



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4198

Introduced 1/26/2004, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-100 new	
10 ILCS 5/17-100 new	
10 ILCS 5/18-100 new	
10 ILCS 5/22-9.1	from Ch. 46, par. 22-9.1
10 ILCS 5/24A-9.1	from Ch. 46, par. 24A-9.1
10 ILCS 5/24A-15.1	from Ch. 46, par. 24A-15.1
10 ILCS 5/24A-22	
10 ILCS 5/24B-9.1	
10 ILCS 5/24B-15.1	

Amends the Elections Code. Defines the markings or other indications that constitute a vote on punch cards and electronic voting systems. Effective immediately.

LRB093 19277 JAM 45012 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 22-9.1, 24A-9.1, 24A-15.1, 24A-22, 24B-9.1, and
6 24B-15.1 and by adding Sections 7-100, 17-100, and 18-100 as
7 follows:

8 (10 ILCS 5/7-100 new)

9 Sec. 7-100. Definition of a vote.

10 (a) Notwithstanding any law to the contrary, for the
11 purpose of this Article, a person casts a valid vote on a punch
12 card ballot when the fibers of at least one corner of the chad
13 are broken in a way that permits unimpeded light to be seen
14 through the card.

15 (b) Write-in votes shall be counted in a manner consistent
16 with the existing provisions of this Code.

17 (c) For purposes of this Section, a "chad" is that portion
18 of a ballot card that a voter punches or perforates with a
19 stylus or other designated marking device to manifest his or
20 her vote for a particular ballot position on a ballot card as
21 defined in subsection (a). Chads shall be removed from ballot
22 cards prior to their processing and tabulation in election
23 jurisdictions that utilize a ballot card as a means of
24 recording votes at an election. Election jurisdictions that
25 utilize a mechanical means or device for chad removal as a
26 component of their tabulation shall use that means or device
27 for chad removal.

28 Notwithstanding any law to the contrary, for the purpose of
29 this Article, a person casts a valid vote on an optical scan
30 ballot sheet by making a mark, or causing a mark to be made, in
31 the designated area for the casting of a vote for any party or
32 candidate or for or against any proposition. For this purpose,

1 a mark is any intentional darkening or partial darkening within
2 the designated area on the ballot using the approved marking
3 device and that can be automatically examined, counted, and
4 tabulated by an electronic scanning process or any mark or
5 marks approved by the State Board of Elections exclusive to an
6 approved electronic scanning voting system and not an
7 identifying mark.

8 For any ballot sheet that does not register a vote for one
9 or more ballot positions on the ballot sheet on an Electronic
10 Tabulation Optical Scan Technology Scanning Process, the
11 following shall constitute a vote on the ballot sheet:

12 (1) the designated area for casting a vote for a
13 particular ballot position on the ballot sheet is fully
14 darkened or shaded in; or

15 (2) the designated area for casting a vote for a
16 particular ballot position on the ballot sheet is partially
17 darkened or shaded in.

18 (10 ILCS 5/17-100 new)

19 Sec. 17-100. Definition of a vote.

20 (a) Notwithstanding any law to the contrary, for the
21 purpose of this Article, a person casts a valid vote on a punch
22 card ballot when the fibers on at least one corner of the chad
23 are broken in a way that permits unimpeded light to be seen
24 through the card.

25 (b) Write-in votes shall be counted in a manner consistent
26 with the existing provisions of this Code.

27 (c) For purposes of this Section, a "chad" is that portion
28 of a ballot card that a voter punches or perforates with a
29 stylus or other designated marking device to manifest his or
30 her vote for a particular ballot position on a ballot card as
31 defined in subsection (a). Chads shall be removed from ballot
32 cards prior to their processing and tabulation in election
33 jurisdictions that utilize a ballot card as a means of
34 recording votes at an election. Election jurisdictions that
35 utilize a mechanical means or device for chad removal as a

1 component of their tabulation shall use that means or device
2 for chad removal.

