SB2222

SYNOPSIS AS INTRODUCED:

Amends the Election Code. Provides that only voting machines or voting systems approved by the State Board of Elections, as allowed under this Code, may be used by an election authority. Repeals the Direct Recording Electronic Voting Systems Article. Makes conforming changes. Provides that a "voting machine", "voting system", or "electronic voting system" does not mean a direct recording electronic voting machine or system or a machine or system that uses a computer as the marking device to mark a ballot sheet. Effective January 1, 2026.

A BILL FOR

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 17-11, 18A-218.20, 19A-25.5, 23-50, 24A-2, 24A-16,

6   24B-2, and 24B-9.1 and by adding Sections 1-26 and 24-0.5 as

7   follows:

8   (10 ILCS 5/1-26 new)

9   Sec. 1-26. Voting machines and voting systems. Only voting

10   machines or voting systems approved by the State Board of

11   Elections, as allowed under this Code, may be used by an

12   election authority.

13   (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

14   Sec. 17-11. On receipt of his ballot the voter shall

15   forthwith, and without leaving the inclosed space, retire

16   alone, or accompanied by children as provided in Section 17-8,

17   to one of the voting booths so provided and shall prepare his

18   ballot by making in the appropriate margin or place a cross (X)

19   opposite the name of the candidate of his choice for each

20   office to be filled, or by writing in the name of the candidate

21   of his choice in a blank space on said ticket, making a cross

22   (X) opposite thereto; and in case of a question submitted to

1   the vote of the people, by making in the appropriate margin or

2   place a cross (X) against the answer he desires to give. A

3   cross (X) in the square in front of the bracket enclosing the

4   names of a team of candidates for Governor and Lieutenant

5   Governor counts as one vote for each of such candidates.

6   Before leaving the voting booth the voter shall fold his

7   ballot in such manner as to conceal the marks thereon. He shall

8   then vote forthwith in the manner herein provided, except that

9   the number corresponding to the number of the voter on the poll

10   books shall not be indorsed on the back of his ballot. He shall

11   mark and deliver his ballot without undue delay, and shall

12   quit said inclosed space as soon as he has voted; except that

13   immediately after voting, the voter shall be instructed

14   whether the voting equipment, if used, accepted or rejected

15   the ballot or identified the ballot as under-voted for a

16   statewide constitutional office. A voter whose ballot is

17   identified as under-voted may return to the voting booth and

18   complete the voting of that ballot. A voter whose ballot is not

19   accepted by the voting equipment may, upon surrendering the

20   ballot, request and vote another ballot. The voter's

21   surrendered ballot shall be initialed by the election judge

22   and handled as provided in the appropriate Article governing

23   that voting equipment.

24   No voter shall be allowed to occupy a voting booth already

25   occupied by another, nor remain within said inclosed space

26   more than ten minutes, nor to occupy a voting booth more than

1   five minutes in case all of said voting booths are in use and

2   other voters waiting to occupy the same. No voter not an

3   election officer, shall, after having voted, be allowed to

4   re-enter said inclosed space during said election. No person

5   shall take or remove any ballot from the polling place before

6   the close of the poll. No voter shall vote or offer to vote any

7   ballot except such as he has received from the judges of

8   election in charge of the ballots. Any voter who shall, by

9   accident or mistake, spoil his ballot, may, on returning said

10   spoiled ballot, receive another in place thereof only after

11   the word "spoiled" has been written in ink diagonally across

12   the entire face of the ballot returned by the voter.

13   Where voting machines or electronic voting systems are

14   used, the provisions of this section may be modified as

15   required or authorized by Article 24, 24A, or 24B, or 24C,

16   whichever is applicable, except that the requirements of this

17   Section that (i) the voter must be notified of the voting

18   equipment's acceptance or rejection of the voter's ballot or

19   identification of an under-vote for a statewide constitutional

20   office and (ii) the voter shall have the opportunity to

21   correct an under-vote or surrender the ballot that was not

22   accepted and vote another ballot shall not be modified.

23   (Source: P.A. 94-288, eff. 1-1-06; 95-699, eff. 11-9-07.)

24   (10 ILCS 5/18A-218.20)

25   Sec. 18A-218.20. Counting procedures for provisional

1   ballots cast in an incorrect precinct within the same election

2   authority's jurisdiction.

