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ATTORNEY GENERAL  
STATE OF ILLINOIS

June 9, 1994

FILE NO. 94-013

ELECTIONS:  
Ballot Sheet Format for Optical  
Scan Tabulating Equipment

Mr. David E. Murray  
Chairman  
State Board of Elections  
1020 South Spring Street  
Springfield, Illinois 62708

Dear Mr. Murray:

The State Board of Elections has inquired whether a ballot sheet format which requires the voter to complete an arrow pointing toward the candidate for whom he or she desires to vote meets the requirements set forth in section 24A-2 of the Election Code (10 ILCS 5/24A-2 (West 1992)). For the reasons hereinafter stated, it is my opinion that the format described meets the requirements thereof.

Section 24A-2 of the Election Code provides, in part:

" \* \* \*

'Ballot sheet' means a paper ballot  
printed on one or both sides which is (1)

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

\* \* \*

"

(Emphasis added.)

The sample ballot sheets that have been submitted, copies of which are included as an appendix to this opinion, provide a vertical listing of choices with an arrow approximately three-quarters of an inch to the left of each choice. The pointed one-third of the arrow points to the candidate's name or proposition answer, the middle one-third of the arrow is blank, and the last one-third of the arrow has a blunt end. The voter is instructed to complete the arrows pointing to his or her choices, by filling in the middle one-third of such arrows with a pencil or marking pen. Thus, the area in which the voters' mark is made is bounded on the left and right by the leading and trailing portions of the arrow. There is, however, no line or other printed boundary on the top and bottom of the specific area to be marked. The issue, therefore, is whether the middle one-third of the arrows constitute "designated areas, which must be enclosed areas clearly printed or otherwise delineated" on the ballot sheets.

Mr. David E. Murray - 3.

The purpose of statutory construction is to ascertain the intent of the General Assembly and give it effect, examining the entire statute for guidance, and determining the objective which the statute sought to accomplish and the evil it was desired to remedy. (City of Springfield v. Board of Election Commissioners (1985), 105 Ill. 2d 336, 341.) The language of a statute will normally be given its ordinary meaning. Potts v. Industrial Commission (1980), 83 Ill. 2d 48, 51.

The language of section 24A-2 requires that votes are to be indicated in (a) designated areas, which must be (b) enclosed areas that are (c) clearly printed or otherwise delineated. Taking these words in their ordinary sense, it is my opinion that the space between the two parts of each arrow on the proposed ballot sheets is a designated area, which is enclosed by the two ends of the arrow, and which is clearly delineated, even though the top and bottom of that designated area is not enclosed by printing. The area, in this instance, is delineated by the two ends of the arrow.

This construction of the section is consistent with the apparent intent of the General Assembly, as it may be inferred from the legislative history of the section. The language at issue was added by Public Act 81-1433, effective September 3, 1980. The only reference to the provision during the floor debates on House Bill 3229, which became the Act, occurred when

Mr. David E. Murray - 4.

it was added as an amendment, having previously been passed as a separate bill (Senate Bill 1893) in the Senate. (Remarks of Sen. Wooten, June 24, 1980, Senate Debate on House Bill 3229, at 73.) Senate Bill 1893 was debated and amended in the House prior to the incorporation of its provisions in House Bill 3229. Those House debates indicate a concern that optical scanning tabulation equipment would read any marks on ballot sheets, including identifying and extraneous marks, which could compromise the integrity of an election. (Remarks of Reps. Darrow and Collins, June 20, 1980, House Debate on Senate Bill 1893, at 96-98.) The purpose of the provision was, therefore, to permit votes to be cast only by the placement of particular marks in specifically delineated spaces which would be exclusively read by the optical scanners. The proposed system requiring the voter to complete an arrow by connecting two fixed points with a straight line appears to meet this purpose.

Consequently, it is my opinion that the proposed ballot sheet form meets the requirements of section 24A-2 of the Election Code.

Respectfully yours,

A handwritten signature in cursive script, reading "Roland W. Burris".

ROLAND W. BURRIS  
ATTORNEY GENERAL

# OPTECH IV-C

## BOARD OF ELECTION COMMISSIONERS

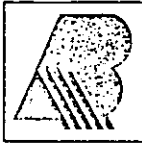
### CITY OF PEORIA, IL

#### DEMONSTRATION BALLOT

TO VOTE, COMPLETE THE ARROW(S) POINTING TO YOUR CHOICE(S), LIKE THIS:

