



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1519

Introduced 2/20/2015, by Sen. Michael Noland

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Requires that each election authority (i) conduct an election day audit of a random sample of 10% of votes cast and (ii) provide by contract or employment for the performance by one or more independent auditors of post-election parallel tabulations and audits. Provides for the scope of the audits and the resulting reports. Requires that optical scan technology and direct recording electronic voting systems meet certain federal and independent testing standards. With respect to early voting, requires that an election authority using only direct recording electronic voting systems have paper ballots available for voters wishing to use them. Creates the Illinois Election Integrity Act. Provides that the fund shall be administered by the State Board of Elections and, in addition to contributions from income tax checkoffs, the fund shall accept voluntary contributions. Provides that the State Board of Elections shall use the moneys in the fund to perform election audits. Creates the Illinois Election Integrity Fund as a special fund in the State Treasury. Makes a corresponding change to the State Finance Act. Amends the Illinois Income Tax Act. Provides that, for taxable years ending on or after December 31, 2014, the Department of Revenue must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Election Integrity Fund, he or she may do so by stating the amount of the contribution (not less than \$3) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return.

LRB099 09373 MGM 29579 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 1. Short title. This Act may be cited as the  
5 Illinois Election Integrity Act.

6 Section 5. The Illinois Election Integrity Fund. The  
7 Illinois Election Integrity Fund is hereby created as a special  
8 fund in the State Treasury. The fund shall be administered by  
9 the State Board of Elections and, in addition to contributions  
10 from income tax checkoffs, the fund shall accept voluntary  
11 contributions. The State Board of Elections shall use the  
12 moneys in the fund to perform election audits.

13 Section 900. The Election Code is amended by changing  
14 Sections 19A-75, 24B-2, 24B-16, 24C-2, 24C-9, and 24C-16 and by  
15 adding the heading of Article 21B and Sections 21B-5, 21B-10,  
16 21B-15, 21B-20, 21B-25, 21B-30, 21B-35, 21B-40, 21B-45,  
17 21B-50, 21B-55, 21B-60, 21B-65, 21B-70, 21B-75, 21B-80,  
18 21B-85, 21B-90, and 21B-95 as follows:

19 (10 ILCS 5/19A-75)

20 (Text of Section before amendment by P.A. 98-1171)

21 Sec. 19A-75. Early voting in jurisdictions using Direct

1 Recording Electronic Voting Systems under Article 24C.  
2 Election authorities that have adopted for use Direct Recording  
3 Electronic Voting Systems under Article 24C may (i) either use  
4 those voting systems to conduct early voting, provided that  
5 each early voting polling place shall have available sufficient  
6 paper ballots for those voters who request them, consistent  
7 with the limitations set forth in subsection (b) of Section  
8 19A-10, or (ii), so long as at least one Direct Recording  
9 Electronic Voting System device is available at each early  
10 voting polling place, use whatever method the election  
11 authority uses for absentee balloting conducted by mail;  
12 provided that no early ballots are counted before the polls  
13 close on election day.

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

15 (Text of Section after amendment by P.A. 98-1171)

16 Sec. 19A-75. Early voting in jurisdictions using Direct  
17 Recording Electronic Voting Systems under Article 24C.  
18 Election authorities that have adopted for use Direct Recording  
19 Electronic Voting Systems under Article 24C may (i) either use  
20 those voting systems to conduct early voting, provided that  
21 each early voting polling place shall have available sufficient  
22 paper ballots for those voters who request them, consistent  
23 with the limitations set forth in subsection (b) of Section  
24 19A-10, or (ii), so long as at least one Direct Recording  
25 Electronic Voting System device is available at each early

1 voting polling place, use whatever method the election  
2 authority uses for vote by mail balloting; provided that no  
3 early ballots are counted before the polls close on election  
4 day.

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

6 (10 ILCS 5/Art. 21B heading new)

7 ARTICLE 21B. AUDITS

8 (10 ILCS 5/21B-5 new)

9 Sec. 21B-5. Election day audit. There shall be conducted a  
10 10% election day audit of all votes cast for each designated  
11 race or proposition on election day.

12 (10 ILCS 5/21B-10 new)

13 Sec. 21B-10. Scope of the audit. The 10% audit shall be  
14 conducted for all races or propositions that meet the following  
15 criteria:

16 (1) all statewide offices and propositions;

17 (2) all countywide offices and propositions;

18 (3) all federal races; and

19 (4) any municipal or other political sub-division or  
20 taxing entity races where the number of registered voters  
21 eligible to vote on that race or proposition exceeds 50,000  
22 voters.