3   (a) The election authority shall:

4   (1) transmit to the State Board of Elections the

5   provisional voter's identifying information and voting

6   jurisdiction within 2 calendar days. Following that, and

7   subject to paragraph (2) below, if the election authority

8   having jurisdiction over the provisional voter determines

9   that the voter has cast a provisional ballot in an

10   incorrect precinct, the ballot shall still be counted

11   using the procedures established in subsection (b) of this

12   Section or Section 18A-218.30 if applicable. Jurisdictions

13   that use election machines authorized pursuant to Article

14   24C of this Code for casting provisional ballots may vary

15   procedures of this Section and Section 18A-218.30 as

16   appropriate for the counting of provisional ballots cast

17   on those machines.

18   (2) determine whether the voter was entitled to cast a

19   provisional ballot. The voter is entitled to cast a

20   provisional ballot if:

21   (A) the affidavit executed by the voter contains,

22   at a minimum, the provisional voter's first and last

23   name, house number and street name, and signature or

24   mark;

25   (B) the provisional voter is a registered voter

26   based on information available to the county clerk or

1   board of election commissioners provided by or

2   obtained from the provisional voter, an election

3   judge, the Statewide voter registration database

4   maintained by the State Board of Elections, the

5   records of the county clerk or board of election

6   commissioners' database, or the records of the

7   Secretary of State or the voter is attempting to

8   register but lacks the necessary documentation; and

9   (C) the provisional voter did not vote using the

10   vote by mail ballot and did not vote during the period

11   for early voting.

12   (b) Once it has been determined by the election authority

13   that the voter was entitled to vote a provisional ballot, even

14   though it had been cast in an incorrect precinct, the election

15   authority shall select a team or teams of 2 duly commissioned

16   election judges, one from each of the two leading established

17   political parties in Illinois, to count the votes that are

18   eligible to be cast on the provisional ballot. In those

19   jurisdictions that use election officials as defined in

20   subsection (h) of Section 18A-15 of this Code, these duties

21   may be performed by those election officials.

22   (1) Votes cast for Statewide offices, the Office of

23   President of the United States (including votes cast in

24   the Presidential Preference Primary), and United States

25   Senate shall be counted on all provisional ballots cast in

26   the incorrect precinct.

1   (2) Votes cast for Representative in Congress,
2   delegate or alternate delegate to a national nominating
3   convention, State Senator, State Representative, or
4   countywide, citywide, villagewide, or township office
5   shall be counted if it is determined by the election
6   judges or officials that the voter would have been
7   entitled to vote for one or more of these offices had the
8   voter voted in the precinct in which he or she is
9   registered to vote (the correct precinct) and had the
10   voter voted a ballot of the correct ballot style
11   containing all the offices and candidates for which the
12   voter was entitled to cast a ballot (the correct ballot
13   style). This determination shall be made by comparing a
14   sample ballot of the correct ballot style with the actual
15   provisional ballot cast by the voter. If the same office
16   (including the same district number for a Congressional,
17   Legislative or Representative district) appears on both
18   the correct ballot style sample ballot and the provisional
19   ballot cast by the voter, votes for that office shall be
20   counted. All votes cast for any remaining offices (offices
21   for which the voter would not have been entitled to vote
22   had he or she voted in the correct precinct) shall not be
23   counted.

24   (3) No votes shall be counted for an office when the
25   voter voted for more candidates than he or she was
26   allowed.

1   (4) Once it has been determined which offices are to

2   be counted and the provisional ballot contains no other

3   votes, the provisional ballot shall be counted pursuant to

4   the procedures set forth in this subsection (b).

5   (5) If a provisional ballot does not contain any valid

6   votes, the provisional ballot shall be marked invalid and

7   shall not be counted.

8   (6) Any provisional voting verification system

9   established by an election authority shall inform the

10   provisional voter that his or her provisional ballot was

11   partially counted because it was cast in an incorrect

12   precinct.

13   (7) If a provisional ballot only contains votes cast

14   for eligible offices, and does not contain any votes cast

15   for ineligible offices, the ballot may be tabulated

16   without having to be remade.

17   (8) If a provisional ballot contains both valid votes

18   that must be counted and invalid votes that cannot be

19   counted, : (A) the election judges, consisting in each

20   case of at least one of each of the 2 leading political

21   parties, shall, if the provisional ballot was cast on a

22   paper ballot sheet, proceed to remake the voted ballot

23   onto a blank ballot that includes all of the offices for

24   which valid votes were cast, transferring only valid

25   votes. The original provisional ballot shall be marked

26   "Original Provisional Ballot" with a serial number

1   commencing at "1" and continuing consecutively for ballots

2   of that kind in the precinct. The duplicate provisional

3   ballot shall be marked "Duplicate Provisional Ballot" and

4   be given the same serial number as the original ballot

5   from which it was duplicated. The duplicate provisional

6   ballot shall then be treated in the same manner as other

7   provisional ballots.