STRAIGHT PARTY	STATE OFFICES	NONPARTISAN OFFICES
<p>To vote a Straight Party Ticket, complete the arrow pointing to the Party of your choice. (Vote for One)</p>	<p>STATE SENATOR 37th DISTRICT (Vote for One)</p>	<p>BOARD OF EDUCATION (Vote for One)</p>
<p>2. VIRGINIA PARTY</p> <p>4. OHIO PARTY</p> <p>6. OREGON PARTY</p>	<p>30. FLORENCE NIGHTINGALE VA</p> <p>32. HENRY FORD OH</p> <p>34. FRANCIS SCOTT KEY OR</p>	<p>60. BOOKER T. WASHINGTON</p> <p>62. ALBERT EINSTEIN</p> <p>64. THOMAS A. EDISON</p> <p>66. HELEN KELLER</p>
<p>PRESIDENT &amp; VICE PRESIDENT (Vote for One Pair)</p>	<p>MEMBER OF STATE LEGISLATURE 3rd DISTRICT (Vote for One)</p>	<p>(WRITE IN IF ANY)</p>
<p>12. ZACHARY TAYLOR and MILLARD FILLMORE VA</p> <p>14. WM. H. HARRISON and JOHN TYLER OH</p> <p>16. JAMES MONROE and DANIEL D. THOMPSON OR</p>	<p>36. SUSAN B. ANTHONY VA</p> <p>38. MAMIE EISENHOWER OH</p> <p>40. ELEANOR ROOSEVELT OR</p>	<p>DIRECTOR OF RECREATION (Vote for Two)</p> <p>68. LEROY "SATCHEL" PAIGE</p> <p>70. HAROLD "RED" GRANGE</p> <p>72. JOHN WEISSMULLER</p> <p>74. KNUTE ROCKNE</p> <p>76. WILLIAM DEMPSEY</p> <p>78. GEORGE RUTH</p> <p>80. MILDRED ZAHARIAS</p>
<p>U.S. SENATOR (Vote for One)</p>	<p>STATE TREASURER (Vote for One)</p>	<p>(WRITE IN IF ANY)</p>
<p>20. EVERETT DIRKSEN VA</p> <p>22. DOLLY MADISON OH</p> <p>24. JOHN HANCOCK OR</p>	<p>42. CORNELIUS VANDERBILT VA</p> <p>44. J. PAUL GETTY OH</p> <p>46. NELSON ROCKEFELLER OR</p>	<p>(WRITE IN IF ANY)</p>
<p>(WRITE IN IF ANY)</p>	<p>ASSOCIATE JUSTICE OF SUPREME COURT (Vote for One)</p>	<p>DIRECTOR OF ENTERTAINMENT (Vote for Three)</p>
<p>(WRITE IN IF ANY)</p>	<p>48. LEARNED HAND VA</p> <p>50. CLARENCE DARROW OH</p> <p>52. JOHN MARSHALL OR</p>	<p>84. CAROLE LOMBARD</p> <p>86. GEORGE JESSEL</p> <p>88. BILLY ROSE</p> <p>90. KATHRYN SMITH</p> <p>92. ISADORA DUNCAN</p> <p>94. EDWARD ELLINGTON</p>
<p>(WRITE IN IF ANY)</p>	<p>(WRITE IN IF ANY)</p>	<p>(WRITE IN IF ANY)</p>

CONTINUE VOTING ON OTHER SIDE



# EAGLE / OPTECH IV-C

## Famous Names / 100

### Demonstration Ballot

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TO VOTE: Complete the arrow(s) pointing to your choice(s), like this .  
Mark with a #2 pencil or marking pen provided (NO RED INK).

### STRAIGHT PARTY

To vote a Straight Party Ticket, complete the arrow pointing to the Party of your choice.

**STRAIGHT PARTY**  
(Vote for ONE)

VIRGINIA PARTY

OHIO PARTY

OREGON PARTY

NEW YORK PARTY

...

**PRESIDENT AND VICE PRESIDENT**  
(Vote for ONE)

ZACHARY TAYLOR and  
MILANO FILMORE VIRGINIA

WILLIAM HENRI HARRISON and  
RUTLAND B. STEVENSON OHIO

CHESTER A. ARTHUR and  
THOMAS A. HENDRICKS OREGON

THEODORE ROOSEVELT and  
CHARLES W. FAIRBANKS NEW YORK

...

**U.S. SENATOR**  
(Vote for ONE)

EVERETT DIRKSEN VIRGINIA

CHARLES CURTIS OHIO

JOHN HANCOCK OHIO

NELSON W. ALDRICH NEW YORK

...

**U.S. REPRESENTATIVE**  
(Vote for ONE)

WILLIAM WILSON VIRGINIA

ROBERT LAFOLLETTE OHIO

W. C. REDFIELD OREGON

JAMES WADSWORTH NEW YORK

### STATE OFFICES

**STATE SENATOR**  
37th DISTRICT  
(Vote for ONE)

FLORENCE NIGHTINGALE VIRGINIA

ANDREW CARNEGIE OHIO

FRANCIS SCOTT KEY OHIO

WILLIAM B. HEARST CALIFORNIA

...

**MEMBER OF STATE LEGISLATURE**  
3rd DISTRICT  
(Vote for ONE)

SUSAN B. ANTHONY VIRGINIA

MARIE LISE BROWER OHIO

ELEANOR ROOSEVELT VIRGINIA

DOLLY MADISON NEW YORK

...

**STATE TREASURER**  
(Vote for ONE)

CORNELIUS VANDERBILT VIRGINIA

J. PAUL GETTY OHIO

JOHN D. ROCKEFELLER VIRGINIA

JOHN P. MORGAN NEW YORK

...

**ASSOCIATE JUSTICE**  
of the SUPREME COURT  
(Vote for ONE)

LEARNED HAND VIRGINIA

CLARENCE DARROW OHIO

JOHN MARSHALL OHIO

JOHN JAY NEW YORK

### NONPARTISAN OFFICES

**BOARD OF EDUCATION**  
(Vote for ONE)

BOOKER T. WASHINGTON

ALBERT EINSTEIN

THOMAS A. EDISON

HELEN KELLER

JOHN DEWEY

...

**DIRECTOR OF RECREATION**  
(Vote for ONE)

LEROY 'SATCHEL' PAIGE

HAROLD 'RED' GRANGE

JOHN WEISSMULLER

KNUTE ROCKNE

WILLIAM DEMPSEY

GEORGE RUTH

MILDRED ZAHARIAS

...

**DIRECTOR OF ENTERTAINMENT**  
(Vote for ONE)

CAROLE LOMBARDO

GEORGE JESSEL

BILLY ROSE

KATHRYN SMITH

ISADORA DUNCAN

EDWARD ELLINGTON

...

**DIRECTOR OF TRANSPORTATION**  
(Vote for ONE)

HENRY FORD

RANSOM E. OLDS

VOTE BOTH SIDES