3 Notwithstanding any law to the contrary, for the purpose of
4 this Article, a person casts a valid vote on an optical scan
5 ballot sheet by making a mark, or causing a mark to be made, in
6 the designated area for the casting of a vote for any party or
7 candidate or for or against any proposition. For this purpose,
8 a mark is any intentional darkening or partial darkening within
9 the designated area on the ballot using the approved marking
10 device and that can be automatically examined, counted, and
11 tabulated by an electronic scanning process or any mark or
12 marks approved by the State Board of Elections exclusive to an
13 approved electronic scanning voting system and not an
14 identifying mark.

15 For any ballot sheet that does not register a vote for one
16 or more ballot positions on the ballot sheet on an Electronic
17 Tabulation Optical Scan Technology Scanning Process, the
18 following shall constitute a vote on the ballot sheet:

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

22 (2) the designated area for casting a vote for a
23 particular ballot position on the ballot sheet is partially
24 darkened or shaded in.

25 (10 ILCS 5/18-100 new)

26 Sec. 18-100. Definition of a vote.

27 (a) Notwithstanding any law to the contrary, for the
28 purpose of this Article, a person casts a valid vote on a punch
29 card ballot when the fibers of at least one corner of the chad
30 are broken in a way that permits unimpeded light to be seen
31 through the card.

32 (b) Write-in votes shall be counted in a manner consistent
33 with the existing provisions of this Code.

34 (c) For purposes of this Section, a "chad" is that portion
35 of a ballot card that a voter punches or perforates with a

1 stylus or other designated marking device to manifest his or
2 her vote for a particular ballot position on a ballot card as
3 defined in subsection (a). Chads shall be removed from ballot
4 cards prior to their processing and tabulation in election
5 jurisdictions that utilize a ballot card as a means of
6 recording votes at an election. Election jurisdictions that
7 utilize a mechanical means or device for chad removal as a
8 component of their tabulation shall use that means or device
9 for chad removal.

10 Notwithstanding any law to the contrary, for the purpose of
11 this Article, a person casts a valid vote on an optical scan
12 ballot sheet by making a mark, or causing a mark to be made, in
13 the designated area for the casting of a vote for any party or
14 candidate or for or against any proposition. For this purpose,
15 a mark is any intentional darkening or partial darkening within
16 the designated area on the ballot using the approved marking
17 device and that can be automatically examined, counted and
18 tabulated by an electronic scanning process or any mark or
19 marks approved by the State Board of Elections exclusive to an
20 approved electronic scanning voting system and not an
21 identifying mark.

22 For any ballot sheet that does not register a vote for one
23 or more ballot positions on the ballot sheet on an Electronic
24 Tabulation Optical Scan Technology Scanning Process, the
25 following shall constitute a vote on the ballot sheet:

26 (1) the designated area for casting a vote for a
27 particular ballot position on the ballot sheet is fully
28 darkened or shaded in; or

29 (2) the designated area for casting a vote for a
30 particular ballot position on the ballot sheet is partially
31 darkened or shaded in.

32 (10 ILCS 5/22-9.1) (from Ch. 46, par. 22-9.1)

33 Sec. 22-9.1. Within 5 days after the last day for
34 proclamation of the results of any canvass declaring persons
35 nominated, elected or declared eligible for a runoff election

1 for any office or declaring the adoption or rejection of a
2 question of public policy, the following persons may file a
3 petition for discovery:

4 (a) any candidate who, in the entire area in which votes
5 may be cast for the office for which he is a candidate,
6 received votes equal in number to at least 95% of the number of
7 votes cast for any successful candidate for the same office;
8 and

9 (b) any 5 electors of the same area within which votes may
10 be cast on a question of public policy, if the results of the
11 canvass are such that the losing side on the question would
12 have been the prevailing side had it received an additional
13 number of votes equal to 5% of the total number of votes cast
14 on the question.

