**Section 218.20 Counting Procedures for Provisional Ballots Cast in an Incorrect Precinct (Within the Same Election Authority's Jurisdiction)**

a) The election authority shall:

1) transmit to the State Board of Elections the provisional voter's identifying information and voting jurisdiction (see Section 18A-15(d) of the Code) within 2 calendar days. Following that, and subject to subsection (2) below, if the election authority having jurisdiction over the provisional voter determines that the voter has cast a provisional ballot in an incorrect precinct, the ballot shall still be counted using the procedures established in subsection (b) or Section 218.30 if applicable. Jurisdictions that use election machines authorized pursuant to Article 24C of the Election Code for casting provisional ballots may vary procedures of this Section and Section 218.30 as appropriate for the counting of provisional ballots cast on those machines.

2) determine whether the voter was entitled to cast a provisional ballot. The voter is entitled to cast a provisional ballot if:

A) *the affidavit executed by the voter contains, at a minimum, the provisional voter's first and last name, house number and street name, and signature or mark* (Section 18A-15(b)(2) of the Code);

B) *the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from the provisional voter, an election judge, the Statewide voter registration database maintained by the State Board of Elections, the records of the county clerk or board of election commissioners' database, or the records of the Secretary of State* (Section 18A-15(b)(3) of the Code); and

C) the provisional *voter did not vote by absentee ballot* and did not vote during the period for early voting (Section 18A-15(b)(4) of the Code).

b) Once it has been determined by the election authority that the voter was entitled to vote a provisional ballot, even though it had been cast in an incorrect precinct, the election authority shall select a team or teams of 2 duly commissioned election judges, one from each of the two leading established political parties in Illinois (currently the Democratic Party and Republican Party) to count the votes that are eligible to be cast on the provisional ballot. In those jurisdictions that use election officials as defined in Section 18A-15(h) of the Code, these duties may be performed by those election officials.

1) Votes cast for Statewide offices, the Office of President of the United States (including votes cast in the Presidential Preference Primary), and United States Senate shall be counted on all provisional ballots cast in the incorrect precinct.

2) Votes cast for Representative in Congress, delegate/alternate delegate to a national nominating convention, State Senator, State Representative, or countywide, citywide or township office shall be counted if it is determined by the election judges or officials that the voter would have been entitled to vote for one or more of these offices had the voter voted in the precinct in which he or she is registered to vote (i.e., the correct precinct) and had the voter voted a ballot of the correct ballot style containing all the offices and candidates for which the voter was entitled to cast a ballot (the correct ballot style). This determination shall be made by comparing a sample ballot of the correct ballot style with the actual provisional ballot cast by the voter. If the same office (including the same district number for a Congressional, Legislative or Representative district) appears on both the correct ballot style sample ballot and the provisional ballot cast by the voter, votes for that office shall be counted. All votes cast for any remaining offices (offices for which the voter would not have been entitled to vote had he or she voted in the correct precinct) shall not be counted.

3) No votes shall be counted for an office when the voter voted for more candidates than he/she was allowed.

4) Once it has been determined which offices are to be counted and the provisional ballot contains no other votes, the provisional ballot shall be counted pursuant to the procedures set forth in this subsection (b).

5) If a provisional ballot does not contain any valid votes, the provisional ballot shall be marked invalid and shall not be counted.

6) Any provisional voting verification system established by an election authority shall inform the provisional voter that his or her provisional ballot was partially counted because it was cast in an incorrect precinct.

7) If a provisional ballot only contains votes cast for eligible offices, and does not contain any votes cast for ineligible offices, the ballot may be tabulated without having to be remade.

8) If a provisional ballot contains both valid votes that must be counted and invalid votes that cannot be counted:

A) the election judges, consisting in each case of at least one of each of the 2 leading political parties, shall, if the provisional ballot was cast on a paper ballot sheet, proceed to remake the voted ballot onto a blank ballot that includes all of the offices for which valid votes were cast, transferring only valid votes. The original provisional ballot shall be marked "Original Provisional Ballot" with a serial number commencing at "1" and continuing consecutively for ballots of that kind in the precinct. The duplicate provisional ballot shall be marked "Duplicate Provisional Ballot" and be given the same serial number as the original ballot from which it was duplicated. The duplicate provisional ballot shall then be treated in the same manner as other provisional ballots.

B) if the provisional ballot was cast on a direct recording electronic voting device, the election judges shall mark the original provisional ballot as a partially counted defective electronic provisional ballot because it was cast in the incorrect precinct (or bear some similar notation) and proceed to either:

i) remake the voted ballot by transferring all valid votes to a duplicate paper ballot sheet of the correct ballot style, marking the duplicate ballot "Duplicate Electronic Provisional Ballot" and then counting the duplicate provisional ballot in the same manner as the other provisional ballots marked on paper ballot sheets; or

ii) transfer, or cause to be transferred, all valid votes electronically to the correct precinct, which shall be counted and added to the vote totals for the correct precinct, excluding any votes that cannot be counted. If this method is used, a permanent paper record must be generated for both the defective provisional ballot and the duplicate electronic provisional ballot.

c) For provisional ballots cast at a partisan primary election, the judges shall use a duplicate ballot of the correct ballot style for the same political party as the ballot chosen by the voter.

d) At least one qualified pollwatcher for each candidate, political party, and civic organization, as authorized by Section 17-23 of the Code, shall be permitted to observe the ballot remaking process.