



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0127

Introduced 1/24/2023, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-22 new	
10 ILCS 5/17-11	from Ch. 46, par. 17-11
10 ILCS 5/18A-218.20	
10 ILCS 5/19A-25.5	
10 ILCS 5/23-50	
10 ILCS 5/24-0.5 new	
10 ILCS 5/24A-2	from Ch. 46, par. 24A-2
10 ILCS 5/24A-16	from Ch. 46, par. 24A-16
10 ILCS 5/24B-2	
10 ILCS 5/24B-9.1	
10 ILCS 5/19A-20 rep.	
10 ILCS 5/24A-20 rep.	
10 ILCS 5/Art. 24C rep.	

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, 2024.

LRB103 04681 AWJ 49689 b

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 1-22 and 24-0.5 as
7 follows:

8 (10 ILCS 5/1-22 new)

9 Sec. 1-22. 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, ~~the~~ ~~(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 ~~generated for both the defective provisional~~
2 ~~ballet and the duplicate electronic provisional~~
3 ~~ballet.~~

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, or 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 Sec. 24-0.5. Definition. As used in this Article, "voting
16 machine" does not mean a direct recording electronic voting
17 machine or a machine that uses a computer as the marking device
18 to mark a ballot sheet.

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) Examination of Votes by Electronic Precinct Tabulation
2 Optical Scan Technology Scanning Process. Whenever a Precinct
3 Tabulation Optical Scan Technology process is used to
4 automatically examine and count the votes on ballot sheets,
5 the provisions of this Section shall apply. A voter shall cast
6 a proper vote on a ballot sheet by making a mark, or causing a
7 mark to be made, in the designated area for the casting of a
8 vote for any party or candidate or for or against any
9 proposition. For this purpose, a mark is an intentional
10 darkening of the designated area on the ballot, and not an
11 identifying mark.

12 (b) For any ballot sheet that does not register a vote for
13 one or more ballot positions on the ballot sheet on a
14 Electronic Precinct Tabulation Optical Scan Technology
15 Scanning Process, the following shall constitute a vote on the
16 ballot sheet:

17 (1) the designated area for casting a vote for a
18 particular ballot position on the ballot sheet is fully
19 darkened or shaded in;

20 (2) the designated area for casting a vote for a
21 particular ballot position on the ballot sheet is
22 partially darkened or shaded in;

23 (3) the designated area for casting a vote for a
24 particular ballot position on the ballot sheet contains a
25 dot or ".", a check, or a plus or "+";

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

1 particular ballot position on the ballot sheet contains
2 some other type of mark that indicates the clearly
3 ascertainable intent of the voter to vote based on the
4 totality of the circumstances, including but not limited
5 to any pattern or frequency of marks on other ballot
6 positions from the same ballot sheet; or

7 (5) the designated area for casting a vote for a
8 particular ballot position on the ballot sheet is not
9 marked, but the ballot sheet contains other markings
10 associated with a particular ballot position, such as
11 circling a candidate's name, that indicates the clearly
12 ascertainable intent of the voter to vote, based on the
13 totality of the circumstances, including but not limited
14 to, any pattern or frequency of markings on other ballot
15 positions from the same ballot sheet.

16 (c) (Blank). ~~For other electronic voting systems that use~~
17 ~~a computer as the marking device to mark a ballot sheet, the~~
18 ~~bar code found on the ballot sheet shall constitute the votes~~
19 ~~found on the ballot. If, however, the county clerk or board of~~
20 ~~election commissioners determines that the votes represented~~
21 ~~by the tally on the bar code for one or more ballot positions~~
22 ~~is inconsistent with the votes represented by numerical ballot~~
23 ~~positions identified on the ballot sheet produced using a~~
24 ~~computer as the marking device, then the numerical ballot~~
25 ~~positions identified on the ballot sheet shall constitute the~~
26 ~~votes for purposes of any official canvass or recount~~

1 ~~proceeding. An electronic voting system that uses a computer~~
2 ~~as the marking device to mark a ballot sheet shall be capable~~
3 ~~of producing a ballot sheet that contains all numerical ballot~~
4 ~~positions selected by the voter, and provides a place for the~~
5 ~~voter to cast a write in vote for a candidate for a particular~~
6 ~~numerical ballot position.~~

7 (d) The election authority shall provide an envelope,
8 sleeve or other device to each voter so the voter can deliver
9 the voted ballot sheet to the counting equipment and ballot
10 box without the votes indicated on the ballot sheet being
11 visible to other persons in the polling place.

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

13 (10 ILCS 5/19A-20 rep.)

14 (10 ILCS 5/24A-20 rep.)

15 (10 ILCS 5/Art. 24C rep.)

16 Section 10. The Election Code is amended by repealing
17 Sections 19A-20 and 24A-20 and Article 24C.

18 Section 99. Effective date. This Act takes effect January
19 1, 2024.