



Sen. Neil Anderson

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LRB103 04681 BMS 57074 a

1 AMENDMENT TO SENATE BILL 127

2 AMENDMENT NO. _____. Amend Senate Bill 127 by replacing
3 everything after the enacting clause with the following:

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

1 alone, or accompanied by children as provided in Section 17-8,
2 to one of the voting booths so provided and shall prepare his
3 ballot by making in the appropriate margin or place a cross (X)
4 opposite the name of the candidate of his choice for each
5 office to be filled, or by writing in the name of the candidate
6 of his choice in a blank space on said ticket, making a cross
7 (X) opposite thereto; and in case of a question submitted to
8 the vote of the people, by making in the appropriate margin or
9 place a cross (X) against the answer he desires to give. A
10 cross (X) in the square in front of the bracket enclosing the
11 names of a team of candidates for Governor and Lieutenant
12 Governor counts as one vote for each of such candidates.
13 Before leaving the voting booth the voter shall fold his
14 ballot in such manner as to conceal the marks thereon. He shall
15 then vote forthwith in the manner herein provided, except that
16 the number corresponding to the number of the voter on the poll
17 books shall not be indorsed on the back of his ballot. He shall
18 mark and deliver his ballot without undue delay, and shall
19 quit said inclosed space as soon as he has voted; except that
20 immediately after voting, the voter shall be instructed
21 whether the voting equipment, if used, accepted or rejected
22 the ballot or identified the ballot as under-voted for a
23 statewide constitutional office. A voter whose ballot is
24 identified as under-voted may return to the voting booth and
25 complete the voting of that ballot. A voter whose ballot is not
26 accepted by the voting equipment may, upon surrendering the

1 ballot, request and vote another ballot. The voter's
2 surrendered ballot shall be initialed by the election judge
3 and handled as provided in the appropriate Article governing
4 that voting equipment.

5 No voter shall be allowed to occupy a voting booth already
6 occupied by another, nor remain within said inclosed space
7 more than ten minutes, nor to occupy a voting booth more than
8 five minutes in case all of said voting booths are in use and
9 other voters waiting to occupy the same. No voter not an
10 election officer, shall, after having voted, be allowed to
11 re-enter said inclosed space during said election. No person
12 shall take or remove any ballot from the polling place before
13 the close of the poll. No voter shall vote or offer to vote any
14 ballot except such as he has received from the judges of
15 election in charge of the ballots. Any voter who shall, by
16 accident or mistake, spoil his ballot, may, on returning said
17 spoiled ballot, receive another in place thereof only after
18 the word "spoiled" has been written in ink diagonally across
19 the entire face of the ballot returned by the voter.

20 Where voting machines or electronic voting systems are
21 used, the provisions of this section may be modified as
22 required or authorized by Article 24, 24A, or 24B, ~~or 24C,~~
23 whichever is applicable, except that the requirements of this
24 Section that (i) the voter must be notified of the voting
25 equipment's acceptance or rejection of the voter's ballot or
26 identification of an under-vote for a statewide constitutional

1 office and (ii) the voter shall have the opportunity to
2 correct an under-vote or surrender the ballot that was not
3 accepted and vote another ballot shall not be modified.

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

5 (10 ILCS 5/18A-218.20)

6 Sec. 18A-218.20. Counting procedures for provisional
7 ballots cast in an incorrect precinct within the same election
8 authority's jurisdiction.

9 (a) The election authority shall:

10 (1) transmit to the State Board of Elections the
11 provisional voter's identifying information and voting
12 jurisdiction within 2 calendar days. Following that, and
13 subject to paragraph (2) below, if the election authority
14 having jurisdiction over the provisional voter determines
15 that the voter has cast a provisional ballot in an
16 incorrect precinct, the ballot shall still be counted
17 using the procedures established in subsection (b) of this
18 Section or Section 18A-218.30 if applicable. Jurisdictions
19 that use election machines authorized pursuant to Article
20 24C of this Code for casting provisional ballots may vary
21 procedures of this Section and Section 18A-218.30 as
22 appropriate for the counting of provisional ballots cast
23 on those machines.

