delegate to a national nominating convention shall  
13 appear either (a) the name of the candidate's preference for  
14 President of the United States or the word "uncommitted" or  
15 (b) no official designation, depending upon the action taken  
16 by the State central committee pursuant to Section 7-10.3 of  
17 this Act.

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

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, or  
33 Article 24B, whichever is applicable.

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

1 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

2 Sec. 7-46. On receiving from the primary judges a primary  
3 ballot of his party, the primary elector shall forthwith and  
4 without leaving the polling place, retire alone to one of the  
5 voting booths and prepare such primary ballot by marking a  
6 cross (X) in the square in front of and opposite the name of  
7 each candidate of his choice for each office to be filled,  
8 and for delegates and alternate delegates to national  
9 nominating conventions, and for committeemen, if committeemen  
10 are being elected at such primary.

11 Any primary elector may, instead of voting for any  
12 candidate for nomination or for committeeman or for delegate  
13 or alternate delegate to national nominating conventions,  
14 whose name is printed on the primary ballot, write in the  
15 name of any other person affiliated with such party as a  
16 candidate for the nomination for any office, or for  
17 committeeman, or for delegates or alternate delegates to  
18 national nominating conventions, and indicate his choice of  
19 such candidate or committeeman or delegate or alternate  
20 delegate, by placing to the left of and opposite the name  
21 thus written a square and placing in the square a cross (X).

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

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

27 (10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

28 Sec. 7-47. Before leaving the booth, the primary elector  
29 shall fold his primary ballot in such manner as to conceal  
30 the marks thereon. Such voter shall then vote forthwith by  
31 handing the primary judge the primary ballot received by such  
32 voter. Thereupon the primary judge shall deposit such primary  
33 ballot in the ballot box. One of the judges shall thereupon

1 enter in the primary poll book the name of the primary  
2 elector, his residence and his party affiliation or shall  
3 make the entries on the official poll record as required by  
4 articles 4, 5 and 6, if any one of them is applicable.

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

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

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

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

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

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

20 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

21 Sec. 7-52. Immediately upon closing the polls, the  
22 primary judges shall proceed to canvass the votes in the  
23 manner following:

24 (1) They shall separate and count the ballots of each  
25 political party.

26 (2) They shall then proceed to ascertain the number of  
27 names entered on the applications for ballot under each party  
28 affiliation.

29 (3) If the primary ballots of any political party exceed  
30 the number of applications for ballot by voters of such  
31 political party, the primary ballots of such political party  
32 shall be folded and replaced in the ballot box, the box

1 closed, well shaken and again opened and one of the primary  
2 judges, who shall be blindfolded, shall draw out so many of  
3 the primary ballots of such political party as shall be equal  
4 to such excess. Such excess ballots shall be marked  
5 "Excess-Not Counted" and signed by a majority of the judges  
6 and shall be placed in the "After 6:00 p.m. Defective Ballots  
7 Envelope". The number of excess ballots shall be noted in the  
8 remarks section of the Certificate of Results. "Excess"  
9 ballots shall not be counted in the total of "defective"  
10 ballots;

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

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. 80-484.)

26 (10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

27 Sec. 7-53. As soon as the ballots of a political party  
28 shall have been read and the votes of the political party  
29 counted, as provided in the last above section, the 3 judges  
30 in charge of the tally sheets shall foot up the tally sheets  
31 so as to show the total number of votes cast for each  
32 candidate of the political party and for each candidate for  
33 State Central committeeman and precinct committeeman,

1 township committeeman or ward committeeman, and delegate and  
 2 alternate delegate to National nominating conventions, and  
 3 certify the same to be correct. Thereupon, the primary judges  
 4 shall set down in a certificate of results on the tally  
 5 sheet, under the name of the political party, the name of  
 6 each candidate voted for upon the primary ballot, written at  
 7 full length, the name of the office for which he is a  
 8 candidate for nomination or for committeeman, or delegate or  
 9 alternate delegate to National nominating conventions, the  
 10 total number of votes which the candidate received, and they  
 11 shall also set down the total number of ballots voted by the  
 12 primary electors of the political party in the precinct. The  
 13 certificate of results shall be made substantially in the  
 14 following form:

15 ..... Party

16 At the primary election held in the .... precinct of the  
 17 (1) \*township of ....., or (2) \*City of ....., or (3) \*....  
 18 ward in the city of .... on (insert date), the primary  
 19 electors of the .... party voted .... ballots, and the  
 20 respective candidates whose names were written or printed on  
 21 the primary ballot of the .... party, received respectively  
 22 the following votes:

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

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

31 And so on for each candidate.

32 We hereby certify the above and foregoing to be true and  
 33 correct.

34 Dated (insert date).

1 .....  
 2 Name Address  
 3 .....  
 4 Name Address  
 5 .....  
 6 Name Address  
 7 .....  
 8 Name Address  
 9 .....  
 10 Name Address

Judges of Primary

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

16 (Source: P.A. 91-357, eff. 7-29-99.)