15 A petition under this Section shall be filed with the
16 election authority for purposes of discovery only. The petition
17 shall ask that ballots, voting machines, or ballot cards - as
18 the case may be - shall be examined, that any automatic
19 tabulating equipment shall be tested, and that ballots,
20 recorded votes, or ballot cards - as the case may be - shall be
21 counted in specified precincts, not exceeding 25% of the total
22 number of precincts within the jurisdiction of the election
23 authority. Where there are fewer than 4 precincts under the
24 jurisdiction of the election authority and within the area in
25 which votes could be cast in the election in connection with
26 which the petition has been filed, discovery shall be permitted
27 in one of such precincts.

28 A petition filed under this Section shall be accompanied by
29 the payment of a fee of \$10.00 per precinct specified. All such
30 fees shall be paid by the election authority into the county or
31 city treasury, as the case may be.

32 Upon receipt of such petition the county canvassing board
33 or board of election commissioners shall reconvene. Where a
34 local canvassing board, as provided in Section 22-17, has
35 jurisdiction, the election authority shall notify the chairman
36 of such board who shall reconvene such board in the office of

1 the election authority or other location designated by the
2 election authority.

3 After 3 days notice in writing to the successful candidate
4 for the same office or, in the case of a question of public
5 policy, such notice as will reasonably inform interested
6 persons of the time and place of the discovery proceedings,
7 such board shall examine the ballots, voting machines, ballot
8 cards, voter affidavits and applications for ballot, test the
9 automatic tabulating equipment, and count the ballots,
10 recorded votes, and ballot cards in the specified election
11 districts or precincts. At the request of any candidate
12 entitled to participate in the discovery proceedings, the
13 election authority shall also make available for examination
14 the ballot applications and voter affidavits for the specified
15 precincts. Each candidate affected by such examination shall
16 have the right to attend the same in person or by his
17 representative. In the case of a question of public policy, the
18 board shall permit an equal number of acknowledged proponents
19 and acknowledged opponents to attend the examination.

20 On completion of the count of any ballots in each district
21 or precinct, the ballots shall be secured and sealed in the
22 same manner required of judges of election by Sections 7-54 and
23 17-20 of the Election Code. The handling of the ballots in
24 accord with this Section shall not of itself affect the
25 admissibility in evidence of the ballots in any other
26 proceedings, either legislative or judicial.

27 For purposes of this section a person casts a valid vote on
28 a punch card ballot when:

29 (1) A chad on the card has at least one corner detached
30 from the card; or

31 (2) the fibers of at least one corner of the chad are
32 broken in a way that permits unimpeded light to be seen
33 through the card; or

34 (3) an indentation on the chad from the stylus or other
35 object is present and indicates a clearly ascertainable
36 intent of the voter to vote based on the totality of the

1 circumstances, including but not limited to any pattern or
2 frequency of indentations on other ballot positions from
3 the same ballot card.

4 A person casts a valid vote on an optical scan ballot sheet
5 by making a mark, or causing a mark to be made, in the
6 designated area for the casting of a vote for any party or
7 candidate or for or against any proposition. For this purpose,
8 a mark is any intentional darkening or partial darkening within
9 the designated area on the ballot using the approved marking
10 device and that can be automatically examined, counted and
11 tabulated by an electronic scanning process or any mark or
12 marks approved by the State Board of Elections exclusive to an
13 approved electronic scanning voting system and not an
14 identifying mark.

15 For any ballot sheet that does not register a vote for one
16 or more ballot positions on the ballot sheet on an Electronic
17 Tabulation Optical Scan Technology Scanning Process for
18 purposes of this section the following shall constitute a vote
19 on the ballot sheet:

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

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

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

29 (4) the designated area for casting a vote for a
30 particular ballot position on the ballot sheet contains
31 some other type of mark that indicates the clearly
32 ascertainable intent of the voter to vote based on the
33 totality of the circumstances, including but not limited to
34 any pattern or frequency of marks on other ballot positions
35 from the same ballot sheet.

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

1 particular ballot position on the ballot sheet is not
2 marked, but the ballot sheet contains other markings
3 associated with a particular ballot position, such as
4 circling a candidate's name, that indicates the clearly
5 ascertainable intent of the voter to vote, based on the
6 totality of the circumstances, including but not limited
7 to, any pattern or frequency of markings on other ballot
8 positions from the same ballot sheet.