1 (10 ILCS 5/21B-15 new)

2 Sec. 21B-15. Time and place of the audit. The 10% audits  
3 shall take place on election day as soon as practicable after  
4 the close of the polls and shall take place at the location  
5 where votes are originally counted (in-precinct for all votes  
6 cast on election day and at the central counting location for  
7 early voting, grace, and absentee ballots), provided that the  
8 10% hand count shall be subordinate to and not interfere with  
9 the reporting of election results.

10 (10 ILCS 5/21B-20 new)

11 Sec. 21B-20. Conduct. The election day audit shall be  
12 conducted by election judges selected and appointed in the same  
13 manner as set forth in Sections 13-1, 13-2, 14-1, 14-2, and  
14 14-3 of this Code. Election authorities may implement the  
15 appointment of part-time judges, job-sharing, split shifts, or  
16 other methods of allocating election judge resources to ensure  
17 that sufficient judges are available to conduct the election  
18 day audits in a timely and efficient manner.

19 (10 ILCS 5/21B-25 new)

20 Sec. 21B-25. Random selection of ballots to be examined.

21 (a) The election authority shall provide to each polling  
22 place, precinct, or central counting location as appropriate  
23 one set of 10 plastic disks, each imprinted on one or both  
24 sides with a number from 1 to 10. Each disk shall have one such

1 number imprinted, with the same number on each side, and no 2  
2 disks shall have the same number. In addition, a suitable  
3 opaque container shall be provided sufficient to contain the  
4 set.

5 (b) After the close of the polls and prior to the  
6 commencement of the election day audit, the election judges  
7 present shall select one of their number to place the numbered  
8 disk in the container and shake the container sufficiently so  
9 that the disks shall be in random order. The judges shall  
10 select another of their number to select one such disk from the  
11 container in such a manner that the selecting judge has no  
12 knowledge of which disk he or she is selecting. The disk drawn  
13 from the container shall be examined and the number of the disk  
14 chosen publicly announced. That result shall indicate which  
15 ballots are to be examined, e.g. a result of 7 shall require  
16 that the seventh and every tenth ballot thereafter be examined  
17 (7, 17, 27, etc.). The result of the drawing shall be recorded  
18 on the summary report section set forth in Section 21B-35.

19 (10 ILCS 5/21B-30 new)

20 Sec. 21B-30. Ballots or paper records to be examined.

21 (a) The election authority shall provide to each polling  
22 place, precinct, or central counting location as appropriate  
23 one self-inked consecutive numbering stamp capable of  
24 numbering from 1 to 999,999.

25 (b) All paper ballots shall be placed in a single stack in

1 a random order as retrieved from the ballot boxes and each  
2 ballot shall be stamped with a consecutive number, starting  
3 with the number 1 until all ballots have been numbered.

4 (c) The starting number and tenth ballot thereafter shall  
5 be examined in accordance with the selection number resulting  
6 from the operation of Section 21B-25.

7 (d) For paper records printed by Direct Recording  
8 Electronic (DRE) voting machines, the paper records shall be  
9 examined in the order printed on the DRE produced paper records  
10 selecting each starting and tenth paper record thereafter in  
11 accordance with the selection number resulting from the  
12 operation of Section 21B-25.

13 (e) For paper records printed by Direct Recording  
14 Electronic (DRE) voting machines, only the human-readable  
15 portion of the paper record shall be used in the election day  
16 audit. The use of bar codes or other human unreadable records  
17 of votes shall not be permitted.

18 (10 ILCS 5/21B-35 new)

19 Sec. 21B-35. Reports.

20 (a) Prior to election day, the appropriate election  
21 authority shall cause to be created and printed an audit  
22 summary form that shall state the races and propositions to be  
23 audited in accordance with Section 21B-10 and shall have  
24 pre-printed spaces, boxes, or both in which the results of the  
25 election day audit shall be recorded. This form shall also

1 include a reconciliation of all ballots counted by category,  
2 such as provisional, federal only, standard, etc., and shall be  
3 provided in sufficient number to all auditing locations to  
4 facilitate the required distribution.

5 (b) Upon completion of the audit, 6 copies of the election  
6 day audit summary shall be signed by all the judges  
7 participating in the election day audit and shall be  
8 distributed as follows:

9 (1) One copy shall be posted in the polling or counting  
10 location in a manner that the election day audit summary is  
11 clearly visible and available for public inspection for a  
12 period of not less than one hour.

13 (2) Two copies shall be placed in the ballot box or  
14 designated envelope or envelopes and transported to the  
15 election authority in the same manner as ballots.