17 (10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

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

29 "Primary ballots of the.... party of the.... precinct of  
30 the county of.... and State of Illinois."

31 Below each endorsement, each primary judge shall write  
32 his name.

33 Immediately thereafter the judges shall designate one of



1 their number to go to the nearest telephone and report to the  
2 office of the county clerk or board of election commissioners  
3 (as the case may be) the results of such primary. Such clerk  
4 or board shall keep his or its office open after the close of  
5 the polls until he or it has received from each precinct  
6 under his or its jurisdiction the report above provided for.  
7 Immediately upon receiving such report such clerk or board  
8 shall cause the same to be posted in a public place in his or  
9 its office for inspection by the public. Immediately after  
10 making such report such judge shall return to the polling  
11 place.

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

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

17 (10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

18 Sec. 7-55. The primary poll books or the official poll  
19 record, and the tally sheets with the certificates of the  
20 primary judges written thereon, together with the envelopes  
21 containing the ballots, including the envelope containing the  
22 ballots marked "defective" or "objected to", shall be  
23 carefully enveloped and sealed up together, properly  
24 endorsed, and the primary judges shall elect 2 judges (one  
25 from each of the major political parties), who shall  
26 immediately deliver the same to the clerk from whom the  
27 primary ballots were obtained, which clerk shall safely keep  
28 the same for 2 months, and thereafter shall safely keep the  
29 poll books until the next primary. Each election authority  
30 shall keep the office of the election authority, or any  
31 receiving stations designated by such authority, open for at  
32 least 12 consecutive hours after the polls close, or until  
33 the judges of each precinct under the jurisdiction of the

1 election authority have delivered to the election authority  
 2 all the above materials sealed up together and properly  
 3 endorsed as provided herein. Materials delivered to the  
 4 election authority which are not in the condition required by  
 5 this Section shall not be accepted by the election authority  
 6 until the judges delivering the same make and sign the  
 7 necessary corrections. Upon acceptance of the materials by  
 8 the election authority, the judges delivering the same shall  
 9 take a receipt signed by the election authority and stamped  
 10 with the time and date of such delivery. The election judges  
 11 whose duty it is to deliver any materials as above provided  
 12 shall, in the event such materials cannot be found when  
 13 needed, on proper request, produce the receipt which they are  
 14 to take as above provided.

15 The county clerk or board of election commissioners shall  
 16 deliver a copy of each tally sheet to the county chairmen of  
 17 the two largest political parties.

18 Where voting machines or electronic voting systems are  
 19 used, the provisions of this section may be modified as  
 20 required or authorized by Article 24, and Article 24A, or  
 21 Article 24B, whichever is applicable.

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

23 (10 ILCS 5/7-66)

24 Sec. 7-66. Electronic voting systems; precinct  
 25 tabulation optical scan technology voting equipment.

26 If the election authority has adopted the use of  
 27 electronic voting systems pursuant to Article 24A of this  
 28 Code or Precinct Tabulation Optical Scan Technology voting  
 29 equipment pursuant to Article 24B of this Code, and the  
 30 provisions of those Articles ~~the-Article~~ are in conflict with  
 31 the provisions of this Article 7, the provisions of Article  
 32 24A or Article 24B, as the case may be, shall govern the  
 33 procedures followed by the election authority, its judges of

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

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

11 (10 ILCS 5/15-6)

12 Sec. 15-6. Electronic voting systems; precinct  
 13 tabulation optical scan technology voting equipment.

14 If the election authority has adopted the use of  
 15 electronic voting systems pursuant to Article 24A of this  
 16 Code or Precinct Tabulation Optical Scan Technology voting  
 17 equipment pursuant to Article 24B of this Code, and the  
 18 provisions of those Articles ~~the-Artiele~~ are in conflict with  
 19 the provisions of this Article 15, the provisions of Article  
 20 24A or Article 24B, as the case may be, shall govern the  
 21 procedures followed by the election authority, its judges of  
 22 elections, and all employees and agents. In following the  
 23 provisions of Article 24A or Article 24B, the election  
 24 authority is authorized to develop and implement procedures  
 25 to fully utilize electronic voting systems or Precinct  
 26 Tabulation Optical Scan Technology voting equipment  
 27 authorized by the State Board of Elections as long as the  
 28 procedure is not in conflict with Article 24A, either Article  
 29 24B, or the administrative rules of the State Board of  
 30 Elections.