9 (c) For other electronic voting systems that use a computer
10 as the marking device to mark a ballot sheet, the bar code
11 found on the ballot sheet shall constitute the votes found on
12 the ballot. If, however, the county clerk or board of election
13 commissioners determines that the votes represented by the
14 tally on the bar code for one or more ballot positions is
15 inconsistent with the votes represented by numerical ballot
16 positions identified on the ballot sheet produced using a
17 computer as the marking device, then the numerical ballot
18 positions identified on the ballot sheet shall constitute the
19 votes for purposes of any official canvass or recount
20 proceedings. An electronic voting system that uses a computer
21 as the marking device to mark a ballot sheet shall be capable
22 of producing a ballot sheet that contains all numerical ballot
23 positions selected by the voter, and provides a place for the
24 voter to cast a write-in vote for a candidate for a particular
25 numerical ballot position.

26 The results of the examination and count shall not be
27 certified, used to amend or change the abstracts of the votes
28 previously completed, used to deny the successful candidate for
29 the same office his certificate of nomination or election, nor
30 used to change the previously declared result of the vote on a
31 question of public policy. Such count shall not be binding in
32 an election contest brought about under the provisions of the
33 Election Code, shall not be a prerequisite to bringing such an
34 election contest, shall not prevent the bringing of such an
35 election contest, nor shall it affect the results of the
36 canvass previously proclaimed.

1 (Source: P.A. 84-966.)

2 (10 ILCS 5/24A-9.1) (from Ch. 46, par. 24A-9.1)

3 Sec. 24A-9.1. Whenever an electronic scanning process is
4 utilized to automatically examine and count the votes on ballot
5 sheets, the provisions of this Section shall apply. A voter
6 shall cast a proper vote on a ballot sheet by making a mark in
7 the designated area for the casting of a vote for any party or
8 candidate or for or against any proposition. For this purpose,
9 a mark is any an intentional darkening or partial darkening
10 within of the designated area on the ballot using the approved
11 marking device and that can be automatically examined, counted,
12 and tabulated by an electronic scanning process or any mark or
13 marks approved by the State Board of Elections exclusive to an
14 approved electronic scanning voting system sheet, and ~~shall~~ not
15 be an "X", a check mark, or any other recognizable letter of
16 the alphabet, number, or other symbol which can be recognized
17 as an identifying mark.

18 ~~Whenever the ballot sheet includes designated areas on both~~
19 ~~sides,~~ The election authority shall provide an envelope, sleeve
20 or other device to each voter by means of which the voter can
21 deliver the voted ballot sheet to the ballot box without the
22 votes indicated on the ballot sheet being visible to other
23 persons in the polling place.

24 (Source: P.A. 81-1433.)

25 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

26 Sec. 24A-15.1. Except as herein provided, discovery
27 recounts and election contests shall be conducted as otherwise
28 provided for in "The Election Code", as amended. The automatic
29 tabulating equipment shall be tested prior to the discovery
30 recount or election contest as provided in Section 24A-9, and
31 then the official ballots or ballot cards shall be recounted on
32 the automatic tabulating equipment. In addition, (1) the ballot
33 or ballot cards shall be checked for the presence or absence of
34 judges' initials and other distinguishing marks, and (2) the

1 ballots marked "Rejected", "Defective", "Objected to" and
2 "Absentee Ballot" shall be examined to determine the propriety
3 of the such labels, and (3) the "Duplicate Absentee Ballots",
4 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"
5 shall be compared with their respective originals to determine
6 the correctness of the duplicates.

7 Any person who has filed a petition for discovery recount
8 may request that a redundant count be conducted in those
9 precincts in which the discovery recount is being conducted.
10 The additional costs of such a redundant count shall be borne
11 by the requesting party.