24 (2) determine whether the voter was entitled to cast a
25 provisional ballot. The voter is entitled to cast a

1 provisional ballot if:

2 (A) the affidavit executed by the voter contains,
3 at a minimum, the provisional voter's first and last
4 name, house number and street name, and signature or
5 mark;

6 (B) the provisional voter is a registered voter
7 based on information available to the county clerk or
8 board of election commissioners provided by or
9 obtained from the provisional voter, an election
10 judge, the Statewide voter registration database
11 maintained by the State Board of Elections, the
12 records of the county clerk or board of election
13 commissioners' database, or the records of the
14 Secretary of State or the voter is attempting to
15 register but lacks the necessary documentation; and

16 (C) the provisional voter did not vote using the
17 vote by mail ballot and did not vote during the period
18 for early voting.

19 (b) Once it has been determined by the election authority
20 that the voter was entitled to vote a provisional ballot, even
21 though it had been cast in an incorrect precinct, the election
22 authority shall select a team or teams of 2 duly commissioned
23 election judges, one from each of the two leading established
24 political parties in Illinois, to count the votes that are
25 eligible to be cast on the provisional ballot. In those
26 jurisdictions that use election officials as defined in

1 subsection (h) of Section 18A-15 of this Code, these duties
2 may be performed by those election officials.

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

8 (2) Votes cast for Representative in Congress,
9 delegate or alternate delegate to a national nominating
10 convention, State Senator, State Representative, or
11 countywide, citywide, villagewide, or township office
12 shall be counted if it is determined by the election
13 judges or officials that the voter would have been
14 entitled to vote for one or more of these offices had the
15 voter voted in the precinct in which he or she is
16 registered to vote (the correct precinct) and had the
17 voter voted a ballot of the correct ballot style
18 containing all the offices and candidates for which the
19 voter was entitled to cast a ballot (the correct ballot
20 style). This determination shall be made by comparing a
21 sample ballot of the correct ballot style with the actual
22 provisional ballot cast by the voter. If the same office
23 (including the same district number for a Congressional,
24 Legislative or Representative district) appears on both
25 the correct ballot style sample ballot and the provisional
26 ballot cast by the voter, votes for that office shall be

1 counted. All votes cast for any remaining offices (offices
2 for which the voter would not have been entitled to vote
3 had he or she voted in the correct precinct) shall not be
4 counted.

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

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

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

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

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

24 (8) If a provisional ballot contains both valid votes
25 that must be counted and invalid votes that cannot be
26 counted, ~~the~~ ~~(A)~~ the election judges, consisting in each

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

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

21 ~~(i) remake the voted ballot by transferring~~
22 ~~all valid votes to a duplicate paper ballot sheet~~
23 ~~of the correct ballot style, marking the duplicate~~
24 ~~ballot "Duplicate Electronic Provisional Ballot"~~
25 ~~and then counting the duplicate provisional ballot~~
26 ~~in the same manner as the other provisional~~

1 ~~ballots marked on paper ballot sheets; or~~
2 ~~(ii) transfer, or cause to be transferred, all~~
3 ~~valid votes electronically to the correct~~
4 ~~precinct, which shall be counted and added to the~~
5 ~~vote totals for the correct precinct, excluding~~
6 ~~any votes that cannot be counted. If this method~~
7 ~~is used, a permanent paper record must be~~
8 ~~generated for both the defective provisional~~
9 ~~ballot and the duplicate electronic provisional~~
10 ~~ballot.~~

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

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

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

20 (10 ILCS 5/19A-25.5)

21 Sec. 19A-25.5. Voting machines, automatic tabulating
22 equipment, and precinct tabulation optical scan technology
23 voting equipment.

24 (a) In all jurisdictions in which voting machines are
25 used, the provisions of this Code that are not inconsistent

1 with this Article relating to the furnishing of ballot boxes,
2 printing and furnishing ballots and supplies, the canvassing
3 of ballots, and the making of returns, apply with full force
4 and effect to the extent necessary to make this Article
5 effective, provided that the number of ballots to be printed
6 shall be in the discretion of the election authority, and
7 provided further that early ballots shall not be counted until
8 after the polls are closed on election day.

9 (b) If the election authority has adopted the use of
10 automatic tabulating equipment under Article 24A of this Code,
11 and the provisions of that Article are in conflict with the
12 provisions of this Article 19A, the provisions of Article 24A
13 shall govern the procedures followed by the election
14 authority, its judges of election, and all employees and
15 agents; provided that early ballots shall be counted at the
16 election authority's central ballot counting location and
17 shall not be counted until after the polls are closed on
18 election day.