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

32 (10 ILCS 5/16-11)

1           Sec.    16-11. 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-Articles~~ are in conflict with  
8 the provisions of this Article 16, 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 Article 24A, either 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 5/17-43)

22           Sec.    17-43. 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-Articles~~ are in conflict with  
29 the provisions of this Article 17, 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 5/18-40)

10 Sec. 18-40. 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 18, 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 either Article 24A, 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 5/19-15)

31 Sec. 19-15. 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-Artiele~~ are in conflict with  
6   the provisions of this Article 19, 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 5/20-15)

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

22           If the election authority has adopted the use of  
23   electronic voting systems pursuant to Article 24A of this  
24   Code or Precinct Tabulation Optical Scan Technology voting  
25   equipment pursuant to Article 24B of this Code, and the  
26   provisions of those Articles ~~the-Artiele~~ are in conflict with  
27   the provisions of this Article 20, the provisions of Article  
28   24A or Article 24B, as the case may be, shall govern the  
29   procedures followed by the election authority, its judges of  
30   elections, and all employees and agents. In following the  
31   provisions of Article 24A or Article 24B, the election  
32   authority is authorized to develop and implement procedures  
33   to fully utilize electronic voting systems or Precinct

1 Tabulation Optical Scan Technology voting equipment  
2 authorized by the State Board of Elections as long as the  
3 procedure is not in conflict with Article 24A, either Article  
4 24B, or the administrative rules of the State Board of  
5 Elections.

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

7 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)  
8 Sec. 24A-2. As used in this Article: "Computer",  
9 "Automatic tabulating equipment" or "equipment" includes  
10 apparatus necessary to automatically examine and count votes  
11 as designated on ballots, and data processing machines which  
12 can be used for counting ballots and tabulating results.

13 "Ballot card" means a ballot which is voted by the  
14 process of punching.

15 "Ballot configuration" means the particular combination  
16 of political subdivision ballots including, for each  
17 political subdivision, the particular combination of offices,  
18 candidate names and ballot position numbers for each  
19 candidate and question as it appears for each group of voters  
20 who may cast the same ballot.

21 "Ballot labels" means the cards, papers, booklet, pages  
22 or other material containing the names of officers and  
23 candidates and statements of measures to be voted on.

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

31 "Ballot" may include ballot cards, ballot labels and  
32 paper ballots.

33 "Separate ballot", with respect to ballot sheets, means a

1 separate portion of the ballot sheet in which the color of  
2 the ink used in printing that portion of the ballot sheet is  
3 distinct from the color of the ink used in printing any other  
4 portion of the ballot sheet.

5 "Column" in an electronic voting system which utilizes a  
6 ballot card means a space on a ballot card for punching the  
7 voter's vote arranged in a row running lengthwise on the  
8 ballot card.

9 "Central Counting" means the counting of ballots in one  
10 or more locations selected by the election authority for the  
11 processing or counting, or both, of ballots. A location for  
12 central counting shall be within the territorial jurisdiction  
13 of such election authority unless there is no suitable  
14 tabulating equipment available within his territorial  
15 jurisdiction. However, in any event a counting location shall  
16 be within this State.

17 "In-precinct counting" means the counting of ballots on  
18 automatic tabulating equipment provided by the election  
19 authority in the same precinct polling place in which those  
20 ballots have been cast.

21 "Computer operator" means any person or persons  
22 designated by the election authority to operate the automatic  
23 tabulating equipment during any portion of the vote tallying  
24 process in an election, but shall not include judges of  
25 election operating vote tabulating equipment in the precinct.

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

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

33 "Voting System" or "Electronic Voting System" means that  
34 combination of equipment and programs used in the casting,



1 examination and tabulation of ballots and the cumulation and  
2 reporting of results by electronic means.

3 "Header card" or "program card" means a data processing  
4 card which is coded to indicate to the computer the precinct  
5 identity of the ballot cards that will follow immediately and  
6 may indicate to the computer how such ballot cards are to be  
7 tabulated.

8 "Marking device" means either an apparatus in which  
9 ballots or ballot cards are inserted and used in connection  
10 with a punch apparatus for the piercing of ballots by the  
11 voter, or any approved device for marking a paper ballot with  
12 ink or other substance which will enable the ballot to be  
13 tabulated by means of automatic tabulating equipment or by an  
14 electronic scanning process.

15 "Precinct program memory medium" or "PPMM" means the  
16 program disc or pack of an in-precinct computer tabulator  
17 that is programmed for a single precinct and that may be  
18 activated by means other than a header card or precinct  
19 identifier card to indicate to the automatic tabulating  
20 equipment the precinct identity of the ballot cards to be  
21 counted by the tabulator and how such ballot cards are to be  
22 counted.

23 "Public counter" means a mechanical or electronic display  
24 on in-precinct automatic tabulating equipment that displays  
25 the number of ballots counted by the equipment. Public  
26 counters shall not display any vote totals.

27 "Redundant count" means a verification of the original  
28 computer count by another count using compatible equipment or  
29 by hand as part of a discovery recount.

30 "Security punch" means a punch placed on a ballot card to  
31 identify to the computer program the offices and propositions  
32 for which votes may be cast and to indicate the manner in  
33 which votes cast should be tabulated while negating any  
34 inadmissible votes.