16 (3) Three copies shall be made available on request to  
17 pollwatchers or members of the public in that order of  
18 preference.

19 (4) Pollwatchers and other observers in the polls may  
20 take photographs of the posted copies without restriction.

21 (c) The audit reports from all in-precinct and central  
22 counting locations shall be received by the election authority  
23 and a consolidated report shall be prepared. The consolidated  
24 reports shall be published by the election authority within 24  
25 hours after the closing of the polls, and the authorities shall  
26 certify the election day audit results and maintain both



1 consolidated and individual location reports in the same manner  
2 and for the same period of time as ballots, except that copies  
3 of consolidated and individual location reports shall be  
4 available to the public upon request. If that election  
5 authority maintains a public website, then the copies shall  
6 also be made freely available to the public via the Internet  
7 for a period of not less than 60 days.

8 (d) The certified Consolidated and individual location  
9 reports shall be deemed admissible as evidence to the extent  
10 permitted by law in any action for discovery or other recount.

11 (10 ILCS 5/21B-40 new)

12 Sec. 21B-40. Parallel, independent audits. There shall be  
13 conducted an independent parallel tabulation and audit for each  
14 race or proposition in every election.

15 (10 ILCS 5/21B-45 new)

16 Sec. 21B-45. Authority. Each election authority shall be  
17 empowered on behalf of all voters in that jurisdiction to  
18 contract for, employ, or both contract for and employ one or  
19 more independent auditors to conduct a parallel count and  
20 tabulation of the results of every election conducted by the  
21 election authority for every race and proposition in the  
22 election.

23 (10 ILCS 5/21B-50 new)

1       Sec. 21B-50. Independent election audit committee. Each  
2 election authority shall cause to be constituted an independent  
3 election audit committee (EAC) of not less than 5 members, that  
4 shall have as its primary duties: (1) the preparation of a  
5 request for proposal (RFP) for the parallel election tabulation  
6 and audit (PETA) and (2) the selection of the independent  
7 auditor or auditors to perform such audit.

8           (10 ILCS 5/21B-55 new)

9       Sec. 21B-55. Time of convening. The election audit  
10 committee for each jurisdiction shall convene at least 120 days  
11 prior to election day and meet thereafter as often as shall be  
12 deemed necessary and proper by its membership.

13           (10 ILCS 5/21B-60 new)

14       Sec. 21B-60. Committee composition. The election audit  
15 committee shall consist of the following members:

16           (1) One member appointed by each political party that  
17 shall have had a candidate for jurisdiction-wide public  
18 office in that jurisdiction on the ballot for the previous  
19 general election, provided that the party shall have had at  
20 least one candidate who received 10% of the ballots cast in  
21 that election.

22           (2) Two members appointed by the election authority for  
23 the jurisdiction.

24           (3) One election judge from each of the political

1 parties qualifying under paragraph (1) who has served as an  
2 election judge in the most recent election conducted in  
3 that jurisdiction and at least 2 previous elections. The  
4 election judge members shall be selected by lot from among  
5 the pool of available judges from the most recent election  
6 conducted in that jurisdiction.

7 (10 ILCS 5/21B-65 new)

8 Sec. 21B-65. Request for proposal. Each election authority  
9 shall issue a request for proposal (RFP) for a parallel  
10 election tabulation and audit as prepared by the independent  
11 election audit committee not less than 90 days before election  
12 day. The proposals shall be examined and reviewed by the EAC,  
13 and the election authority (or other governmental body with  
14 appropriation and contracting authority for the jurisdiction)  
15 shall award the contract for the audit not less than 45 days  
16 before each election.

17 (10 ILCS 5/21B-70 new)

18 Sec. 21B-70. Funding. The public accounting firm  
19 conducting the PETA shall be paid from public funds  
20 appropriated by each election jurisdiction and designated for  
21 that purposes.

22 (10 ILCS 5/21B-75 new)

23 Sec. 21B-75. Contractor qualifications. To qualify to

1 submit a proposal, a potential PETA contractor shall include in  
2 its response to the RFP:

3 (1) Evidence that it is a public accounting firm  
4 licensed by the State of Illinois to perform financial audits.

5 (2) Provide evidence that upon awarding of a contract  
6 to conduct the parallel election tabulation, the firm can post  
7 a performance bond equal to \$1 for every registered voter in  
8 that jurisdiction.

9 (3) An agreement to submit a response to the RFP that  
10 shall limit the aggregate amount to be paid the contractor to  
11 not more than (i) \$75 per precinct audited, (ii) \$0.075 per  
12 ballot or paper record counted and tallied at central counting  
13 locations, or (iii) both (i) and (ii).