19 (c) If the election authority has adopted the use of
20 tabulation optical scan technology voting equipment under
21 Article 24B of this Code, and the provisions of that Article
22 are in conflict with the provisions of this Article 19A, the
23 provisions of Article 24B shall govern the procedures followed
24 by the election authority, its judges of election, and all
25 employees and agents; provided that early ballots shall be
26 counted at the election authority's central ballot counting

1 location and shall not be counted until after the polls are
2 closed on election day.

3 (d) (Blank). ~~If the election authority has adopted the use~~
4 ~~of Direct Recording Electronic Voting Systems under Article~~
5 ~~24C of this Code, and the provisions of that Article are in~~
6 ~~conflict with the provisions of this Article 19A, the~~
7 ~~provisions of Article 24C shall govern the procedures followed~~
8 ~~by the election authority, its judges of election, and all~~
9 ~~employees and agents; provided that early ballots shall be~~
10 ~~counted at the election authority's central ballot counting~~
11 ~~location and shall not be counted until after the polls are~~
12 ~~closed on election day.~~

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

14 (10 ILCS 5/23-50)

15 Sec. 23-50. Definition of a vote. For the purpose of any
16 recount of votes under this Code, a vote is defined as provided
17 in Sections 7-100, 17-100, 18-100, 24A-22, or 24B-9.1, ~~or~~
18 ~~24C-10~~, depending upon the type of voting equipment or system
19 used to cast the vote.

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

21 (10 ILCS 5/24-0.5 new)

22 Sec. 24-0.5. Definition. As used in this Article, "voting
23 machine" does not mean a direct recording electronic voting
24 machine or a machine that uses a computer as the marking device

1 to mark a ballot sheet.

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

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

4 "Computer", "Automatic tabulating equipment" or
5 "equipment" includes apparatus necessary to automatically
6 examine and count votes as designated on ballots, and data
7 processing machines which can be used for counting ballots and
8 tabulating results.

9 "Ballot card" means a ballot which is voted by the process
10 of punching.

11 "Ballot configuration" means the particular combination of
12 political subdivision ballots including, for each political
13 subdivision, the particular combination of offices, candidate
14 names and ballot position numbers for each candidate and
15 question as it appears for each group of voters who may cast
16 the same ballot.

17 "Ballot labels" means the cards, papers, booklet, pages or
18 other material containing the names of officers and candidates
19 and statements of measures to be voted on.

20 "Ballot sheet" means a paper ballot printed on one or both
21 sides which is (1) designed and prepared so that the voter may
22 indicate his or her votes in designated areas, which must be
23 enclosed areas clearly printed or otherwise delineated for
24 such purpose, and (2) capable of having votes marked in the
25 designated areas automatically examined, counted, and

1 tabulated by an electronic scanning process.

2 "Ballot" may include ballot cards, ballot labels and paper
3 ballots.

4 "Separate ballot", with respect to ballot sheets, means a
5 separate portion of the ballot sheet in which the color of the
6 ink used in printing that portion of the ballot sheet is
7 distinct from the color of the ink used in printing any other
8 portion of the ballot sheet.

9 "Column" in an electronic voting system which utilizes a
10 ballot card means a space on a ballot card for punching the
11 voter's vote arranged in a row running lengthwise on the
12 ballot card.

13 "Central Counting" means the counting of ballots in one or
14 more locations selected by the election authority for the
15 processing or counting, or both, of ballots. A location for
16 central counting shall be within the territorial jurisdiction
17 of such election authority unless there is no suitable
18 tabulating equipment available within his territorial
19 jurisdiction. However, in any event a counting location shall
20 be within this State.

21 "In-precinct counting" means the counting of ballots on
22 automatic tabulating equipment provided by the election
23 authority in the same precinct polling place in which those
24 ballots have been cast.

25 "Computer operator" means any person or persons designated
26 by the election authority to operate the automatic tabulating

1 equipment during any portion of the vote tallying process in
2 an election, but shall not include judges of election
3 operating vote tabulating equipment in the precinct.

4 "Computer program" or "program" means the set of operating
5 instructions for the automatic tabulating equipment by which
6 it examines, counts, tabulates, canvasses and prints votes
7 recorded by a voter on a ballot card or other medium.

8 "Edit listing" means a computer generated listing of the
9 names and ballot position numbers for each candidate and
10 proposition as they appear in the program for each precinct.

11 "Voting System" or "Electronic Voting System" means that
12 combination of equipment and programs used in the casting,
13 examination and tabulation of ballots and the cumulation and
14 reporting of results by electronic means. "Voting System" or
15 "Electronic Voting System" does not mean a direct recording
16 electronic voting system or a system that uses a computer as
17 the marking device to mark a ballot sheet.