1       "Security sleeve" or "security envelope" means an opaque  
2 envelope or sleeve into which a voted ballot card shall be  
3 inserted that fully covers all votes cast on the ballot and  
4 that permits the ballot to be inserted into the automatic  
5 tabulating equipment from within the envelope or sleeve  
6 without public observation of the votes cast on the ballot.

7       "Voting defect" means an overvoted ballot, an undervoted  
8 ballot, a ballot that cannot be read by automatic tabulating  
9 equipment, or a ballot that does not contain the initials of  
10 a judge of election.

11       "Voting defect identification" means the capability to  
12 detect ballots that contain a voting defect.

13       (Source: P.A. 86-867.)

14       (10 ILCS 5/24A-6.1) (from Ch. 46, par. 24A-6.1)

15       Sec. 24A-6.1. In all elections conducted pursuant to  
16 this Article, ballot cards shall have a security punch. In  
17 precincts where more than one ballot configuration may be  
18 voted upon, ballot cards shall have a different security  
19 punch for each ballot configuration. If a precinct has only  
20 one possible ballot configuration, the ballot cards must have  
21 a security punch to identify the election. Where ballot  
22 cards from more than one precinct are being tabulated,  
23 precinct header cards or program cards shall also be used:  
24 official results shall not be generated unless the precinct  
25 identification of the header cards or program cards for any  
26 precinct correspond. Where the tabulating equipment being  
27 used requires entering the program immediately prior to  
28 tabulating the ballot cards for each precinct, the precinct  
29 program may be used in lieu of header cards.

30       (Source: P.A. 82-1014.)

31       (10 ILCS 5/24A-7) (from Ch. 46, par. 24A-7)

32       Sec. 24A-7. A separate write-in ballot, which may be in

1 the form of a paper ballot, card, extended stub of a ballot  
2 card, security or envelope, or security sleeve in which the  
3 elector places his ballot card after voting, shall be  
4 designated and provided by the election authority if  
5 necessary to permit electors to write in the names of persons  
6 whose names are not on the ballot. The ballots, ballot cards,  
7 and security ballot-card envelopes or sleeves may, at the  
8 discretion of the election authority, be printed on white  
9 paper and then striped with the appropriate colors. When an  
10 electronic voting system is used which utilizes a ballot stub  
11 of the ballot card, each ballot card envelope shall contain  
12 the write-in form and information required by Section 16-3 of  
13 this Act.

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

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

16 Sec. 24A-8. The county clerk or board of election  
17 commissioners, as the case may be, shall cause the marking  
18 devices to be put in order, set, adjusted and made ready for  
19 voting when delivered to the polling places. Before the  
20 opening of the polls the judges of election shall compare the  
21 ballots used in the marking devices with the specimen ballots  
22 furnished and see that the names, numbers and letters thereon  
23 agree and shall certify thereto on forms provided by the  
24 county clerk or board of election commissioners, as the case  
25 may be.

26 In addition, in those polling places where in-precinct  
27 counting equipment is utilized, the judges of election shall  
28 make an operational check of the automatic tabulating  
29 equipment before the opening of the polls. Either  
30 instructions for activating the precincts program memory  
31 medium or a precinct identification card provided by the  
32 election authority shall be entered into the automatic  
33 tabulating equipment to ensure that the totals are all zeroes

1 in the count column on the printing unit.

2 Pollwatchers as provided by law shall be permitted to  
3 closely observe the judges in these procedures and to  
4 periodically inspect the equipment when not in use by the  
5 voters to see that the ballot labels are in proper position  
6 and have not been marked upon or mutilated.

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

8 (10 ILCS 5/24A-9) (from Ch. 46, par. 24A-9)

9 Sec. 24A-9. Prior to the public test, the election  
10 authority shall conduct an errorless pre-test of the  
11 automatic tabulating equipment and program to ascertain that  
12 they will correctly count the votes cast for all offices and  
13 all measures. On any day not less than 5 days prior to the  
14 election day, the election authority shall publicly test the  
15 automatic tabulating equipment and program to ascertain that  
16 they will correctly count the votes cast for all offices and  
17 on all measures. Public notice of the time and place of the  
18 test shall be given at least 48 hours prior thereto by  
19 publication once in one or more newspapers published within  
20 the election jurisdiction of the election authority if a  
21 newspaper is published therein, otherwise in a newspaper of  
22 general circulation therein. Timely written notice stating  
23 the date, time and location of the public test shall also be  
24 provided to the State Board of Elections. The test shall be  
25 open to representatives of the political parties, the press,  
26 representatives of the State Board of Elections, and the  
27 public. The test shall be conducted by processing a  
28 preaudited group of ballots so punched or marked as to record  
29 a predetermined number of valid votes for each candidate and  
30 on each measure, and shall include for each office one or  
31 more ballots which have votes in excess of the number allowed  
32 by law in order to test the ability of the automatic  
33 tabulating equipment to reject such votes. Such test shall