8   ~~(B) if the provisional ballot was cast on a direct~~

9   ~~recording electronic voting device, the election~~

10   ~~judges shall mark the original provisional ballot as a~~

11   ~~partially counted defective electronic provisional~~

12   ~~ballot because it was cast in the incorrect precinct~~

13   ~~(or bear some similar notation) and proceed to either:~~

14   ~~(i) remake the voted ballot by transferring~~

15   ~~all valid votes to a duplicate paper ballot sheet~~

16   ~~of the correct ballot style, marking the duplicate~~

17   ~~ballot "Duplicate Electronic Provisional Ballot"~~

18   ~~and then counting the duplicate provisional ballot~~

19   ~~in the same manner as the other provisional~~

20   ~~ballots marked on paper ballot sheets; or~~

21   ~~(ii) transfer, or cause to be transferred, all~~

22   ~~valid votes electronically to the correct~~

23   ~~precinct, which shall be counted and added to the~~

24   ~~vote totals for the correct precinct, excluding~~

25   ~~any votes that cannot be counted. If this method~~

26   ~~is used, a permanent paper record must be~~

1

2

3

~~generated for both the defective provisional~~
~~ballot and the duplicate electronic provisional~~
~~ballot.~~

4   (c) For provisional ballots cast at a partisan primary

5 election, the judges shall use a duplicate ballot of the

6 correct ballot style for the same political party as the

7 ballot chosen by the voter.

8   (d) At least one qualified pollwatcher for each candidate,

9 political party, and civic organization, as authorized by

10 Section 17-23 of this Code, shall be permitted to observe the

11 ballot remaking process.

12 (Source: P.A. 98-1171, eff. 6-1-15.)

13   (10 ILCS 5/19A-25.5)

14   Sec. 19A-25.5. Voting machines, automatic tabulating

15 equipment, and precinct tabulation optical scan technology

16 voting equipment.

17   (a) In all jurisdictions in which voting machines are

18 used, the provisions of this Code that are not inconsistent

19 with this Article relating to the furnishing of ballot boxes,

20 printing and furnishing ballots and supplies, the canvassing

21 of ballots, and the making of returns, apply with full force

22 and effect to the extent necessary to make this Article

23 effective, provided that the number of ballots to be printed

24 shall be in the discretion of the election authority, and

25 provided further that early ballots shall not be counted until

1   after the polls are closed on election day.

2   (b) If the election authority has adopted the use of

3   automatic tabulating equipment under Article 24A of this Code,

4   and the provisions of that Article are in conflict with the

5   provisions of this Article 19A, the provisions of Article 24A

6   shall govern the procedures followed by the election

7   authority, its judges of election, and all employees and

8   agents; provided that early ballots shall be counted at the

9   election authority's central ballot counting location and

10   shall not be counted until after the polls are closed on

11   election day.

12   (c) If the election authority has adopted the use of

13   tabulation optical scan technology voting equipment under

14   Article 24B of this Code, and the provisions of that Article

15   are in conflict with the provisions of this Article 19A, the

16   provisions of Article 24B shall govern the procedures followed

17   by the election authority, its judges of election, and all

18   employees and agents; provided that early ballots shall be

19   counted at the election authority's central ballot counting

20   location and shall not be counted until after the polls are

21   closed on election day.

22   (d) (Blank). If the election authority has adopted the use

23   of Direct Recording Electronic Voting Systems under Article

24   24C of this Code, and the provisions of that Article are in

25   conflict with the provisions of this Article 19A, the

26   provisions of Article 24C shall govern the procedures followed

1   ~~by the election authority, its judges of election, and all~~

2   ~~employees and agents; provided that early ballots shall be~~

3   ~~counted at the election authority's central ballot counting~~

4   ~~location and shall not be counted until after the polls are~~

5   ~~closed on election day.~~

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

7   (10 ILCS 5/23-50)

8   Sec. 23-50. Definition of a vote. For the purpose of any

9   recount of votes under this Code, a vote is defined as provided

10 in Sections 7-100, 17-100, 18-100, 24A-22, <u>or</u> 24B-9.1, ~~or~~

11 ~~24C-10,~~ depending upon the type of voting equipment or system

12 used to cast the vote.

