



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by William R. Haine

**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 20548 JAM 46356 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.