1 also include the use of precinct header cards or precinct  
2 program memory medium and may include the production of an  
3 edit listing. In those election jurisdictions where  
4 in-precinct counting equipment is utilized, a public test of  
5 both such equipment and program shall be conducted as nearly  
6 as possible in the manner prescribed above. The State Board  
7 of Elections may select as many election jurisdictions as the  
8 Board deems advisable in the interests of the election  
9 process of this State in which to order a special test of the  
10 automatic tabulating equipment and program prior to any  
11 regular election. The Board may order a special test in any  
12 election jurisdiction where, during the preceding twelve  
13 months, computer programming errors or other errors in the  
14 use of electronic voting systems resulted in vote tabulation  
15 errors. Not less than 30 days prior to any election, the  
16 State Board of Elections shall provide written notice to  
17 those selected jurisdictions of their intent to conduct a  
18 test. Within 5 days of receipt of the State Board of  
19 Elections' written notice of intent to conduct a test, the  
20 selected jurisdictions shall forward to the principal office  
21 of the State Board of Elections a copy of all specimen  
22 ballots. The State Board of Elections' tests shall be  
23 conducted and completed not less than 2 days prior to the  
24 public test utilizing testing materials supplied by the Board  
25 and under the supervision of the Board, and the Board shall  
26 reimburse the election authority for the reasonable cost of  
27 computer time required to conduct the special test. After  
28 an errorless test, materials used in the public test,  
29 including the program, if appropriate, shall be sealed and  
30 remain so until the test is run again on election day. If any  
31 error is detected, the cause therefor shall be ascertained  
32 and corrected and an errorless public test shall be made  
33 before the automatic tabulating equipment is approved. Each  
34 election authority shall file a sealed copy of each tested

1 program to be used within its jurisdiction at an election  
2 with the State Board of Elections prior to the election. The  
3 Board shall secure the program or programs of each election  
4 jurisdiction so filed in its office for the 60 days following  
5 the canvass and proclamation of election results. Upon the  
6 expiration of that time, if no election contest or appeal  
7 therefrom is pending in an election jurisdiction, the Board  
8 shall return the sealed program or programs to the election  
9 authority of the jurisdiction. Except where in-precinct  
10 counting equipment is utilized, the test shall be repeated  
11 immediately before the start of the official count of the  
12 ballots, in the same manner as set forth above. After the  
13 completion of the count, the test shall be re-run using the  
14 same program. An election jurisdiction that was employing,  
15 as of January 1, 1983, an electronic voting system that,  
16 because of its design, is not technically capable of  
17 compliance with such a post-tabulation testing requirement  
18 shall satisfy the post-tabulation testing requirement by  
19 conducting the post-tabulation test on a duplicate program  
20 until such electronic voting system is replaced or until  
21 November 1, 1992, whichever is earlier. Immediately  
22 thereafter the ballots, all material employed in testing the  
23 program and the program shall be sealed and retained under  
24 the custody of the election authority for a period of 60  
25 days. At the expiration of that time the election authority  
26 shall destroy the voted ballot cards, together with all  
27 unused ballots returned from the precincts. Provided, if any  
28 contest of election is pending at such time in which such  
29 ballots may be required as evidence and such election  
30 authority has notice thereof, the same shall not be destroyed  
31 until after such contest is finally determined. If the use of  
32 back-up equipment becomes necessary, the same testing  
33 required for the original equipment shall be conducted.

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

1 (10 ILCS 5/24A-10.1) (from Ch. 46, par. 24A-10.1)

2 Sec. 24A-10.1. In an election jurisdiction where  
3 in-precinct counting equipment is utilized, the following  
4 procedures for counting and tallying the ballots set forth in  
5 this Section and in Section 24A-14 shall apply:

6 (a) Voter ballot insertion during poll hours.

7 (1) The in-precinct counting equipment shall be set  
8 to count each ballot for candidates and for or against  
9 propositions to be voted upon as the ballot is inserted  
10 into the automatic tabulating equipment, and the  
11 equipment shall internally tally accurate vote totals for  
12 all such candidates and for and against all such  
13 propositions. Before the opening of the polls and before  
14 ballots are entered into the counting equipment, the  
15 judges of election shall turn on the automatic tabulating  
16 equipment, activate the precinct program memory medium,  
17 and verify that the public counter is set at zero.

18 (2) After the polls have been declared open, each  
19 ballot shall be inserted into the automatic tabulating  
20 equipment by the voter immediately after the voter has  
21 completed marking his or her ballot and placing it in a  
22 security envelope or sleeve. The ballot shall be  
23 inserted into the automatic tabulating equipment from  
24 within the security envelope or sleeve without public  
25 observation of the votes cast on the ballot. The judges  
26 of election shall not handle any voted ballot except as  
27 provided in this Code for uninitialed, spoiled, and  
28 defective and damaged ballots. Each voted ballot shall  
29 be deposited into a secure ballot box immediately after  
30 it has been counted by the automatic tabulating  
31 equipment.