14 (4) A statement of performance secured by the  
15 performance bond in item (2) that above the parallel election  
16 tabulation and audit shall be completed and public reports  
17 submitted within the time limitations set forth in Section  
18 21B-85.

19 (10 ILCS 5/21B-80 new)

20 Sec. 21B-80. Award. The public accounting firm awarded the  
21 contract shall be granted access to any and all records of the  
22 election, including but not limited to paper ballots, portable  
23 computer memory devices from DREs, scanning devices, central  
24 count devices, paper records, ballot generating software,  
25 counting and tabulation software, computer logs and error

1 reports of all voting machines and central tabulation devices,  
2 servers, communications protocols, databases of all types  
3 including registration databases, pollwatcher and election  
4 judge logs and reports, and any other records deemed relevant  
5 to the conduct of the election as the auditing entity shall  
6 deem necessary and reasonable for the conduct of the parallel  
7 election tabulation and audit.

8 (10 ILCS 5/21B-85 new)

9 Sec. 21B-85. Reports.

10 (a) The public accounting firm shall produce an initial  
11 results report within 72 hours after the close of the polls  
12 that shall examine and comment on at least, but not limited to,  
13 the following:

14 (1) Whether proper procedures were used in the  
15 compilation and tabulation of the 10% election day audit.

16 (2) Whether each voter's choices were accurately  
17 summarized in the precinct or central count tallying.

18 (3) To the extent possible to determine from the  
19 records available, that the central tabulation procedures,  
20 equipment, and software functioned correctly and that the  
21 totals reflected in the internal and public tabulation of  
22 votes was consistent and accurate.

23 The auditing entity shall certify, with any exceptions  
24 noted thereto, the tabulated results of each race or  
25 proposition of the election as being accurate to the extent

1 that the winner of each race or the prevailing result for each  
2 proposition is correct. For each and every race for which the  
3 auditing entity is unable to certify, it shall state the  
4 reasons therefore, citing specific circumstances as to why it  
5 is unable to certify the outcome.

6 (b) The public accounting firm shall produce an operational  
7 report within 21 days after the close of the polls that shall  
8 examine and comment on at least, but not limited to, the  
9 following:

10 (1) Pre-election preparation including the compiling  
11 and production of registration and eligible voter lists,  
12 including printed ballot applications and voter records in  
13 electronic poll books, and candidate, voter, and  
14 pollworker accessible records of eligibility.

15 (2) Proper compiling and production of ballots, both  
16 paper and electronic, as to completeness and accuracy for  
17 each ballot style produced.

18 (3) Adequacy and completeness of training manuals,  
19 election judge's manuals, voter instruction materials, and  
20 other internal and public documents related to the  
21 election.

22 (4) The election process during the time the polls were  
23 open, including reports of machine failures, election  
24 problems of all varieties, pollworkers and pollwatchers,  
25 reports in order to determine and express an opinion of the  
26 efficacy of the election process and to determine to the

1 extent possible that:

2 (A) All eligible voters were given an opportunity  
3 to vote.

4 (B) Each voter received a proper and complete  
5 ballot.

6 (C) Each voter's choices were properly recorded by  
7 the electronic or mechanical machines used in the  
8 voting process.

9 (b-5) The auditors of the parallel election tabulation  
10 shall examine the processes used after the polls closed to  
11 determine, to the extent possible from the records  
12 available, if:

13 (1) All election materials were properly secured  
14 and that a complete and unbroken chain of custody  
15 exists for all election materials.

16 (2) In the case where election authorities gather  
17 election results through electronic transmission,  
18 either through land lines or wireless networks, the  
19 transmissions were secure, reliable, and accurate.

20 (c) The auditing entity shall produce a report that  
21 adequately describes all problems associated with the election  
22 process and to the extent possible the causes of those  
23 problems.

24 (d) To the extent possible within the time constraints  
25 imposed by the 21-day requirement, the auditing entity shall  
26 include in its report recommendations for modifications to

1 procedures, equipment, or software that would eliminate  
2 problems or improve the efficiency and accuracy of the process  
3 in whatever stage examined or reported.

4 (10 ILCS 5/21B-90 new)

5 Sec. 21B-90. Availability and ownership of parallel  
6 election tabulation and audit reports.

7 (a) The report of the auditing entity shall be public  
8 property, in the public domain, and available to anyone upon  
9 request and payment of a reasonable fee, subject to the  
10 provisions of the Freedom of Information Act (5 ILCS 140/).

11 (b) If the election authority contracting for the parallel  
12 election tabulation and audit report maintains a website, the  
13 Report shall be posted on the publicly accessible portion of  
14 the website in an appropriate format for downloading and  
15 printing by the public.

