



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1197

Introduced 2/6/2019, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Creates a new Article concerning audits. 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. Provides that the amendatory Act may be referred to as the Illinois Election Integrity Act.

LRB101 07943 SMS 52998 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 At their discretion, election authorities may exempt
21 judicial retention ballots from the 10% audit.

22 (10 ILCS 5/17A-15 new)

1 Sec. 17A-15. Time and place of the audit. The 10% audits
2 shall take place on election day as soon as practicable after
3 the close of the polls and shall take place at the location
4 where votes are originally counted (in-precinct for all votes
5 cast on election day and at the central counting location for
6 early voting, grace, and absentee ballots), provided that the
7 10% hand count shall be subordinate to and not interfere with
8 the reporting of election results.

9 (10 ILCS 5/17A-20 new)

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

18 (10 ILCS 5/17A-25 new)

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

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

1 disks shall have the same number. In addition, a suitable
2 opaque container shall be provided sufficient to contain the
3 set.

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

18 (10 ILCS 5/17A-30 new)

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

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

24 (b) All paper ballots shall be placed in a single stack in
25 a random order as retrieved from the ballot boxes and each

1 ballot shall be stamped with a consecutive number, starting
2 with the number 1 until all ballots have been numbered.

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

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

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

17 (10 ILCS 5/17A-35 new)

18 Sec. 17A-35. Reports.

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

1 such as provisional, federal only, standard, etc., and shall be
2 provided in sufficient number to all auditing locations to
3 facilitate the required distribution.

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

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

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

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

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

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

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

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

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

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

14 (10 ILCS 5/17A-45 new)

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

22 (10 ILCS 5/17A-50 new)

23 Sec. 17A-50. Independent election audit committee. Each

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

7 (10 ILCS 5/17A-55 new)

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

12 (10 ILCS 5/17A-60 new)

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

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

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

23 (3) One election judge from each of the political
24 parties qualifying under paragraph (1) who has served as an

1 election judge in the most recent election conducted in
2 that jurisdiction and at least 2 previous elections. The
3 election judge members shall be selected by lot from among
4 the pool of available judges from the most recent election
5 conducted in that jurisdiction.

6 (10 ILCS 5/17A-65 new)

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

16 (10 ILCS 5/17A-70 new)

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

21 (10 ILCS 5/17A-75 new)

22 Sec. 17A-75. Contractor qualifications. To qualify to
23 submit a proposal, a potential parallel election tabulation and

1 audit contractor shall include in its response to the request
2 for proposal:

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

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

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

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

21 (10 ILCS 5/17A-80 new)

22 Sec. 17A-80. Award. The public accounting firm awarded the
23 contract shall be granted access to any and all records of the
24 election, including, but not limited to, paper ballots,
25 portable computer memory devices from Direct Recording

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

11 (10 ILCS 5/17A-85 new)

12 Sec. 17A-85. Reports.

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

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

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

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

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

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

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

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

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

25 (4) The election process during the time the polls were
26 open, including reports of machine failures, election

1 problems of all varieties, pollworkers and pollwatchers,
2 reports in order to determine and express an opinion of the
3 efficacy of the election process and to determine to the
4 extent possible that:

5 (A) All eligible voters were given an opportunity
6 to vote.

7 (B) Each voter received a proper and complete
8 ballot.

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

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

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

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

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

1 (d) To the extent possible within the time constraints
2 imposed by the 21-day requirement, the auditing entity shall
3 include in its report recommendations for modifications to
4 procedures, equipment, or software that would eliminate
5 problems or improve the efficiency and accuracy of the process
6 in whatever stage examined or reported.

7 (10 ILCS 5/17A-90 new)

8 Sec. 17A-90. Availability and ownership of parallel
9 election tabulation and audit reports.

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

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

19 (10 ILCS 5/17A-95 new)

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

1 (10 ILCS 5/17A-100 new)

2 Sec. 17A-100. Illinois Election Integrity Fund. The
3 Illinois Election Integrity Fund is created as a special fund
4 in the State treasury. All voluntary citizen contributions
5 shall be deposited into the Fund. All moneys deposited into the
6 Fund shall be used by the State Board of Elections to
7 administer this Fund and to use Fund proceeds for all required
8 election audits. Approximately \$2,000,000 in funding shall be
9 required for the first election cycle covered under this Act.
10 The Department of Revenue must print on its standard individual
11 income tax form a provision indicating that if the taxpayer
12 wishes to contribute to the Election Integrity Fund, he or she
13 may do so by stating the amount of the contribution on the
14 return and that the contribution will reduce the taxpayer's
15 refund or increase the amount of payment to accompany the
16 return. Failure to remit any amount of increase payment shall
17 reduce the contribution accordingly. This Section does not
18 apply to any amended return. All proceeds from voluntary
19 taxpayer checkoffs shall provide additional funding to cover
20 the administration of this Act and the costs of required
21 election audits.

22 (10 ILCS 5/24B-2)

23 Sec. 24B-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.

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

7 "Ballot" means paper ballot sheets.

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

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

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

1 be within this State.

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

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

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

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

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

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

1 process.

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

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

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

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

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

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

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

26 "Voting system" or "electronic voting system" means that

1 combination of equipment and programs used in the casting,
2 examination and tabulation of ballots and the cumulation and
3 reporting of results by electronic means.

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

5 (10 ILCS 5/24B-16)

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

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

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

21 (b) (Blank);

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

1 names are written in by the voter;

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

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

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

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

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

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

22 The vendor, person, or other private entity shall be solely
23 responsible for the production and cost of: all application
24 fees; all ballots; additional temporary workers; and other
25 equipment or facilities needed and used in the testing of the
26 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 voting
16 system or Precinct Tabulation Optical Scan Technology voting
17 system component to any election jurisdiction unless the voting
18 system or voting system component is first approved by the
19 State Board of Elections pursuant to this Section.

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

21 (10 ILCS 5/24C-2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 "Redundant count" means a verification of the original
26 computer count of ballots by another count using compatible

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

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

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

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

13 (10 ILCS 5/24C-9)

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

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

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

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

25 (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
26 equipment and software.

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

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

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

20 Section 10. The State Finance Act is amended by adding
21 Section 5.891 as follows:

22 (30 ILCS 105/5.891 new)

23 Sec. 5.891. 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 105/5.891 new