32 (3) The automatic tabulating equipment shall have  
33 voting defect identification capability, and the  
34 equipment shall be set to automatically return to the

1 voter any ballot that does not contain a judge's initial  
2 in the area required by this Code. If the judges of  
3 election reasonably believe that the failure to initial  
4 the ballot was due to an error by the judges and that no  
5 fraud or other irregularity has occurred affecting the  
6 integrity of the ballots, the ballot shall then be  
7 initialed by one of the judges of election and  
8 re-inserted by the voter into the automatic tabulating  
9 equipment. Otherwise, the ballot shall be marked  
10 "Spoiled Ballot", initialed by all judges immediately  
11 under the words "Spoiled Ballot", and not counted. The  
12 judges shall initial and issue a new ballot to the voter  
13 in lieu of the original "Spoiled Ballot" and the voter  
14 shall then be permitted to vote the new ballot.

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



1 permitted to vote the new ballot.

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

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

34 (7) Immediately after the closing of the polls and

1 after the insertion of absentee ballots entitled to be  
2 counted, the automatic tabulating equipment shall be  
3 locked against further processing of ballots and the vote  
4 totals shall be displayed and read.

5 (8) Throughout the election day and before the  
6 close of the polls, no person shall be permitted to check  
7 for vote totals for any candidate or proposition on the  
8 automatic tabulating equipment. However, any voter,  
9 judge of election, or poll watcher may examine the number  
10 of counted ballots shown on the public counter of the  
11 automatic tabulating equipment when the polls are open.  
12 During the time that polling places are open for voting,  
13 no person may reset the equipment for re-insertion of  
14 ballots except upon the specific authorization of the  
15 election authority; the automatic tabulating equipment  
16 shall be programmed to prevent such re-insertion unless  
17 provided a code by an authorized representative of the  
18 election authority. If the automatic tabulating  
19 equipment becomes inoperative during voting hours, until  
20 such time as it is repaired and restarted by a  
21 representative of the election authority, the voters  
22 shall deposit their voted ballots into the secure portion  
23 of the supply carrier case or other secure ballot  
24 container supplied by the election authority and the  
25 judges of election shall open the container used for this  
26 purpose only after the close of the polls and shall then  
27 insert each of the deposited ballots into the automatic  
28 tabulating equipment to be tallied.

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

30 (1) Immediately after the closing of the polls, the  
31 absentee ballots delivered to the precinct judges of  
32 election by the election authority shall be examined to  
33 determine that such ballots comply with Sections 19-9 and  
34 20-9 of this Act and are entitled to be deposited in the

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

7 (2) The precinct judges of election shall open the  
8 ballot box and count the number of ballots therein to  
9 determine if such number agrees with the number of voters  
10 voting as shown by the automatic tabulating equipment, by  
11 the public counter on the automatic tabulating equipment  
12 where available, and by applications for ballot. If  
13 the same do not agree, the judges of election shall make  
14 such ballots agree with the applications for ballot in  
15 the manner provided by Section 17-18 of this Code Act.

16 (3) The judges of election shall then examine all  
17 ballot cards and ballot card envelopes which are in the  
18 ballot box to determine whether the ballot cards and  
19 ballot card envelopes contain the initials of a precinct  
20 judge of election. If any ballot card or ballot card  
21 envelope is not initialed, it shall be marked on the back  
22 "Defective", initialed as to such label by all judges  
23 immediately under the word "Defective" and not counted.  
24 The judges of election shall place an initialed blank  
25 official ballot card in the place of the defective ballot  
26 card, so that the count of the ballot cards to be counted  
27 on the automatic tabulating equipment will be the same,  
28 and each "Defective Ballot" card and "Replacement" card  
29 shall contain the same serial number which shall be  
30 placed thereon by the judges of election, commencing with  
31 number 1 and continuing consecutively for the ballots of  
32 that kind in that precinct. The original "Defective" card  
33 shall be placed in the "Defective Ballot Envelope"  
34 provided for that purpose.

