

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 16-3, 16-6.1, 24-1, 24A-1 and 24B-2 as follows:

6 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

7 Sec. 16-3. The names of all candidates to be voted for
8 in each election district or precinct shall be printed on one
9 ballot, except as is provided in Sections 16-6.1 and 21-1.01
10 of this Act and except as otherwise provided in this Act with
11 respect to the odd year regular elections and the emergency
12 referenda; all nominations of any political party being
13 placed under the party appellation or title of such party as
14 designated in the certificates of nomination or petitions.
15 The names of all independent candidates shall be printed upon
16 the ballot in a column or columns under the heading
17 "independent" arranged under the names or titles of the
18 respective offices for which such independent candidates
19 shall have been nominated and so far as practicable, the name
20 or names of any independent candidate or candidates for any
21 office shall be printed upon the ballot opposite the name or
22 names of any candidate or candidates for the same office
23 contained in any party column or columns upon said ballot.
24 The ballot shall contain no other names, except that in cases
25 of electors for President and Vice-President of the United
26 States, the names of the candidates for President and
27 Vice-President may be added to the party designation and
28 words calculated to aid the voter in his choice of candidates
29 may be added, such as "Vote for one," "Vote for three." When
30 an electronic voting system is used which utilizes a ballot
31 label booklet, the candidates and questions shall appear on

1 the pages of such booklet in the order provided by this Code;
2 and, in any case where candidates for an office appear on a
3 page which does not contain the name of any candidate for
4 another office, and where less than 50% of the page is
5 utilized, the name of no candidate shall be printed on the
6 lowest 25% of such page. On the back or outside of the
7 ballot, so as to appear when folded, shall be printed the
8 words "Official Ballot", followed by the designation of the
9 polling place for which the ballot is prepared, the date of
10 the election and a facsimile of the signature of the election
11 authority who has caused the ballots to be printed. The
12 ballots shall be of plain white paper, through which the
13 printing or writing cannot be read. However, ballots for use
14 at the nonpartisan and consolidated elections may be printed
15 on different color paper, except blue paper, whenever
16 necessary or desirable to facilitate distinguishing between
17 ballots for different political subdivisions. In the case of
18 nonpartisan elections for officers of a political
19 subdivision, unless the statute or an ordinance adopted
20 pursuant to Article VII of the Constitution providing the
21 form of government therefor requires otherwise, the column
22 listing such nonpartisan candidates shall be printed with no
23 appellation or circle at its head. The party appellation or
24 title, or the word "independent" at the head of any column
25 provided for independent candidates, shall be printed in
26 ~~capital~~ letters not less than one-fourth of an inch in height
27 and a circle one-half inch in diameter shall be printed at
28 the beginning of the line in which such appellation or title
29 is printed, provided, however, that no such circle shall be
30 printed at the head of any column or columns provided for
31 such independent candidates. The names of candidates shall be
32 printed in ~~capital~~ letters not less than one-eighth nor more
33 than one-fourth of an inch in height, and at the beginning of
34 each line in which a name of a candidate is printed a square

1 shall be printed, the sides of which shall be not less than
 2 one-fourth of an inch in length. However, the names of the
 3 candidates for Governor and Lieutenant Governor on the same
 4 ticket shall be printed within a bracket and a single square
 5 shall be printed in front of the bracket. The list of
 6 candidates of the several parties and any such list of
 7 independent candidates shall be placed in separate columns on
 8 the ballot in such order as the election authorities charged
 9 with the printing of the ballots shall decide; provided, that
 10 the names of the candidates of the several political parties,
 11 certified by the State Board of Elections to the several
 12 county clerks shall be printed by the county clerk of the
 13 proper county on the official ballot in the order certified
 14 by the State Board of Elections. Any county clerk refusing,
 15 neglecting or failing to print on the official ballot the
 16 names of candidates of the several political parties in the
 17 order certified by the State Board of Elections, and any
 18 county clerk who prints or causes to be printed upon the
 19 official ballot the name of a candidate, for an office to be
 20 filled by the Electors of the entire State, whose name has
 21 not been duly certified to him upon a certificate signed by
 22 the State Board of Elections shall be guilty of a Class C
 23 misdemeanor.