13 (Source: P.A. 94-645, eff. 8-22-05.)

14   (10 ILCS 5/24-0.5 new)

15   <u>Sec. 24-0.5. Definition. As used in this Article, "voting</u>

16 <u>machine" does not mean a direct recording electronic voting</u>

17 <u>machine or a machine that uses a computer as the marking device</u>

18 <u>to mark a ballot sheet.</u>

19   (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)

20   Sec. 24A-2. As used in this Article:

21   "Computer",   "Automatic   tabulating   equipment"   or

22 "equipment" includes apparatus necessary to automatically

23 examine and count votes as designated on ballots, and data

1 processing machines which can be used for counting ballots and

2 tabulating results.

3   "Ballot card" means a ballot which is voted by the process

4 of punching.

5   "Ballot configuration" means the particular combination of

6 political subdivision ballots including, for each political

7 subdivision, the particular combination of offices, candidate

8 names and ballot position numbers for each candidate and

9 question as it appears for each group of voters who may cast

10 the same ballot.

11   "Ballot labels" means the cards, papers, booklet, pages or

12 other material containing the names of officers and candidates

13 and statements of measures to be voted on.

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

15 sides which is (1) designed and prepared so that the voter may

16 indicate his or her votes in designated areas, which must be

17 enclosed areas clearly printed or otherwise delineated for

18 such purpose, and (2) capable of having votes marked in the

19 designated areas automatically examined, counted, and

20 tabulated by an electronic scanning process.

21   "Ballot" may include ballot cards, ballot labels and paper

22 ballots.

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

24 separate portion of the ballot sheet in which the color of the

25 ink used in printing that portion of the ballot sheet is

26 distinct from the color of the ink used in printing any other

1   portion of the ballot sheet.

2   "Column" in an electronic voting system which utilizes a

3   ballot card means a space on a ballot card for punching the

4   voter's vote arranged in a row running lengthwise on the

5   ballot card.

6   "Central Counting" means the counting of ballots in one or

7   more locations selected by the election authority for the

8   processing or counting, or both, of ballots. A location for

9   central counting shall be within the territorial jurisdiction

10   of such election authority unless there is no suitable

11   tabulating equipment available within his territorial

12   jurisdiction. However, in any event a counting location shall

13   be within this State.

14   "In-precinct counting" means the counting of ballots on

15   automatic tabulating equipment provided by the election

16   authority in the same precinct polling place in which those

17   ballots have been cast.

18   "Computer operator" means any person or persons designated

19   by the election authority to operate the automatic tabulating

20   equipment during any portion of the vote tallying process in

21   an election, but shall not include judges of election

22   operating vote tabulating equipment in the precinct.

23   "Computer program" or "program" means the set of operating

24   instructions for the automatic tabulating equipment by which

25   it examines, counts, tabulates, canvasses and prints votes

26   recorded by a voter on a ballot card or other medium.

1   "Edit listing" means a computer generated listing of the

2   names and ballot position numbers for each candidate and

3   proposition as they appear in the program for each precinct.

4   "Voting System" or "Electronic Voting System" means that

5   combination of equipment and programs used in the casting,

6   examination and tabulation of ballots and the cumulation and

7   reporting of results by electronic means. "Voting System" or

8   "Electronic Voting System" does not mean a direct recording

9   electronic voting system or a system that uses a computer as

10 the marking device to mark a ballot sheet.

11   "Header card" means a data processing card which is coded

12 to indicate to the computer the precinct identity of the

13 ballot cards that will follow immediately and may indicate to

14 the computer how such ballot cards are to be tabulated.

15   "Marking device" means either an apparatus in which

16 ballots or ballot cards are inserted and used in connection

17 with a punch apparatus for the piercing of ballots by the

18 voter, or any approved device for marking a paper ballot with

19 ink or other substance which will enable the ballot to be

20 tabulated by means of automatic tabulating equipment or by an

21 electronic scanning process.

22   "Redundant count" means a verification of the original

23 computer count by another count using compatible equipment or

24 by hand as part of a discovery recount.

25   "Security punch" means a punch placed on a ballot card to

26 identify to the computer program the offices and propositions

1   for which votes may be cast and to indicate the manner in which

2   votes cast should be tabulated while negating any inadmissible

3   votes.

4   (Source: P.A. 95-331, eff. 8-21-07.)

5   (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

6   Sec. 24A-16. The State Board of Elections shall approve

7   all voting systems provided by this Article.