12 For purposes of this Section a person casts a valid vote on
13 a punch card ballot when:

14 (1) A chad on the card has at least one corner detached
15 from the card;

16 (2) the fibers on at least one corner of the chad are
17 broken in a way that permits unimpeded light to be seen
18 through the card; or

19 (3) an indentation on the chad from the stylus or other
20 object is present and indicates a clearly ascertainable
21 intent of the voter to vote based on the totality of the
22 circumstances, including but not limited to any pattern or
23 frequency of indentations on other ballot positions from
24 the same ballot card.

25 The log of the computer operator and all materials retained
26 by the election authority in relation to vote tabulation and
27 canvass shall be made available for any discovery recount or
28 election contest.

29 (Source: P.A. 82-1014.)

30 (10 ILCS 5/24A-22)

31 Sec. 24A-22. Definition of a vote.

32 (a) ~~Notwithstanding any law to the contrary, for the~~
33 ~~purpose of this Article,~~ A person casts a valid vote on a punch
34 card ballot when:

35 ~~(1) A chad on the card has at least one corner detached~~

1 ~~from the card;~~

2 ~~(2) the fibers of paper~~ on at least one corner edge of
3 the chad are broken in a way that permits unimpeded light
4 to be seen through the card; ~~or~~

5 ~~(3) An indentation on the chad from the stylus or other~~
6 ~~object is present and indicates a clearly ascertainable~~
7 ~~intent of the voter to vote based on the totality of the~~
8 ~~circumstances, including but not limited to any pattern or~~
9 ~~frequency of indentations on other ballot positions from~~
10 ~~the same ballot card.~~

11 (b) Write-in votes shall be counted in a manner consistent
12 with the existing provisions of this Code.

13 (c) For purposes of this Section, a "chad" is that portion
14 of a ballot card that a voter punches or perforates with a
15 stylus or other designated marking device to manifest his or
16 her vote for a particular ballot position on a ballot card as
17 defined in subsection (a). Chads shall be removed from ballot
18 cards prior to their processing and tabulation in election
19 jurisdictions that utilize a ballot card as a means of
20 recording votes at an election. Election jurisdictions that
21 utilize a mechanical means or device for chad removal as a
22 component of their tabulation shall use that means or device
23 for chad removal.

24 A person casts a valid vote on an optical scan ballot sheet
25 by making a mark, or causing a mark to be made, in the
26 designated area for the casting of a vote for any party or
27 candidate or for or against any proposition. For this purpose,
28 a mark is any intentional darkening or partial darkening within
29 the designated area on the ballot using the approved marking
30 device and that can be automatically examined, counted and
31 tabulated by an electronic scanning process or any mark or
32 marks approved by the State Board of Elections exclusive to an
33 approved electronic scanning voting system and not an
34 identifying mark.

35 For any ballot sheet that does not register a vote for one
36 or more ballot positions on the ballot sheet on an Electronic

1 Tabulation Optical Scan Technology Scanning Process, the
2 following shall constitute a vote on the ballot sheet:

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

6 (2) the designated area for casting a vote for a
7 particular ballot position on the ballot sheet is partially
8 darkened or shaded in.

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

10 (10 ILCS 5/24B-9.1)

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

14 (a) Examination of Votes by Electronic Precinct Tabulation
15 Optical Scan Technology Scanning Process. Whenever a Precinct
16 Tabulation Optical Scan Technology process is used to
17 automatically examine and count the votes on ballot sheets, the
18 provisions of this Section shall apply. A voter shall cast a
19 proper vote on a ballot sheet by making a mark, or causing a
20 mark to be made, in the designated area for the casting of a
21 vote for any party or candidate or for or against any
22 proposition. For this purpose, a mark is any an intentional
23 darkening or partial darkening within ~~of~~ the designated area on
24 the ballot, using the approved marking device and that can be
25 automatically examined, counted, and tabulated by an
26 electronic scanning process or any mark or marks approved by
27 the State Board of Elections exclusive to an approved
28 electronic scanning voting system, and not an identifying mark.