24 When an electronic voting system is used which utilizes a
 25 ballot card, on the inside flap of each ballot card envelope
 26 there shall be printed a form for write-in voting which shall
 27 be substantially as follows:

28 WRITE-IN VOTES

29 (See card of instructions for specific information.
 30 Duplicate form below by hand for additional write-in votes.)

31 _____

32 Title of Office

33 () _____

34 Name of Candidate

1 When an electronic voting system is used which uses a
2 ballot sheet, the instructions to voters on the ballot sheet
3 shall refer the voter to the card of instructions for
4 specific information on write-in voting. Below each office
5 appearing on such ballot sheet there shall be a provision for
6 the casting of a write-in vote.

7 When such electronic system is used, there shall be
8 printed on the back of each ballot card, each ballot card
9 envelope, and the first page of the ballot label when a
10 ballot label is used, the words "Official Ballot," followed
11 by the number of the precinct or other precinct
12 identification, which may be stamped, in lieu thereof and, as
13 applicable, the number and name of the township, ward or
14 other election district for which the ballot card, ballot
15 card envelope, and ballot label are prepared, the date of the
16 election and a facsimile of the signature of the election
17 authority who has caused the ballots to be printed. The back
18 of the ballot card shall also include a method of identifying
19 the ballot configuration such as a listing of the political
20 subdivisions and districts for which votes may be cast on
21 that ballot, or a number code identifying the ballot
22 configuration or color coded ballots, except that where there
23 is only one ballot configuration in a precinct, the precinct
24 identification, and any applicable ward identification, shall
25 be sufficient. Ballot card envelopes used in punch card
26 systems shall be of paper through which no writing or punches
27 may be discerned and shall be of sufficient length to enclose
28 all voting positions. However, the election authority may
29 provide ballot card envelopes on which no precinct number or
30 township, ward or other election district designation, or
31 election date are preprinted, if space and a preprinted form
32 are provided below the space provided for the names of
33 write-in candidates where such information may be entered by
34 the judges of election. Whenever an election authority

1 utilizes ballot card envelopes on which the election date and
2 precinct is not preprinted, a judge of election shall mark
3 such information for the particular precinct and election on
4 the envelope in ink before tallying and counting any write-in
5 vote written thereon. If some method of insuring ballot
6 secrecy other than an envelope is used, such information must
7 be provided on the ballot itself.

8 In the designation of the name of a candidate on the
9 ballot, the candidate's given name or names, initial or
10 initials, a nickname by which the candidate is commonly
11 known, or a combination thereof, may be used in addition to
12 the candidate's surname. No other designation such as a title
13 or degree or nickname suggesting or implying possession of a
14 title, degree or professional status, or similar information
15 may be used in connection with the candidate's surname,
16 except that the title "Mrs." may be used in the case of a
17 married woman.

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 or Article 24A,
21 whichever is applicable.

22 Nothing in this Section shall prohibit election
23 authorities from using or reusing ballot card envelopes which
24 were printed before the effective date of this amendatory Act
25 of 1985.

26 (Source: P.A. 84-1308.)

27 (10 ILCS 5/16-6.1) (from Ch. 46, par. 16-6.1)

28 Sec. 16-6.1. In elections held pursuant to the
29 provisions of Section 12 of Article VI of the Constitution
30 relating to retention of judges in office, the form of the
31 proposition to be submitted for each candidate shall be as
32 provided in paragraph (1) or (2), as the election authority
33 may choose.

1 (1) The names of all persons seeking retention in
 2 the same office shall be listed, in the order provided in
 3 this Section, with one proposition that reads
 4 substantially as follows: "Shall each of the persons
 5 listed be retained in office as (insert name of office
 6 and court)?". To the right of each candidate's name must
 7 be places for the voter to mark "Yes" or "No". If the
 8 list of candidates for retention in the same office
 9 exceeds one page of the ballot, the proposition must
 10 appear on each page upon which the list of candidates
 11 continues.

12 (2) The form of the proposition for each candidate
 13 shall be substantially as follows:

14 _____

15 Shall (insert name	YES
16 of candidate) be retained in	
17 office as (insert name	
18 of office and Court)?	NO

19 _____

20 The names of all candidates thus submitting their names
 21 for retention in office in any particular judicial district
 22 or circuit shall appear on the same ballot which shall be
 23 separate from all other ballots voted on at the general
 24 election.