8   No voting system shall be approved unless it fulfills the

9   following requirements:

10   (1) It enables a voter to vote in absolute secrecy;

11   (2) (Blank);

12   (3) It enables a voter to vote a ticket selected in

13   part from the nominees of one party, and in part from the

14   nominees of any or all parties, and in part from

15   independent candidates and in part of candidates whose

16   names are written in by the voter;

17   (4) It enables a voter to vote a written or printed

18   ticket of his own selection for any person for any office

19   for whom he may desire to vote;

20   (5) It will reject all votes for an office or upon a

21   proposition when the voter has cast more votes for such

22   office or upon such proposition than he is entitled to

23   cast;

24   (5.5) It will identify when a voter has not voted for

25   all statewide constitutional offices;

1   (6) It will accommodate all propositions to be
2   submitted to the voters in the form provided by law or,
3   where no such form is provided, then in brief form, not to
4   exceed 75 words;

5   (7) It will accommodate the tabulation programming
6   requirements of Sections 24A-6.2, and 24B-6.2~~, and~~
7   ~~24C-6.2~~.

8   The State Board of Elections shall not approve any voting
9   equipment or system that includes an external Infrared Data
10   Association (IrDA) communications port.

11   The State Board of Elections is authorized to withdraw its
12   approval of a voting system if the system fails to fulfill the
13   above requirements.

14   The vendor, person, or other private entity shall be
15   solely responsible for the production and cost of: all
16   application fees; all ballots; additional temporary workers;
17   and other equipment or facilities needed and used in the
18   testing of the vendor's, person's, or other private entity's
19   respective equipment and software.

20   Any voting system vendor, person, or other private entity
21   seeking the State Board of Elections' approval of a voting
22   system shall, as part of the approval application, submit to
23   the State Board a non-refundable fee. The State Board of
24   Elections by rule shall establish an appropriate fee
25   structure, taking into account the type of voting system
26   approval that is requested (such as approval of a new system, a

1   modification   of   an   existing   system,   the   size   of   the

2   modification, etc.). No voting system or modification of a

3   voting system shall be approved unless the fee is paid.

4   No vendor, person, or other entity may sell, lease, or

5   loan, or have a written contract, including a contract

6   contingent upon State Board approval of the voting system or

7   voting system component, to sell, lease, or loan, a voting

8   system or voting system component to any election jurisdiction

9   unless the voting system or voting system component is first

10 approved by the State Board of Elections pursuant to this

11 Section.

12 (Source: P.A. 98-115, eff. 7-29-13; 98-756, eff. 7-16-14.)

13   (10 ILCS 5/24B-2)

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

15   "Computer",   "automatic   tabulating   equipment"   or

16 "equipment" includes apparatus necessary to automatically

17 examine and count votes as designated on ballots, and data

18 processing machines which can be used for counting ballots and

19 tabulating results.

20   "Ballot" means paper ballot sheets.

21   "Ballot configuration" means the particular combination of

22 political subdivision ballots including, for each political

23 subdivision, the particular combination of offices, candidate

24 names and questions as it appears for each group of voters who

25 may cast the same ballot.

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

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

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

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

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

1   program for each precinct.

2   "Header sheet" means a data processing document which is

3   coded to indicate to the computer the precinct identity of the

4   ballots that will follow immediately and may indicate to the

5   computer how such ballots are to be tabulated.

6   "In-precinct counting" means the counting of ballots on

7   automatic tabulating equipment provided by the election

8   authority in the same precinct polling place in which those

9   ballots have been cast.

10   "Marking device" means a pen, computer, or other device

11 approved by the State Board of Elections for marking, or

12 causing to be marked, a paper ballot with ink or other

13 substance which will enable the ballot to be tabulated by

14 automatic tabulating equipment or by an electronic scanning

15 process.

16   "Precinct Tabulation Optical Scan Technology" means the

17 capability to examine a ballot through electronic means and

18 tabulate the votes at one or more counting places.

19   "Redundant count" means a verification of the original

20 computer count by another count using compatible equipment or

21 by hand as part of a discovery recount.

22   "Security designation" means a printed designation placed

23 on a ballot to identify to the computer program the offices and

24 propositions for which votes may be cast and to indicate the

25 manner in which votes cast should be tabulated while negating

26 any inadmissible votes.

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

2   separate portion of the ballot sheet which is clearly defined

3   by a border or borders or shading.

4   "Specimen ballot" means a representation of names of

5   offices and candidates and statements of measures to be voted

6   on which will appear on the official ballot or marking device

7   on election day. The specimen ballot also contains the party

8   and position number where applicable.