16 (10 ILCS 5/21B-95 new)

17 Sec. 21B-95. Legal effect. The parallel election  
18 tabulation and audit reports shall be deemed admissible as  
19 evidence to the extent permitted by law in any action for  
20 discovery or other recount.

21 (10 ILCS 5/24B-2)

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

23 "Approved independent testing authority" means an



1 independent laboratory or authority certified by the federal  
2 Election Assistance Commission (EAC).

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

8 "Ballot" means paper ballot sheets.

9 "Ballot configuration" means the particular combination of  
10 political subdivision ballots including, for each political  
11 subdivision, the particular combination of offices, candidate  
12 names and questions as it appears for each group of voters who  
13 may cast the same ballot.

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

21 "Central counting" means the counting of ballots in one or  
22 more locations selected by the election authority for the  
23 processing or counting, or both, of ballots. A location for  
24 central counting shall be within the territorial jurisdiction  
25 of the election authority unless there is no suitable  
26 tabulating equipment available within his territorial

1 jurisdiction. However, in any event a counting location shall  
2 be within this State.

3 "Computer operator" means any person or persons designated  
4 by the election authority to operate the automatic tabulating  
5 equipment during any portion of the vote tallying process in an  
6 election, but shall not include judges of election operating  
7 vote tabulating equipment in the precinct.

8 "Computer program" or "program" means the set of operating  
9 instructions for the automatic tabulating equipment that  
10 examines, counts, tabulates, canvasses and prints votes  
11 recorded by a voter on a ballot.

12 "Edit listing" means a computer generated listing of the  
13 names of each candidate and proposition as they appear in the  
14 program for each precinct.

15 "Header sheet" means a data processing document which is  
16 coded to indicate to the computer the precinct identity of the  
17 ballots that will follow immediately and may indicate to the  
18 computer how such ballots are to be tabulated.

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

23 "Marking device" means a pen, computer, or other device  
24 approved by the State Board of Elections for marking, or  
25 causing to be marked, a paper ballot with ink or other  
26 substance which will enable the ballot to be tabulated by

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

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

6 "Redundant count" means a verification of the original  
7 computer count by another count using compatible equipment or  
8 by hand as part of a discovery recount.

9 "Security designation" means a printed designation placed  
10 on a ballot to identify to the computer program the offices and  
11 propositions for which votes may be cast and to indicate the  
12 manner in which votes cast should be tabulated while negating  
13 any inadmissible votes.

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

17 "Specimen ballot" means a representation of names of  
18 offices and candidates and statements of measures to be voted  
19 on which will appear on the official ballot or marking device  
20 on election day. The specimen ballot also contains the party  
21 and position number where applicable.

22 "Voting defect identification" means the capability to  
23 detect overvoted ballots or ballots which cannot be read by the  
24 automatic tabulating equipment.

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

1 "Voting system" or "electronic voting system" means that  
2 combination of equipment and programs used in the casting,  
3 examination and tabulation of ballots and the cumulation and  
4 reporting of results by electronic means.

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

6 (10 ILCS 5/24B-16)

7 Sec. 24B-16. Approval of Precinct Tabulation Optical Scan  
8 Technology Voting Systems; Requisites. The State Board of  
9 Elections shall approve all Precinct Tabulation Optical Scan  
10 Technology voting systems provided by this Article that fulfill  
11 the voluntary provisions and mandatory requirements of the  
12 federal voting system standards pertaining to Precinct  
13 Tabulation Optical Scan Technology voting systems promulgated  
14 by the Federal Election Commission or the Election Assistance  
15 Commission and that fulfill the testing requirements of an  
16 approved independent testing authority.

17 No Precinct Tabulation Optical Scan Technology voting  
18 system shall be approved unless it has been certified by the  
19 Federal Election Commission or the Election Assistance  
20 Commission and fulfills the following requirements:

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

22 (b) (Blank);

23 (c) It enables a voter to vote a ticket selected in  
24 part from the nominees of one party, and in part from the  
25 nominees of any or all parties, and in part from

1 independent candidates, and in part of candidates whose  
2 names are written in by the voter;

3 (d) It enables a voter to vote a written or printed  
4 ticket of his or her own selection for any person for any  
5 office for whom he or she may desire to vote;

6 (e) It will reject all votes for an office or upon a  
7 proposition when the voter has cast more votes for the  
8 office or upon the proposition than he or she is entitled  
9 to cast;

10 (e-5) It will identify when a voter has not voted for  
11 all statewide constitutional offices; and

12 (f) It will accommodate all propositions to be  
13 submitted to the voters in the form provided by law or,  
14 where no form is provided, then in brief form, not to  
15 exceed 75 words.