25 Propositions on Supreme Court judges, if any are seeking
 26 retention, shall appear on the ballot in the first group, for
 27 judges of the Appellate Court in the second group immediately
 28 under the first, and for circuit judges in the last group.
 29 The grouping of candidates for the same office shall be
 30 preceded by a heading describing the office and the court.
 31 If there are two or more candidates for each office, the
 32 names of such candidates in each group shall be listed in the
 33 order determined as follows: The name of the person with the
 34 greatest length of time served in the specified office of the

1 specified court shall be listed first in each group. The
2 rest of the names shall be listed in the appropriate order
3 based on the same seniority standard. If two or more
4 candidates for each office have served identical periods of
5 time in the specified office, such candidates shall be listed
6 alphabetically at the appropriate place in the order of names
7 based on seniority in the office as described. Circuit
8 judges shall be credited for the purposes of this section
9 with service as associate judges prior to July 1, 1971 and
10 with service on any court the judges of which were made
11 associate judges on January 1, 1964 by virtue of Paragraph 4,
12 subparagraphs (c) and (d) of the Schedule to Article VI of
13 the former Illinois Constitution.

14 At the top of the ballot on the same side as the
15 propositions on the candidates are listed shall be printed an
16 explanation to read substantially as follows: "Vote on the
17 proposition with respect to all or any of the judges listed
18 on this ballot. No judge listed is running against any other
19 judge. The sole question is whether each judge shall be
20 retained in his present office".

21 Such separate ballot shall be printed on paper of
22 sufficient size so that when folded once it shall be large
23 enough to contain the following words, which shall be printed
24 on the back, "Ballot for judicial candidates seeking
25 retention in office". Such ballot shall be handed to the
26 elector at the same time as the ballot containing the names
27 of other candidates for the general election and shall be
28 returned therewith by the elector to the proper officer in
29 the manner designated by this Act. All provisions of this
30 Act relating to ballots shall apply to such separate ballot,
31 except as otherwise specifically provided in this section.
32 Such separate ballot shall be printed upon paper of a green
33 color. No other ballot at the same election shall be green
34 in color.

1 In precincts in which voting machines are used, the
2 special ballot containing the propositions on the retention
3 of judges may be placed on the voting machines if such voting
4 machines permit the casting of votes on such propositions.

5 An electronic voting system authorized by Article 24A may
6 be used in voting and tabulating the judicial retention
7 ballots. When an electronic voting system is used which
8 utilizes a ballot label booklet and ballot card, there shall
9 be used in the label booklet a separate ballot label page or
10 pages as required for such proposition, which page or pages
11 for such proposition shall be of a green color separate and
12 distinct from the ballot label page or pages used for any
13 other proposition or candidates.

14 (Source: P.A. 79-201.)

15 (10 ILCS 5/24-1) (from Ch. 46, par. 24-1)

16 Sec. 24-1. The election authority in all jurisdictions
17 when voting machines are used shall, except as otherwise
18 provided in this Code, provide a voting machine or voting
19 machines for any or all of the election precincts or election
20 districts, as the case may be, for which the election
21 authority is by law charged with the duty of conducting an
22 election or elections. A voting machine or machines
23 sufficient in number to provide a machine for each 400 voters
24 or fraction thereof shall be supplied for use at all
25 elections. However, no such voting machine shall be used,
26 purchased, or adopted until the board of voting machine
27 commissioners hereinafter provided for, or a majority
28 thereof, shall have made and filed a report certifying that
29 they have examined such machine; that it affords each elector
30 an opportunity to vote in absolute secrecy; that it enables
31 each elector to vote a ticket selected in part from the
32 nominees of one party, and in part from the nominees of any
33 or all other parties, and in part from independent nominees