1           (4) When an electronic voting system is used which  
2 utilizes a ballot card, before separating the-remaining  
3 ballot cards from their respective covering envelopes or  
4 sleeves, the judges of election shall examine the ballot  
5 cards, ballot card envelopes, ballot card stubs, or  
6 security sleeves for write-in votes. When the voter has  
7 cast a write-in vote, the judges of election shall  
8 compare the write-in vote with the votes on the ballot  
9 card to determine whether such write-in results in an  
10 overvote for any office unless the automatic tabulating  
11 equipment has already done so. In case of an overvote  
12 for any office, the judges of election, consisting in  
13 each case of at least one judge of election of each of  
14 the 2 major political parties, shall make a true  
15 duplicate ballot of all votes on such ballot card except  
16 for the office which is overvoted, by using the ballot  
17 label booklet of the precinct and one of the marking  
18 devices of the precinct so as to transfer all votes of  
19 the voter, except for the office overvoted, to a  
20 duplicate card. The original ballot card and envelope  
21 upon which there is an overvote shall be clearly labeled  
22 "Overvoted Ballot", and each such "Overvoted Ballot" as  
23 well as its "Replacement" shall contain the same serial  
24 number which shall be placed thereon by the judges of  
25 election, commencing with number 1 and continuing  
26 consecutively for the ballots of that kind in that  
27 precinct. The "Overvoted Ballot" card and ballot  
28 envelope shall be placed in an envelope provided for that  
29 purpose labeled "Duplicate Ballot" envelope, and the  
30 judges of election shall initial the "Replacement" ballot  
31 cards and shall place them with the other ballot cards to  
32 be counted on the automatic tabulating equipment.  
33 Envelopes, ballot cards, ballot card stubs, or security  
34 envelopes or sleeves containing write-in votes marked in

1 the place designated therefor and containing the initials  
 2 of a precinct judge of election and not resulting in an  
 3 overvote and otherwise complying with the election laws  
 4 as to marking shall be counted and tallied and their  
 5 votes recorded on a tally sheet provided by the election  
 6 authority.

7 The ballot cards and ballot card envelopes or  
 8 sleeves shall be separated in preparation for counting by  
 9 the automatic tabulating equipment provided for that  
 10 purpose by the election authority.

11 (5) After closing the polls and examining the  
 12 absentee ballots pursuant to subsection (c)(1) of this  
 13 Section, the judges of election shall insert into the  
 14 automatic tabulating equipment all absentee ballots  
 15 entitled to be counted. Thereafter, the judges of  
 16 election shall generate vote totals for all candidates  
 17 and propositions.

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

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

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

32 (7) The judges of election shall count all unused  
 33 ballot cards and enter the number on the "Statement of  
 34 Ballots". All "Spoiled", "Defective" and "Duplicated"

1 ballot cards shall be counted and the number entered on  
2 the "Statement of Ballots".

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

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

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

Sec. 24A-14. Damaged ballots. In precincts that utilize in-precinct automatic tabulating equipment having voting defect identification capability and in which voters insert their ballots into the automatic tabulating equipment, if any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, that ballot shall be treated as a spoiled ballot as provided in Section 24A-10.1. ~~If--any--ballot--is--damaged--or--defective--so--that--it cannot--properly--be--counted--by--the--automatic--tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots shall be clearly labeled "duplicate", shall bear a serial number which shall be registered on the damaged or defective ballot, and shall be counted in lieu of the damaged or defective ballot.~~

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/24B-2)

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

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

"Ballot" means paper ballot sheets.

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

"Ballot sheet" means a paper ballot printed on one or



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

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

15 "Computer operator" means any person or persons  
16 designated by the election authority to operate the automatic  
17 tabulating equipment during any portion of the vote tallying  
18 process in an election, but shall not include judges of  
19 election operating vote tabulating equipment in the precinct.

20 "Computer program" or "program" means the set of  
21 operating instructions for the automatic tabulating equipment  
22 that examines, counts, tabulates, canvasses and prints votes  
23 recorded by a voter on a ballot.

24 "Edit listing" means a computer generated listing of the  
25 names of each candidate and proposition as they appear in the  
26 program for each precinct.

27 "Header sheet" means a data processing document which is  
28 coded to indicate to the computer the precinct identity of  
29 the ballots that will follow immediately and may indicate to  
30 the computer how such ballots are to be tabulated.

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

1 "Marking device" means a pen or similar device approved  
2 by the State Board of Elections for marking a paper ballot  
3 with ink or other substance which will enable the ballot to  
4 be tabulated by automatic tabulating equipment or by an  
5 electronic scanning process.

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

9 "Redundant count" means a verification of the original  
10 computer count by another count using compatible equipment or  
11 by hand as part of a discovery recount.

12 "Security designation" means a printed designation placed  
13 on a ballot to identify to the computer program the offices  
14 and propositions for which votes may be cast and to indicate  
15 the manner in which votes cast should be tabulated while  
16 negating any inadmissible votes.

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

20 "Voting defect identification" means the capability to  
21 detect ~~overvoted~~ ballots that contain a voting defect or  
22 ~~ballots-which-cannot-be--read--by--the--automatic--tabulating~~  
23 ~~equipment.~~

24 "Voting defects" means an overvoted ballot, an undervoted  
25 ballot, or a ballot which cannot be read by the automatic  
26 tabulating equipment, or a ballot that does not contain the  
27 initials of a judge of election.

28 "Voting system" or "electronic voting system" means that  
29 combination of equipment and programs used in the casting,  
30 examination and tabulation of ballots and the cumulation and  
31 reporting of results by electronic means.