9   "Voting defect identification" means the capability to

10   detect overvoted ballots or ballots which cannot be read by

11   the automatic tabulating equipment.

12   "Voting defects" means an overvoted ballot, or a ballot

13   which cannot be read by the automatic tabulating equipment.

14   "Voting system" or "electronic voting system" means that

15   combination of equipment and programs used in the casting,

16   examination and tabulation of ballots and the cumulation and

17   reporting of results by electronic means. "Voting System" or

18   "Electronic Voting System" does not mean a direct recording

19   electronic voting system or a system that uses a computer as

20   the marking device to mark a ballot sheet.

21   (Source: P.A. 93-574, eff. 8-21-03.)

22   (10 ILCS 5/24B-9.1)

23   Sec. 24B-9.1. Examination of votes by electronic Precinct

24   Tabulation Optical Scan Technology Scanning Process or other

25   authorized electronic process; definition of a vote.

1   (a) Whenever a Precinct Tabulation Optical Scan Technology

2   process is used to automatically examine and count the votes

3   on ballot sheets, the provisions of this Section shall apply.

4   A voter shall cast a proper vote on a ballot sheet by making a

5   mark, or causing a mark to be made, in the designated area for

6   the casting of a vote for any party or candidate or for or

7   against any proposition. For this purpose, a mark is an

8   intentional darkening of the designated area on the ballot,

9   and not an identifying mark.

10   (b) For any ballot sheet that does not register a vote for

11   one or more ballot positions on the ballot sheet on an

12   electronic Precinct Tabulation Optical Scan Technology

13   Scanning Process, the following shall constitute a vote on the

14   ballot sheet:

15   (1) the designated area for casting a vote for a

16   particular ballot position on the ballot sheet is fully

17   darkened or shaded in;

18   (2) the designated area for casting a vote for a

19   particular ballot position on the ballot sheet is

20   partially darkened or shaded in;

21   (3) the designated area for casting a vote for a

22   particular ballot position on the ballot sheet contains a

23   dot or ".", a check, or a plus or "+";

24   (4) the designated area for casting a vote for a

25   particular ballot position on the ballot sheet contains

26   some other type of mark that indicates the clearly

1   ascertainable intent of the voter to vote based on the

2   totality of the circumstances, including, but not limited

3   to, any pattern or frequency of marks on other ballot

4   positions from the same ballot sheet; or

5   (5) the designated area for casting a vote for a

6   particular ballot position on the ballot sheet is not

7   marked, but the ballot sheet contains other markings

8   associated with a particular ballot position, such as

9   circling a candidate's name, that indicates the clearly

10   ascertainable intent of the voter to vote, based on the

11   totality of the circumstances, including, but not limited

12   to, any pattern or frequency of markings on other ballot

13   positions from the same ballot sheet.

14   (c) (Blank). For other electronic voting systems that use

15 a computer as the marking device to mark a ballot sheet, the

16 bar code found on the ballot sheet shall constitute the votes

17 found on the ballot. If, however, the county clerk or board of

18 election commissioners determines that the votes represented

19 by the tally on the bar code for one or more ballot positions

20 is inconsistent with the votes represented by numerical ballot

21 positions identified on the ballot sheet produced using a

22 computer as the marking device, then the numerical ballot

23 positions identified on the ballot sheet shall constitute the

24 votes for purposes of any official canvass or recount

25 proceeding. An electronic voting system that uses a computer

26 as the marking device to mark a ballot sheet shall be capable

1   ~~of producing a ballot sheet that contains all numerical ballot~~

2   ~~positions selected by the voter and provides a place for the~~

3   ~~voter to cast a write-in vote for a candidate for a particular~~

4   ~~numerical ballot position.~~

5   (d) The election authority shall provide an envelope,

6   sleeve, or other device to each voter so the voter can deliver

7   the voted ballot sheet to the counting equipment and ballot

8   box without the votes indicated on the ballot sheet being

9   visible to other persons in the polling place.

10   (Source: P.A. 103-605, eff. 7-1-24.)

11   (10 ILCS 5/19A-75 rep.)

12   (10 ILCS 5/24A-20 rep.)

13   (10 ILCS 5/Art. 24C rep.)

14   Section 10. The Election Code is amended by repealing

15   Sections 19A-75 and 24A-20 and Article 24C.

16   Section 99. Effective date. This Act takes effect January

17   1, 2026.