1 printed in the columns of candidates for public office, and
2 in part of persons not in nomination by any party or upon any
3 independent ticket; that it enables each elector to vote a
4 written or printed ballot of his own selection, for any
5 person for any office for whom he may desire to vote; that it
6 enables each elector to vote for all candidates for whom he
7 is entitled to vote, and prevents him from voting for any
8 candidate for any office more than once, unless he is
9 lawfully entitled to cast more than one vote for one
10 candidate, and in that event permits him to cast only as many
11 votes for that candidate as he is by law entitled, and no
12 more; that it prevents the elector from voting for more than
13 one person for the same office, unless he is lawfully
14 entitled to vote for more than one person therefor, and in
15 that event permits him to vote for as many persons for that
16 office as he is by law entitled, and no more; and that such
17 machine will register correctly by means of exact counters
18 every vote cast for the regular tickets thereon; and has the
19 capacity to contain the tickets of at least 5 political
20 parties with the names of all the candidates thereon,
21 together with all propositions in the form provided by law,
22 where such form is prescribed, and where no such provision is
23 made for the form thereof, then in brief form, not to exceed
24 75 words; that all votes cast on the machine on a regular
25 ballot or ballots shall be registered; that voters may, by
26 means of irregular ballots or otherwise vote for any person
27 for any office, although such person may not have been
28 nominated by any party and his name may not appear on such
29 machine; that when a vote is cast for any person for any such
30 office, when his name does not appear on the machine, the
31 elector cannot vote for any other name on the machine for the
32 same office; that each elector can, understandingly and
33 within the period of 4 minutes cast his vote for all
34 candidates of his choice; that the machine is so constructed

1 that the candidates for presidential electors of any party
2 can be voted for only by voting for the ballot label
3 containing a bracket within which are the names of the
4 candidates for President and Vice-President of the party or
5 group; that the machine is provided with a lock or locks by
6 the use of which any movement of the voting or registering
7 mechanism is absolutely prevented so that it cannot be
8 tampered with or manipulated for any purpose; that the
9 machine is susceptible of being closed during the progress of
10 the voting so that no person can see or know the number of
11 votes registered for any candidate; that each elector is
12 permitted to vote for or against any question, proposition or
13 amendment upon which he is entitled to vote, and is prevented
14 from voting for or against any question, proposition or
15 amendment upon which he is not entitled to vote; that the
16 machine is capable of adjustment by the election authority,
17 so as to permit the elector, at a party primary election, to
18 vote only for the candidates seeking nomination by the
19 political party in which primary he is entitled to vote:
20 Provided, also that no such machine or machines shall be
21 purchased, unless the party or parties making the sale shall
22 guarantee in writing to keep the machine or machines in good
23 working order for 5 years without additional cost and shall
24 give a sufficient bond conditioned to that effect. However,
25 in no case shall a voting machine be authorized by the State
26 Board of Elections or used by an election authority to detect
27 undervoted ballots or ballots that do not contain the
28 initials of a judge of election. Undervoted ballots are
29 ballots in which the voter does not vote for any candidate
30 for an office.

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

32 (10 ILCS 5/24A-1) (from Ch. 46, par. 24A-1)

33 Sec. 24A-1. The purpose of this Article is to authorize

1 the use of voting systems approved by the State Board of
2 Elections in which the voter records his votes by means of
3 marking or punching a ballot or one or more ballot cards,
4 which are so designed that votes will be counted by data
5 processing machines at one or more counting places.
6 Notwithstanding any other provision of law to the contrary,
7 no voting system shall be authorized by the State Board of
8 Elections or used by an election authority to detect
9 undervoted ballots or ballots that do not contain the
10 initials of a judge of election. Undervoted ballots are
11 ballots in which the voter does not vote for any candidate
12 for an office.

13 (Source: P.A. 84-862.)

14 (10 ILCS 5/24B-2)

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

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

21 "Ballot" means paper ballot sheets.

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

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

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

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

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

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

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

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

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

34 "Precinct Tabulation Optical Scan Technology" means the

1 capability to examine a ballot through electronic means and
2 tabulate the votes at one or more counting places.

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

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

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

14 "Voting defect identification" means the capability to
15 detect overvoted ballots or ballots which cannot be read by
16 the automatic tabulating equipment. In no case shall the
17 voting defect identification be enabled to detect undervoted
18 ballots or ballots that do not contain the initials of a
19 judge of election.

20 "Voting defects" means an overvoted ballot, or a ballot
21 which cannot be read by the automatic tabulating equipment.

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

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