

SB2571



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2571

Introduced 2/26/2021, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

10 ILCS 5/24C-15

Amends the Election Code. Requires each election authority to conduct an audit following an election. Provides that before election day, the election authority shall notify the State Board of Elections whether it intends to conduct a random audit or a risk-limiting audit. Requires election authorities to conduct a random audit of 5% of ballots cast by mail. Provides for conduct of risk-limiting audits.

LRB102 16508 SMS 21901 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Section 24C-15 as follows:

6 (10 ILCS 5/24C-15)

7 Sec. 24C-15. Official return of precinct; check of totals;
8 audit.

9 (a) As used in this Section:

10 "Audit unit" means a precinct, a set of ballots, or a
11 single ballot. A precinct, a set of ballots, or a single ballot
12 may be used as an audit unit for purposes of this Section only
13 if all of the following conditions are satisfied:

14 (1) the relevant vote-tabulating device is able to
15 produce a report of the votes cast in the precinct, set of
16 ballots, or single ballot; and

17 (2) each ballot is assigned to not more than one audit
18 unit.

19 "Contest" means an election for an office or for a
20 measure.

21 "Random audit" means a manual tally of the votes marked on
22 the permanent paper record of each ballot cast in the tested
23 precinct printed by the voting system at the time that each

1 ballot was cast and comparing the results of this count with
2 the results shown by the certificate of results prepared by
3 the Direct Recording Electronic Voting System in the test
4 precinct.

5 "Risk-limiting audit" means a manual tally employing a
6 statistical method that ensures a large, predetermined minimum
7 chance of requiring a full manual tally whenever a full manual
8 tally would show an electoral outcome that differs from the
9 outcome reported by the vote-tabulating system for the audited
10 contest.

11 (b) The precinct return printed by the Direct Recording
12 Electronic Voting System tabulating equipment shall include
13 the number of ballots cast and votes cast for each candidate
14 and public question and shall constitute the official return
15 of each precinct. In addition to the precinct return, the
16 election authority shall provide the number of applications
17 for ballots in each precinct, the total number of ballots and
18 vote by mail ballots counted in each precinct for each
19 political subdivision and district and the number of
20 registered voters in each precinct. However, the election
21 authority shall check the totals shown by the precinct return
22 and, if there is an obvious discrepancy regarding the total
23 number of votes cast in any precinct, shall have the ballots
24 for that precinct audited to correct the return. The
25 procedures for this audit shall apply prior to and after the
26 proclamation is completed; however, after the proclamation of

1 results, the election authority must obtain a court order to
2 unseal voted ballots or voting devices except for election
3 contests and discovery recounts. The certificate of results,
4 which has been prepared and signed by the judges of election
5 after the ballots have been tabulated, shall be the document
6 used for the canvass of votes for such precinct. Whenever a
7 discrepancy exists during the canvass of votes between the
8 unofficial results and the certificate of results, or whenever
9 a discrepancy exists during the canvass of votes between the
10 certificate of results and the set of totals reflected on the
11 certificate of results, the ballots for that precinct shall be
12 audited to correct the return.

13 (c) Each election authority shall conduct an audit
14 following an election. Before election day, each election
15 authority shall notify the State Board of Elections whether it
16 intends to conduct a random audit or a risk-limiting audit.

17 (d) Prior to the proclamation, the election authority
18 shall test the voting devices and equipment in 5% of the
19 precincts within the election jurisdiction, as well as 5% of
20 the voting devices used in early voting. The election
21 authority shall also conduct a random audit of 5% of ballots
22 cast by mail. The precincts and the voting devices to be tested
23 and the ballots cast by mail to be reviewed shall be selected
24 after election day on a random basis by the State Board of
25 Elections, so that every precinct, ~~and every~~ device used in
26 early voting, and ballot cast by mail in the election

1 jurisdiction has an equal mathematical chance of being
2 selected. The State Board of Elections shall design a standard
3 and scientific random method of selecting the precincts and
4 voting devices that are to be tested and the ballots that are
5 to be reviewed.

6 (e) The random audit shall be conducted by counting the
7 votes marked on the permanent paper record of each ballot cast
8 in the tested precinct printed by the voting system at the time
9 that each ballot was cast and comparing the results of this
10 count with the results shown by the certificate of results
11 prepared by the Direct Recording Electronic Voting System in
12 the test precinct. The election authority shall test count
13 these votes either by hand or by using an automatic tabulating
14 device other than a Direct Recording Electronic voting device
15 that has been approved by the State Board of Elections for that
16 purpose and tested before use to ensure accuracy. The election
17 authority shall print the results of each test count.

18 (f) The State Board of Elections shall consult recognized
19 statistical experts, equipment vendors, and county clerk and
20 recorders in order to adopt rules for the conduct of
21 risk-limiting audits and the criteria by which a contest may
22 be subject to a risk-limiting audit. A risk-limiting audit
23 shall begin with a hand tally of the votes in one or more audit
24 units and shall continue to hand tally votes in additional
25 audit units until there is strong statistical evidence that
26 the electoral outcome is correct. If counting additional audit

1 units does not provide strong statistical evidence that the
2 electoral outcome is correct, the audit shall continue until
3 there has been a full manual tally to determine the correct
4 electoral outcome of the audited contest.

5 (g) When either a random audit or risk-limiting audit is
6 conducted, the ~~The~~ State central committee chair of each
7 established political party shall be given prior written
8 notice of the time and place of the random selection procedure
9 and may be represented at the procedure.

10 ~~(h) The test shall be conducted by counting the votes~~
11 ~~marked on the permanent paper record of each ballot cast in the~~
12 ~~tested precinct printed by the voting system at the time that~~
13 ~~each ballot was cast and comparing the results of this count~~
14 ~~with the results shown by the certificate of results prepared~~
15 ~~by the Direct Recording Electronic Voting System in the test~~
16 ~~precinct. The election authority shall test count these votes~~
17 ~~either by hand or by using an automatic tabulating device~~
18 ~~other than a Direct Recording Electronic voting device that~~
19 ~~has been approved by the State Board of Elections for that~~
20 ~~purpose and tested before use to ensure accuracy. The election~~
21 ~~authority shall print the results of each test count. If any~~
22 error is detected following an audit, the cause shall be
23 determined and corrected, and an errorless count shall be made
24 prior to the official canvass and proclamation of election
25 results. If an errorless count cannot be conducted and there
26 continues to be difference in vote results between the

1 certificate of results produced by the Direct Recording
2 Electronic Voting System and the count of the permanent paper
3 records or if an error was detected and corrected, the
4 election authority shall immediately prepare and forward to
5 the appropriate canvassing board a written report explaining
6 the results of the test and any errors encountered and the
7 report shall be made available for public inspection.

8 (i) The State Board of Elections, the State's Attorney and
9 other appropriate law enforcement agencies, the county chair
10 of each established political party and qualified civic
11 organizations shall be given prior written notice of the time
12 and place of the test and may be represented at the test.

13 (j) The results of this post-election test shall be
14 treated in the same manner and have the same effect as the
15 results of the discovery procedures set forth in Section
16 22-9.1 of this Code.

17 (Source: P.A. 100-1027, eff. 1-1-19.)