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

19 The State Board of Elections is authorized to withdraw its  
20 approval of a Precinct Tabulation Optical Scan Technology  
21 voting system if the system fails to fulfill the above  
22 requirements.

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

1 vendor's, person's, or other private entity's respective  
2 equipment and software.

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

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

21 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

22 (10 ILCS 5/24C-2)

23 Sec. 24C-2. Definitions. As used in this Article:

24 "Approved independent testing authority" means an  
25 independent laboratory or authority certified by the federal

1 Election Assistance Commission (EAC).

2 "Audit trail" or "audit capacity" means a continuous trail  
3 of evidence linking individual transactions related to the  
4 casting of a vote, the vote count and the summary record of  
5 vote totals, but which shall not allow for the identification  
6 of the voter. It shall permit verification of the accuracy of  
7 the count and detection and correction of problems and shall  
8 provide a record of each step taken in: defining and producing  
9 ballots and generating related software for specific  
10 elections; installing ballots and software; testing system  
11 readiness; casting and tabulating ballots; and producing  
12 images of votes cast and reports of vote totals. The record  
13 shall incorporate system status and error messages generated  
14 during election processing, including a log of machine  
15 activities and routine and unusual intervention by authorized  
16 and unauthorized individuals. Also part of an audit trail is  
17 the documentation of such items as ballots delivered and  
18 collected, administrative procedures for system security,  
19 pre-election testing of voting systems, and maintenance  
20 performed on voting equipment. All test plans, test results,  
21 documentation, and other records used to plan, execute, and  
22 record the results of the testing and verification, including  
23 all material prepared or used by independent testing  
24 authorities or other third parties, shall be made part of the  
25 public record and shall be freely available via the Internet  
26 and paper copy to anyone. "Audit trail" or "audit capacity"

1 also means that the voting system is capable of producing and  
2 shall produce immediately after a ballot is cast a permanent  
3 paper record of each ballot cast that shall be available as an  
4 official record for any recount, redundant count, or  
5 verification or retabulation of the vote count conducted with  
6 respect to any election in which the voting system is used.

7 "Ballot" means an electronic audio or video display or any  
8 other medium, including paper, used to record a voter's choices  
9 for the candidates of their preference and for or against  
10 public questions.

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

16 "Ballot image" means a corresponding representation in  
17 electronic or paper form of the mark or vote position of a  
18 ballot.

19 "Ballot label" or "ballot screen" means the display of  
20 material containing the names of offices and candidates and  
21 public questions to be voted on.

22 "Central counting" means the counting of ballots in one or  
23 more locations selected by the election authority for the  
24 processing or counting, or both, of ballots. A location for  
25 central counting shall be within the territorial jurisdiction  
26 of the election authority unless there is no suitable



1 tabulating equipment available within his territorial  
2 jurisdiction. However, in any event a counting location shall  
3 be within this State.

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 "Computer operator" means any person or persons designated  
10 by the election authority to operate the automatic tabulating  
11 equipment during any portion of the vote tallying process in an  
12 election, but shall not include judges of election operating  
13 vote tabulating equipment in the precinct.

14 "Computer program" or "program" means the set of operating  
15 instructions for the automatic tabulating equipment that  
16 examines, records, displays, counts, tabulates, canvasses, or  
17 prints votes recorded by a voter on a ballot or that displays  
18 any and all information, graphics, or other visual or audio  
19 information or images used in presenting voting information,  
20 instructions, or voter choices.

21 "Direct recording electronic voting system", "voting  
22 system" or "system" means the total combination of mechanical,  
23 electromechanical or electronic equipment, programs and  
24 practices used to define ballots, cast and count votes, report  
25 or display election results, maintain or produce any audit  
26 trail information, identify all system components, test the

1 system during development, maintenance and operation, maintain  
2 records of system errors and defects, determine specific system  
3 changes to be made to a system after initial qualification, and  
4 make available any materials to the voter such as notices,  
5 instructions, forms or paper ballots.

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

9 "In-precinct counting" means the recording and counting of  
10 ballots on automatic tabulating equipment provided by the  
11 election authority in the same precinct polling place in which  
12 those ballots have been cast.

13 "Marking device" means any device approved by the State  
14 Board of Elections for marking a ballot so as to enable the  
15 ballot to be recorded, counted and tabulated by automatic  
16 tabulating equipment.