18 "Header card" means a data processing card which is coded
19 to indicate to the computer the precinct identity of the
20 ballot cards that will follow immediately and may indicate to
21 the computer how such ballot cards are to be tabulated.

22 "Marking device" means either an apparatus in which
23 ballots or ballot cards are inserted and used in connection
24 with a punch apparatus for the piercing of ballots by the
25 voter, or any approved device for marking a paper ballot with
26 ink or other substance which will enable the ballot to be

1 tabulated by means of automatic tabulating equipment or by an
2 electronic scanning process.

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

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

12 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

13 Sec. 24A-16. The State Board of Elections shall approve
14 all voting systems provided by this Article.

15 No voting system shall be approved unless it fulfills the
16 following requirements:

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

18 (2) (Blank);

19 (3) It enables a voter to vote a ticket selected in
20 part from the nominees of one party, and in part from the
21 nominees of any or all parties, and in part from
22 independent candidates and in part of candidates whose
23 names are written in by the voter;

24 (4) It enables a voter to vote a written or printed
25 ticket of his own selection for any person for any office

1 for whom he may desire to vote;

2 (5) It will reject all votes for an office or upon a
3 proposition when the voter has cast more votes for such
4 office or upon such proposition than he is entitled to
5 cast;

6 (5.5) It will identify when a voter has not voted for
7 all statewide constitutional offices;

8 (6) It will accommodate all propositions to be
9 submitted to the voters in the form provided by law or,
10 where no such form is provided, then in brief form, not to
11 exceed 75 words;

12 (7) It will accommodate the tabulation programming
13 requirements of Sections 24A-6.2, and 24B-6.2, ~~and~~
14 ~~24C-6.2.~~

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

18 The State Board of Elections is authorized to withdraw its
19 approval of a voting system if the system fails to fulfill the
20 above requirements.

21 The vendor, person, or other private entity shall be
22 solely responsible for the production and cost of: all
23 application fees; all ballots; additional temporary workers;
24 and other equipment or facilities needed and used in the
25 testing of the vendor's, person's, or other private entity's
26 respective equipment and software.

1 Any voting system vendor, person, or other private entity
2 seeking the State Board of Elections' approval of a voting
3 system shall, as part of the approval application, submit to
4 the State Board a non-refundable fee. The State Board of
5 Elections by rule shall establish an appropriate fee
6 structure, taking into account the type of voting system
7 approval that is requested (such as approval of a new system, a
8 modification of an existing system, the size of the
9 modification, etc.). No voting system or modification of a
10 voting system shall be approved unless the fee is paid.

11 No vendor, person, or other entity may sell, lease, or
12 loan, or have a written contract, including a contract
13 contingent upon State Board approval of the voting system or
14 voting system component, to sell, lease, or loan, a voting
15 system or voting system component to any election jurisdiction
16 unless the voting system or voting system component is first
17 approved by the State Board of Elections pursuant to this
18 Section.

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

20 (10 ILCS 5/24B-2)

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

22 "Computer", "automatic tabulating equipment" or
23 "equipment" includes apparatus necessary to automatically
24 examine and count votes as designated on ballots, and data
25 processing machines which can be used for counting ballots and

1 tabulating results.

2 "Ballot" means paper ballot sheets.

3 "Ballot configuration" means the particular combination of
4 political subdivision ballots including, for each political
5 subdivision, the particular combination of offices, candidate
6 names and questions as it appears for each group of voters who
7 may cast the same ballot.

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

15 "Central counting" means the counting of ballots in one or
16 more locations selected by the election authority for the
17 processing or counting, or both, of ballots. A location for
18 central counting shall be within the territorial jurisdiction
19 of the election authority unless there is no suitable
20 tabulating equipment available within his territorial
21 jurisdiction. However, in any event a counting location shall
22 be within this State.

23 "Computer operator" means any person or persons designated
24 by the election authority to operate the automatic tabulating
25 equipment during any portion of the vote tallying process in
26 an election, but shall not include judges of election

1 operating vote tabulating equipment in the precinct.

2 "Computer program" or "program" means the set of operating
3 instructions for the automatic tabulating equipment that
4 examines, counts, tabulates, canvasses and prints votes
5 recorded by a voter on a ballot.

