



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB0834

Introduced 2/1/2017, by Sen. Cristina Castro

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Election Integrity Act. 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. Creates a voluntary tax checkoff for the Fund. 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. Amends the State Finance Act. Creates the Election Integrity Fund as a special fund in the State treasury.

LRB100 09229 MLM 19385 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 referred to as the  
5 Illinois Election Integrity Act.

6 Section 5. The Election Code is amended by changing  
7 Sections 19A-75, 24B-2, 24B-16, 24C-2, 24C-9, and 24C-16 and by  
8 adding Article 17A as follows:

9 (10 ILCS 5/19A-75)

10 Sec. 19A-75. Early voting in jurisdictions using Direct  
11 Recording Electronic Voting Systems under Article 24C.  
12 Election authorities that have adopted for use Direct Recording  
13 Electronic Voting Systems under Article 24C may (i) either use  
14 those voting systems to conduct early voting, provided that  
15 each early voting polling place shall have available sufficient  
16 paper ballots for those voters who request them, consistent  
17 with the limitations set forth in subsection (b) of Section  
18 19A-10, or (ii) 7 so long as at least one Direct Recording  
19 Electronic Voting System device is available at each early  
20 voting polling place, use whatever method the election  
21 authority uses for vote by mail balloting; provided that no  
22 early ballots are counted before the polls close on election

1 day.

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

3 (10 ILCS 5/Art. 17A heading new)

4 ARTICLE 17A. AUDITS

5 (10 ILCS 5/17A-5 new)

6 Sec. 17A-5. Election day audit. There shall be conducted a  
7 10% election day audit of all votes cast for each designated  
8 race or proposition on election day.

9 (10 ILCS 5/17A-10 new)

10 Sec. 17A-10. Scope of the audit. The 10% audit shall be  
11 conducted for all races or propositions that meet the following  
12 criteria:

13 (1) all statewide offices and propositions;

14 (2) all countywide offices and propositions;

15 (3) all federal races; and

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

20 (10 ILCS 5/17A-15 new)

21 Sec. 17A-15. Time and place of the audit. The 10% audits  
22 shall take place on election day as soon as practicable after

1 the close of the polls and shall take place at the location  
2 where votes are originally counted (in-precinct for all votes  
3 cast on election day and at the central counting location for  
4 early voting, grace, and absentee ballots), provided that the  
5 10% hand count shall be subordinate to and not interfere with  
6 the reporting of election results.

7 (10 ILCS 5/17A-20 new)

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

16 (10 ILCS 5/17A-25 new)

17 Sec. 17A-25. Random selection of ballots to be examined.

18 (a) The election authority shall provide to each polling  
19 place, precinct, or central counting location as appropriate  
20 one set of 10 plastic disks, each imprinted on one or both  
21 sides with a number from 1 to 10. Each disk shall have one such  
22 number imprinted, with the same number on each side, and no 2  
23 disks shall have the same number. In addition, a suitable  
24 opaque container shall be provided sufficient to contain the

1 set.

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

16 (10 ILCS 5/17A-30 new)

17 Sec. 17A-30. Ballots or paper records to be examined.

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

22 (b) All paper ballots shall be placed in a single stack in  
23 a random order as retrieved from the ballot boxes and each  
24 ballot shall be stamped with a consecutive number, starting  
25 with the number 1 until all ballots have been numbered.

1       (c) The starting number and tenth ballot thereafter shall  
2 be examined in accordance with the selection number resulting  
3 from the operation of Section 17A-25.

4       (d) For paper records printed by Direct Recording  
5 Electronic voting machines, the paper records shall be examined  
6 in the order printed on the Direct Recording  
7 Electronic-produced paper records selecting each starting and  
8 tenth paper record thereafter in accordance with the selection  
9 number resulting from the operation of Section 17A-25.

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

15       (10 ILCS 5/17A-35 new)

16       Sec. 17A-35. Reports.

17       (a) Prior to election day, the appropriate election  
18 authority shall cause to be created and printed an audit  
19 summary form that shall state the races and propositions to be  
20 audited in accordance with Section 17A-10 and shall have  
21 pre-printed spaces, boxes, or both in which the results of the  
22 election day audit shall be recorded. This form shall also  
23 include a reconciliation of all ballots counted by category,  
24 such as provisional, federal only, standard, etc., and shall be  
25 provided in sufficient number to all auditing locations to

1 facilitate the required distribution.