17 "Permanent paper record" means a paper record upon which  
18 shall be printed in human readable form the votes cast for each  
19 candidate and for or against each public question on each  
20 ballot recorded in the voting system. Each permanent paper  
21 record shall be printed by the voting device upon activation of  
22 the marking device by the voter and shall contain a unique,  
23 randomly assigned identifying number that shall correspond to  
24 the number randomly assigned by the voting system to each  
25 ballot as it is electronically recorded.

26 "Redundant count" means a verification of the original

1 computer count of ballots by another count using compatible  
2 equipment or other means as part of a discovery recount,  
3 including a count of the permanent paper record of each ballot  
4 cast by using compatible equipment, different equipment  
5 approved by the State Board of Elections for that purpose, or  
6 by hand.

7 "Separate ballot" means a separate page or display screen  
8 of the ballot that is clearly defined and distinguishable from  
9 other portions of the ballot.

10 "Voting device" or "voting machine" means an apparatus that  
11 contains the ballot label or ballot screen and allows the voter  
12 to record his or her vote.

13 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

14 (10 ILCS 5/24C-9)

15 Sec. 24C-9. Testing of Direct Recording Electronic Voting  
16 System Equipment and Programs; Custody of Programs, Test  
17 Materials and Ballots. Prior to the public test, the election  
18 authority shall conduct an errorless pre-test of the Direct  
19 Recording Electronic Voting System equipment and programs to  
20 determine that they will correctly detect voting defects and  
21 count the votes cast for all offices and all public questions.  
22 On any day not less than 5 days prior to use in an ~~the~~ election  
23 ~~day~~, the election authority shall publicly test the Direct  
24 Recording Electronic Voting System equipment and programs to  
25 determine that they will correctly detect voting errors and

1 accurately count the votes legally cast for all offices and on  
2 all public questions. Public notice of the time and place of  
3 the test shall be given at least 48 hours before the test by  
4 publishing the notice in one or more newspapers within the  
5 election jurisdiction of the election authority, if a newspaper  
6 is published in that jurisdiction. If a newspaper is not  
7 published in that jurisdiction, notice shall be published in a  
8 newspaper of general circulation in that jurisdiction. Timely  
9 written notice stating the date, time, and location of the  
10 public test shall also be provided to the State Board of  
11 Elections. The test shall be open to representatives of the  
12 political parties, the press, representatives of the State  
13 Board of Elections, and the public. The test shall be conducted  
14 by entering a pre-audited group of votes designed to record a  
15 predetermined number of valid votes for each candidate and on  
16 each public question, and shall include for each office one or  
17 more ballots having votes exceeding the number allowed by law  
18 to test the ability of the automatic tabulating equipment to  
19 reject the votes. The test shall also include producing an edit  
20 listing. In those election jurisdictions where in-precinct  
21 counting equipment is used, a public test of both the equipment  
22 and program shall be conducted as nearly as possible in the  
23 manner prescribed above. The State Board of Elections may  
24 select as many election jurisdictions as the Board deems  
25 advisable in the interests of the election process of this  
26 State, to order a special test of the automatic tabulating

1 equipment and program before any regular election. The Board  
2 may order a special test in any election jurisdiction where,  
3 during the preceding 12 months, computer programming errors or  
4 other errors in the use of System resulted in vote tabulation  
5 errors. Not less than 30 days before any election, the State  
6 Board of Elections shall provide written notice to those  
7 selected jurisdictions of their intent to conduct a test.  
8 Within 5 days of receipt of the State Board of Elections'  
9 written notice of intent to conduct a test, the selected  
10 jurisdictions shall forward to the principal office of the  
11 State Board of Elections a copy of all specimen ballots. The  
12 State Board of Elections' tests shall be conducted and  
13 completed not less than 2 days before the public test and under  
14 the supervision of the Board. The vendor, person, or other  
15 private entity shall be solely responsible for the production  
16 and cost of: all ballots; additional temporary workers; and  
17 other equipment or facilities needed and used in the testing of  
18 the vendor's, person's, or other private entity's respective  
19 equipment and software. After an errorless test, materials used  
20 in the public test, including the program, if appropriate,  
21 shall be sealed and remain sealed until the test is run again  
22 on election day. If any error is detected, the cause of the  
23 error shall be determined and corrected, and an errorless  
24 public test shall be made before the automatic tabulating  
25 equipment is approved. Each election authority shall file a  
26 sealed copy of each tested program to be used within its