6 "Edit listing" means a computer generated listing of the
7 names of each candidate and proposition as they appear in the
8 program for each precinct.

9 "Header sheet" means a data processing document which is
10 coded to indicate to the computer the precinct identity of the
11 ballots that will follow immediately and may indicate to the
12 computer how such ballots are to be tabulated.

13 "In-precinct counting" means the counting of ballots on
14 automatic tabulating equipment provided by the election
15 authority in the same precinct polling place in which those
16 ballots have been cast.

17 "Marking device" means a pen,~~computer,~~ or other device
18 approved by the State Board of Elections for marking, or
19 causing to be marked, a paper ballot with ink or other
20 substance which will enable the ballot to be tabulated by
21 automatic tabulating equipment or by an electronic scanning
22 process.

23 "Precinct Tabulation Optical Scan Technology" means the
24 capability to examine a ballot through electronic means and
25 tabulate the votes at one or more counting places.

26 "Redundant count" means a verification of the original

1 computer count by another count using compatible equipment or
2 by hand as part of a discovery recount.

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

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

11 "Specimen ballot" means a representation of names of
12 offices and candidates and statements of measures to be voted
13 on which will appear on the official ballot or marking device
14 on election day. The specimen ballot also contains the party
15 and position number where applicable.

16 "Voting defect identification" means the capability to
17 detect overvoted ballots or ballots which cannot be read by
18 the automatic tabulating equipment.

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

21 "Voting system" or "electronic voting system" means that
22 combination of equipment and programs used in the casting,
23 examination and tabulation of ballots and the cumulation and
24 reporting of results by electronic means. "Voting System" or
25 "Electronic Voting System" does not mean a direct recording
26 electronic voting system or a system that uses a computer as

1 the marking device to mark a ballot sheet.

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

3 (10 ILCS 5/24B-9.1)

4 Sec. 24B-9.1. Examination of Votes by Electronic Precinct
5 Tabulation Optical Scan Technology Scanning Process or other
6 authorized electronic process; definition of a vote.

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

18 (b) For any ballot sheet that does not register a vote for
19 one or more ballot positions on the ballot sheet on a
20 Electronic Precinct Tabulation Optical Scan Technology
21 Scanning Process, the following shall constitute a vote on the
22 ballot sheet:

23 (1) the designated area for casting a vote for a
24 particular ballot position on the ballot sheet is fully
25 darkened or shaded in;

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

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

7 (4) the designated area for casting a vote for a
8 particular ballot position on the ballot sheet contains
9 some other type of mark 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 marks on other ballot
13 positions from the same ballot sheet; or

14 (5) the designated area for casting a vote for a
15 particular ballot position on the ballot sheet is not
16 marked, but the ballot sheet contains other markings
17 associated with a particular ballot position, such as
18 circling a candidate's name, that indicates the clearly
19 ascertainable intent of the voter to vote, based on the
20 totality of the circumstances, including but not limited
21 to, any pattern or frequency of markings on other ballot
22 positions from the same ballot sheet.

23 (c) (Blank). ~~For other electronic voting systems that use~~
24 ~~a computer as the marking device to mark a ballot sheet, the~~
25 ~~bar code found on the ballot sheet shall constitute the votes~~
26 ~~found on the ballot. If, however, the county clerk or board of~~

1 ~~election commissioners determines that the votes represented~~
2 ~~by the tally on the bar code for one or more ballot positions~~
3 ~~is inconsistent with the votes represented by numerical ballot~~
4 ~~positions identified on the ballot sheet produced using a~~
5 ~~computer as the marking device, then the numerical ballot~~
6 ~~positions identified on the ballot sheet shall constitute the~~
7 ~~votes for purposes of any official canvass or recount~~
8 ~~proceeding. An electronic voting system that uses a computer~~
9 ~~as the marking device to mark a ballot sheet shall be capable~~
10 ~~of producing a ballot sheet that contains all numerical ballot~~
11 ~~positions selected by the voter, and provides a place for the~~
12 ~~voter to cast a write-in vote for a candidate for a particular~~
13 ~~numerical ballot position.~~

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

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

20 (10 ILCS 5/19A-75 rep.)

21 (10 ILCS 5/24A-20 rep.)

22 (10 ILCS 5/Art. 24C rep.)

23 Section 10. The Election Code is amended by repealing
24 Sections 19A-75 and 24A-20 and Article 24C.

1 Section 99. Effective date. This Act takes effect January
2 1, 2024.".