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

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

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

13 (3) Three copies shall be made available on request to  
14 pollwatchers or members of the public in that order of  
15 preference.

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

18 (c) The audit reports from all in-precinct and central  
19 counting locations shall be received by the election authority  
20 and a consolidated report shall be prepared. The consolidated  
21 reports shall be published by the election authority within 24  
22 hours after the closing of the polls, and the authorities shall  
23 certify the election day audit results and maintain both  
24 consolidated and individual location reports in the same manner  
25 and for the same period of time as ballots, except that copies  
26 of consolidated and individual location reports shall be

1 available to the public upon request. If that election  
2 authority maintains a public website, then the copies shall  
3 also be made freely available to the public via the Internet  
4 for a period of not less than 60 days.

5 (d) The certified consolidated and individual location  
6 reports shall be deemed admissible as evidence to the extent  
7 permitted by law in any action for discovery or other recount.

8 (10 ILCS 5/17A-40 new)

9 Sec. 17A-40. Parallel, independent audits. There shall be  
10 conducted an independent parallel tabulation and audit for each  
11 race or proposition in every election.

12 (10 ILCS 5/17A-45 new)

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

20 (10 ILCS 5/17A-50 new)

21 Sec. 17A-50. Independent election audit committee. Each  
22 election authority shall cause to be constituted an independent  
23 election audit committee of not less than 5 members, that shall



1 have as its primary duties: (1) the preparation of a request  
2 for proposal for the parallel election tabulation and audit and  
3 (2) the selection of the independent auditor or auditors to  
4 perform such audit.

5 (10 ILCS 5/17A-55 new)

6 Sec. 17A-55. Time of convening. The election audit  
7 committee for each jurisdiction shall convene at least 120 days  
8 prior to election day and meet thereafter as often as shall be  
9 deemed necessary and proper by its membership.

10 (10 ILCS 5/17A-60 new)

11 Sec. 17A-60. Committee composition. The election audit  
12 committee shall consist of the following members:

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

19 (2) Two members appointed by the election authority for  
20 the jurisdiction.

21 (3) One election judge from each of the political  
22 parties qualifying under paragraph (1) who has served as an  
23 election judge in the most recent election conducted in  
24 that jurisdiction and at least 2 previous elections. The

1 election judge members shall be selected by lot from among  
2 the pool of available judges from the most recent election  
3 conducted in that jurisdiction.

4 (10 ILCS 5/17A-65 new)

5 Sec. 17A-65. Request for proposal. Each election authority  
6 shall issue a request for proposal for a parallel election  
7 tabulation and audit as prepared by the independent election  
8 audit committee not less than 90 days before election day. The  
9 proposals shall be examined and reviewed by the election audit  
10 committee, and the election authority (or other governmental  
11 body with appropriation and contracting authority for the  
12 jurisdiction) shall award the contract for the audit not less  
13 than 45 days before each election.

14 (10 ILCS 5/17A-70 new)

15 Sec. 17A-70. Funding. The public accounting firm  
16 conducting the parallel election tabulation and audit shall be  
17 paid from public funds appropriated by each election  
18 jurisdiction and designated for that purposes.

19 (10 ILCS 5/17A-75 new)

20 Sec. 17A-75. Contractor qualifications. To qualify to  
21 submit a proposal, a potential parallel election tabulation and  
22 audit contractor shall include in its response to the request  
23 for proposal:

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

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

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

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

19           (10 ILCS 5/17A-80 new)

20           Sec. 17A-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,  
23           portable computer memory devices from Direct Recording  
24           Electronics, scanning devices, central count devices, paper  
25           records, ballot generating software, counting and tabulation

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

9 (10 ILCS 5/17A-85 new)

10 Sec. 17A-85. Reports.

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

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

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

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

24 The auditing entity shall certify, with any exceptions  
25 noted thereto, the tabulated results of each race or

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

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

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

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

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

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

1 efficacy of the election process and to determine to the  
2 extent possible that:

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

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

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

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

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

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

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

25 (d) To the extent possible within the time constraints  
26 imposed by the 21-day requirement, the auditing entity shall

1 include in its report recommendations for modifications to  
2 procedures, equipment, or software that would eliminate  
3 problems or improve the efficiency and accuracy of the process  
4 in whatever stage examined or reported.