1 jurisdiction at an election with the State Board of Elections  
2 before the election. The Board shall secure the program or  
3 programs of each election jurisdiction so filed in its office  
4 until the next election of the same type (general primary,  
5 general election, consolidated primary, or consolidated  
6 election) for which the program or programs were filed. At the  
7 expiration of that time, if no election contest or appeal is  
8 pending in an election jurisdiction, the Board shall destroy  
9 the sealed program or programs. Except where in-precinct  
10 counting equipment is used, the test shall be repeated  
11 immediately before the start of the official counting of the  
12 ballots, in the same manner as set forth above. After the  
13 completion of the count, the test shall be re-run using the  
14 same program. Immediately after the re-run, all material used  
15 in testing the program and the programs shall be sealed and  
16 retained under the custody of the election authority for a  
17 period of 60 days. At the expiration of that time the election  
18 authority shall destroy the voted ballots, together with all  
19 unused ballots returned from the precincts. Provided, if any  
20 contest of election is pending at the time in which the ballots  
21 may be required as evidence and the election authority has  
22 notice of the contest, the same shall not be destroyed until  
23 after the contest is finally determined. If the use of back-up  
24 equipment becomes necessary, the same testing required for the  
25 original equipment shall be conducted.

26 (Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

1 (10 ILCS 5/24C-16)

2 Sec. 24C-16. Approval of Direct Recording Electronic  
3 Voting Systems; Requisites. The State Board of Elections shall  
4 approve all Direct Recording Electronic Voting Systems that  
5 fulfill the functional requirements provided by Section 24C-11  
6 of this Code, voluntary provisions and the mandatory  
7 requirements of the federal voting system standards pertaining  
8 to Direct Recording Electronic Voting Systems promulgated by  
9 the Federal Election Commission or the Election Assistance  
10 Commission, the testing requirements of an approved  
11 independent testing authority and the rules of the State Board  
12 of Elections.

13 The State Board of Elections shall not approve any Direct  
14 Recording Electronic Voting System that (i) has not been  
15 certified by the Federal Election Commission or the Election  
16 Assistance Commission or (ii) includes an external Infrared  
17 Data Association (IrDA) communications port.

18 The State Board of Elections is authorized to withdraw its  
19 approval of a Direct Recording Electronic Voting System if the  
20 System, once approved, fails to fulfill the above requirements.

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

1 equipment and software.

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

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

20 (Source: P.A. 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

21 Section 905. The State Finance Act is amended by adding  
22 Section 5.866 as follows:

23 (30 ILCS 105/5.866 new)

24 Sec. 5.866. The Illinois Election Integrity Fund.



1 Section 910. The Illinois Income Tax Act is amended by  
2 adding Section 507DDD as follows:

3 (35 ILCS 5/507DDD new)

4 Sec. 507DDD. The Illinois Election Integrity Fund  
5 checkoff. For taxable years ending on or after December 31,  
6 2015, the Department must print on its standard individual  
7 income tax form a provision indicating that if the taxpayer  
8 wishes to contribute to the Illinois Election Integrity Fund,  
9 as authorized by the Illinois Election Integrity Act, he or she  
10 may do so by stating the amount of the contribution (not less  
11 than \$3) on the return and that the contribution will reduce  
12 the taxpayer's refund or increase the amount of payment to  
13 accompany the return. Failure to remit any amount of increased  
14 payment shall reduce the contribution accordingly. This  
15 Section does not apply to any amended return.

16 Section 995. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.

1 INDEX  
2 Statutes amended in order of appearance

3 New Act

4 10 ILCS 5/19A-75

5 10 ILCS 5/Art. 21B heading

6 new

7 10 ILCS 5/21B-5 new

8 10 ILCS 5/21B-10 new

9 10 ILCS 5/21B-15 new

10 10 ILCS 5/21B-20 new

11 10 ILCS 5/21B-25 new

12 10 ILCS 5/21B-30 new

13 10 ILCS 5/21B-35 new

14 10 ILCS 5/21B-40 new

15 10 ILCS 5/21B-45 new

16 10 ILCS 5/21B-50 new

17 10 ILCS 5/21B-55 new

18 10 ILCS 5/21B-60 new

19 10 ILCS 5/21B-65 new

20 10 ILCS 5/21B-70 new

21 10 ILCS 5/21B-75 new

22 10 ILCS 5/21B-80 new

23 10 ILCS 5/21B-85 new

24 10 ILCS 5/21B-90 new

25 10 ILCS 5/21B-95 new

- 1 10 ILCS 5/24B-2
- 2 10 ILCS 5/24B-16
- 3 10 ILCS 5/24C-2
- 4 10 ILCS 5/24C-9
- 5 10 ILCS 5/24C-16
- 6 30 ILCS 105/5.866 new
- 7 35 ILCS 5/507DDD new