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

1           Sec.   24B-10.1.   In-Precinct   Counting   Equipment;  
2   Procedures for Counting and Tallying Ballots.  In an election  
3   jurisdiction where Precinct Tabulation Optical Scan  
4   Technology counting equipment is used, the following  
5   procedures for counting and tallying the ballots shall apply:

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

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

30       Immediately after the closing of the polls and after the  
31       insertion of absentee ballots entitled to be counted, the  
32       automatic tabulating equipment shall be locked against  
33       further processing of ballots and the vote totals shall be  
34       displayed and read.

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

31 (b) The in-precinct automatic tabulating equipment shall  
32 have the capability to identify voting defects. The election  
33 authority shall develop and implement procedures for the  
34 following:

1           (1) The equipment shall be set to automatically  
2 return to the voter any ballot that does not contain a  
3 judge's initial in the area required by this Code. If  
4 the judges of election reasonably believe that the  
5 failure to initial the ballot was due to an error by the  
6 judges and that no fraud or other irregularity has  
7 occurred affecting the integrity of the ballots, the  
8 ballot shall then be initialed by one of the judges of  
9 election and re-inserted by the voter into the automatic  
10 tabulating equipment. Otherwise, the ballot shall be  
11 marked "Spoiled Ballot", initialed by all judges  
12 immediately under the words "Spoiled Ballot", and not  
13 counted. The judges shall initial and issue a new ballot  
14 to the voter in lieu of the original "Spoiled Ballot" and  
15 the voter shall then be permitted to vote the new ballot.

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

1 original "Spoiled Ballot" and the voter shall then be  
2 permitted to vote the new ballot.

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

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

34 (c) Immediately after the closing of the polls, the

1 absentee ballots delivered to the precinct judges of election  
2 by the election authority shall be examined to determine that  
3 the ballots comply with Sections 19-9 and 20-9 of this Code  
4 and are entitled to be scanned by the Precinct Tabulation  
5 Optical Scan Technology equipment and then deposited in the  
6 ballot box; those entitled to be scanned and deposited in the  
7 ballot box shall be initialed by the precinct judges of  
8 election and then scanned and deposited in the ballot box.  
9 Those not entitled to be deposited in the ballot box shall be  
10 marked "Rejected" and disposed of as provided in said  
11 Sections 19-9 and 20-9.

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

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

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



1 beginning with number 1 and continuing consecutively for the  
2 ballots of that kind in that precinct. The "Overvoted  
3 Ballot" shall be placed in an envelope provided for that  
4 purpose labeled "Duplicate Ballot" envelope, and the judges  
5 of election shall initial the "Replacement" ballots and shall  
6 place them with the other ballots to be counted on the  
7 automatic tabulating equipment.

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

34 The totals for all candidates and propositions shall be

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

13 The judges of election shall count all unused ballots and  
14 enter the number on the "Statement of Ballots". All  
15 "Spoiled", "Defective" and "Duplicated" ballots shall be  
16 counted and the number entered on the "Statement of Ballots".

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

1 jurisdiction of the election authority have been returned to  
 2 the election authority. Ballots returned to the office of  
 3 the election authority which are not signed and sealed as  
 4 required by law shall not be accepted by the election  
 5 authority until the judges returning the ballots make and  
 6 sign the necessary corrections. Upon acceptance of the  
 7 ballots by the election authority, the judges returning the  
 8 ballots shall take a receipt signed by the election authority  
 9 and stamped with the time and date of the return. The  
 10 election judges whose duty it is to return any ballots as  
 11 provided shall, in the event the ballots cannot be found when  
 12 needed, on proper request, produce the receipt which they are  
 13 to take as above provided. The precinct judges of election  
 14 shall also deliver the Precinct Tabulation Optical Scan  
 15 Technology equipment to the election authority.

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

17 (10 ILCS 5/24B-14)

18 Sec. 24B-14. Damaged Ballots;-Duplicates. In precincts  
 19 that utilize in-precinct automatic tabulating equipment  
 20 having voting defect identification capability and in which  
 21 voters insert their ballots into the automatic tabulating  
 22 equipment, if any ballot is damaged or defective so that it  
 23 cannot properly be counted by the automatic Precinct  
 24 Tabulation Optical Scan Technology tabulating equipment, that  
 25 ballot shall be treated as a spoiled ballot as provided in  
 26 Section 24B-10.1. If any ballot is damaged or defective so  
 27 that it cannot properly be counted by the automatic Precinct  
 28 Tabulation Optical Scan Technology tabulating equipment, a  
 29 true duplicate copy shall be made of the damaged ballot in  
 30 the presence of witnesses and substituted for the damaged  
 31 ballot. Likewise, a duplicate ballot shall be made of a  
 32 defective ballot which shall not include the invalid votes.  
 33 All duplicate ballots shall be clearly labeled "Duplicate";

1 shall-bear-a-serial-number-which-shall-be-registered--on--the  
2 damaged--or-defective-ballot,-and-shall-be-counted-in-lieu-of  
3 the-damaged-or-defective-ballot.

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

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