5 (10 ILCS 5/17A-90 new)

6 Sec. 17A-90. Availability and ownership of parallel  
7 election tabulation and audit reports.

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

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

17 (10 ILCS 5/17A-95 new)

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

22 (10 ILCS 5/17A-100 new)

23 Sec. 17A-100. Illinois Election Integrity Fund. The

1 Illinois Election Integrity Fund is created as a special fund  
2 in the State treasury. All voluntary citizen contributions  
3 shall be deposited into the Fund. All moneys deposited into the  
4 Fund shall be used by the Illinois Board of Elections to  
5 administer this Fund and to use Fund proceeds for all required  
6 election audits. Approximately \$2,000,000 in funding shall be  
7 required for the first election cycle covered under this Act.  
8 The Department must print on its standard individual income tax  
9 form a provision indicating that if the taxpayer wishes to  
10 contribute to the Election Integrity Fund, he or she may do so  
11 by stating the amount of the contribution on the return and  
12 that the contribution will reduce the taxpayer's refund or  
13 increase the amount of payment to accompany the return. Failure  
14 to remit any amount of increase payment shall reduce the  
15 contribution accordingly. This Section does not apply to any  
16 amended return. All proceeds from voluntary taxpayer checkoffs  
17 shall provide additional funding to cover the administration of  
18 this Act and the costs of required election audits.

19 (10 ILCS 5/24B-2)

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

21 "Approved independent testing authority" means an  
22 independent laboratory or authority certified by the federal  
23 Election Assistance Commission.

24 "Computer", "automatic tabulating equipment" or  
25 "equipment" includes apparatus necessary to automatically



1 examine and count votes as designated on ballots, and data  
2 processing machines which can be used for counting ballots and  
3 tabulating results.

4 "Ballot" means paper ballot sheets.

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

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

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

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

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

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

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

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

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

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

25 "Precinct Tabulation Optical Scan Technology" means the  
26 capability to examine a ballot through electronic means and

1 tabulate the votes at one or more counting places.

2 "Redundant count" means a verification of the original  
3 computer count by another count using compatible equipment or  
4 by hand as part of a discovery recount.

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

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

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

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

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

23 "Voting system" or "electronic voting system" means that  
24 combination of equipment and programs used in the casting,  
25 examination and tabulation of ballots and the cumulation and  
26 reporting of results by electronic means.

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

2 (10 ILCS 5/24B-16)

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

13 No Precinct Tabulation Optical Scan Technology voting  
14 system shall be approved unless it has been certified by the  
15 Federal Election Commission or the Election Assistance  
16 Commission and fulfills the following requirements:

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

18 (b) (Blank);

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

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

1 office for whom he or she may desire to vote;

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

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

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

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

15 The State Board of Elections is authorized to withdraw its  
16 approval of a Precinct Tabulation Optical Scan Technology  
17 voting system if the system fails to fulfill the above  
18 requirements.

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

25 Any voting system vendor, person, or other private entity  
26 seeking the State Board of Elections' approval of a voting

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

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

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

18 (10 ILCS 5/24C-2)

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

20 "Approved independent testing authority" means an  
21 independent laboratory or authority certified by the federal  
22 Election Assistance Commission.

23 "Audit trail" or "audit capacity" means a continuous trail  
24 of evidence linking individual transactions related to the  
25 casting of a vote, the vote count and the summary record of

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

1 verification or retabulation of the vote count conducted with  
2 respect to any election in which the voting system is used.

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

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

12 "Ballot image" means a corresponding representation in  
13 electronic or paper form of the mark or vote position of a  
14 ballot.

15 "Ballot label" or "ballot screen" means the display of  
16 material containing the names of offices and candidates and  
17 public questions to be voted on.

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

26 "Computer", "automatic tabulating equipment" or



1 "equipment" includes apparatus necessary to automatically  
2 examine and count votes as designated on ballots, and data  
3 processing machines which can be used for counting ballots and  
4 tabulating results.