29 (b) For any ballot sheet that does not register a vote for
30 one or more ballot positions on the ballot sheet on a
31 Electronic Precinct Tabulation Optical Scan Technology
32 Scanning Process, the following shall constitute a vote on the
33 ballot sheet:

34 (1) the designated area for casting a vote for a
35 particular ballot position on the ballot sheet is fully

1 darkened or shaded in; or

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

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

8 ~~(4) the designated area for casting a vote for a~~
9 ~~particular ballot position on the ballot sheet contains~~
10 ~~some other type of mark that indicates the clearly~~
11 ~~ascertainable intent of the voter to vote based on the~~
12 ~~totality of the circumstances, including but not limited to~~
13 ~~any pattern or frequency of marks on other ballot positions~~
14 ~~from the same ballot sheet.~~

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

24 (c) For other electronic voting systems that use a computer
25 as the marking device to mark a ballot sheet, the bar code
26 found on the ballot sheet shall constitute the votes found on
27 the ballot. If, however, the county clerk or board of election
28 commissioners determines that the votes represented by the
29 tally on the bar code for one or more ballot positions is
30 inconsistent with the votes represented by numerical ballot
31 positions identified on the ballot sheet produced using a
32 computer as the marking device, then the numerical ballot
33 positions identified on the ballot sheet shall constitute the
34 votes for purposes of any official canvass or recount
35 proceeding. An electronic voting system that uses a computer as
36 the marking device to mark a ballot sheet shall be capable of

1 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 box
8 without the votes indicated on the ballot sheet being visible
9 to other persons in the polling place.

10 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

11 (10 ILCS 5/24B-15.1)

12 Sec. 24B-15.1. Discovery, Recounts and Election Contests.
13 Except as provided, discovery recounts and election contests
14 shall be conducted as otherwise provided for in this Code. The
15 automatic Precinct Tabulation Optical Scan Technology
16 tabulating equipment shall be tested prior to the discovery
17 recount or election contest as provided in Section 24B-9, and
18 then the official ballots shall be recounted on the automatic
19 tabulating equipment. In addition, (a) the ballots shall be
20 checked for the presence or absence of judges' initials and
21 other distinguishing marks, and (b) the ballots marked
22 "Rejected", "Defective", "Objected To" and "Absentee Ballot"
23 shall be examined to determine the propriety of the labels, and
24 (c) the "Duplicate Absentee Ballots", "Duplicate Overvoted
25 Ballots" and "Duplicate Damaged Ballots" shall be compared with
26 their respective originals to determine the correctness of the
27 duplicates.

28 Any person who has filed a petition for discovery recount
29 may request that a redundant count be conducted in those
30 precincts in which the discovery recount is being conducted.
31 The additional costs of a redundant count shall be borne by the
32 requesting party.

33 The log of the computer operator and all materials retained
34 by the election authority in relation to vote tabulation and
35 canvass shall be made available for any discovery recount or

1 election contest.

2 For any ballot sheet that does not register a vote for one
3 or more ballot positions on the ballot sheet on an Electronic
4 Precinct Tabulation Optical Scan Technology Scanning Process
5 for purposes of this Section the following shall constitute a
6 vote:

7 (1) the designated area for casting a vote for a
8 particular ballot position on the ballot sheet contains a
9 dot or ".", a check, or a plus or "+"; or

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

19 For other electronic voting systems that use a computer as
20 the marking device to mark a ballot sheet, the bar code found
21 on the ballot sheet shall constitute the votes found on the
22 ballot. If, however, the county clerk or board of election
23 commissioners determines that the votes represented by the
24 tally on the bar code for one or more ballot positions is
25 inconsistent with the votes represented by numerical ballot
26 positions identified on the ballot sheet produced using a
27 computer as the marking device, then the numerical ballot
28 positions identified on the ballot sheet shall constitute the
29 votes for purposes of any official canvass or recount
30 proceeding. An electronic voting system that uses a computer as
31 the marking device to mark a ballot sheet shall be capable of
32 producing a ballot sheet that contains all numerical ballot
33 positions selected by the voter, and provides a place for the
34 voter to cast a write-in vote for a candidate for a particular
35 numerical ballot position.

36 (Source: P.A. 89-394, eff. 1-1-97.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.