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

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

17 "Direct recording electronic voting system", "voting  
18 system" or "system" means the total combination of mechanical,  
19 electromechanical or electronic equipment, programs and  
20 practices used to define ballots, cast and count votes, report  
21 or display election results, maintain or produce any audit  
22 trail information, identify all system components, test the  
23 system during development, maintenance and operation, maintain  
24 records of system errors and defects, determine specific system  
25 changes to be made to a system after initial qualification, and  
26 make available any materials to the voter such as notices,

1 instructions, forms or paper ballots.

2 "Edit listing" means a computer generated listing of the  
3 names of each candidate and public question as they appear in  
4 the program for each precinct.

5 "In-precinct counting" means the recording and counting of  
6 ballots on automatic tabulating equipment provided by the  
7 election authority in the same precinct polling place in which  
8 those ballots have been cast.

9 "Marking device" means any device approved by the State  
10 Board of Elections for marking a ballot so as to enable the  
11 ballot to be recorded, counted and tabulated by automatic  
12 tabulating equipment.

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

22 "Redundant count" means a verification of the original  
23 computer count of ballots by another count using compatible  
24 equipment or other means as part of a discovery recount,  
25 including a count of the permanent paper record of each ballot  
26 cast by using compatible equipment, different equipment

1 approved by the State Board of Elections for that purpose, or  
2 by hand.

3 "Separate ballot" means a separate page or display screen  
4 of the ballot that is clearly defined and distinguishable from  
5 other portions of the ballot.

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

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

10 (10 ILCS 5/24C-9)

11 Sec. 24C-9. Testing of Direct Recording Electronic Voting  
12 System Equipment and Programs; Custody of Programs, Test  
13 Materials and Ballots. Prior to the public test, the election  
14 authority shall conduct an errorless pre-test of the Direct  
15 Recording Electronic Voting System equipment and programs to  
16 determine that they will correctly detect voting defects and  
17 count the votes cast for all offices and all public questions.  
18 On any day not less than 5 days prior to use in an ~~the~~ election  
19 ~~day~~, the election authority shall publicly test the Direct  
20 Recording Electronic Voting System equipment and programs to  
21 determine that they will correctly detect voting errors and  
22 accurately count the votes legally cast for all offices and on  
23 all public questions. Public notice of the time and place of  
24 the test shall be given at least 48 hours before the test by  
25 publishing the notice in one or more newspapers within the

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

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

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

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

23 (10 ILCS 5/24C-16)

24 Sec. 24C-16. Approval of Direct Recording Electronic  
25 Voting Systems; Requisites. The State Board of Elections shall

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

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

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

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

24 Any voting system vendor, person, or other private entity  
25 seeking the State Board of Elections' approval of a voting  
26 system shall, as part of the approval application, submit to

1 the State Board a non-refundable fee. The State Board of  
2 Elections by rule shall establish an appropriate fee structure,  
3 taking into account the type of voting system approval that is  
4 requested (such as approval of a new system, a modification of  
5 an existing system, the size of the modification, etc.). No  
6 voting system or modification of a voting system shall be  
7 approved unless the fee is paid.

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

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

17 Section 10. The State Finance Act is amended by adding  
18 Section 5.878 as follows:

19 (30 ILCS 105/5.878 new)

20 Sec. 5.878. The Election Integrity Fund.



1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/19A-75

4 10 ILCS 5/Art. 17A heading

5 new

6 10 ILCS 5/17A-5 new

7 10 ILCS 5/17A-10 new

8 10 ILCS 5/17A-15 new

9 10 ILCS 5/17A-20 new

10 10 ILCS 5/17A-25 new

11 10 ILCS 5/17A-30 new

12 10 ILCS 5/17A-35 new

13 10 ILCS 5/17A-40 new

14 10 ILCS 5/17A-45 new

15 10 ILCS 5/17A-50 new

16 10 ILCS 5/17A-55 new

17 10 ILCS 5/17A-60 new

18 10 ILCS 5/17A-65 new

19 10 ILCS 5/17A-70 new

20 10 ILCS 5/17A-75 new

21 10 ILCS 5/17A-80 new

22 10 ILCS 5/17A-85 new

23 10 ILCS 5/17A-90 new

24 10 ILCS 5/17A-95 new

25 10 ILCS 5/17A-100 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 105/5.878 new