



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1246

Introduced 02/08/11, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Requires that each election authority (i) conduct an election day audit of a random sample of 10% of votes cast and (ii) provide by contract or employment for the performance by one or more independent auditors of post-election parallel tabulations and audits. Provides for the scope of the audits and the resulting reports. Requires that optical scan technology and direct recording electronic voting systems meet certain federal and independent testing standards. With respect to early voting, requires that an election authority using only direct recording electronic voting systems have paper ballots available for voters wishing to use them.

LRB097 07434 HLH 47543 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 19A-75, 24B-2, 24B-16, 24C-2, 24C-9, and 24C-16 and by
6 adding Article 21B as follows:

7 (10 ILCS 5/19A-75)

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

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

1 (10 ILCS 5/Art. 21B heading new)

2 ARTICLE 21B. AUDITS

3 (10 ILCS 5/21B-5 new)

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

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

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

11 (1) all statewide offices and propositions;

12 (2) all countywide offices and propositions;

13 (3) all federal races; and

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

18 (10 ILCS 5/21B-15 new)

19 Sec. 21B-15. Time and place of the audit. The 10% audits
20 shall take place on election day as soon as practicable after
21 the close of the polls and shall take place at the location
22 where votes are originally counted (in-precinct for all votes
23 cast on election day and at the central counting location for

1 early voting, grace, and absentee ballots), provided that the
2 10% hand count shall be subordinate to and not interfere with
3 the reporting of election results.

4 (10 ILCS 5/21B-20 new)

5 Sec. 21B-20. Conduct. The election day audit shall be
6 conducted by election judges selected and appointed in the same
7 manner as set forth in Sections 13-1, 13-2, 14-1, 14-2, and
8 14-3 of this Code. Election authorities may implement the
9 appointment of part-time judges, job-sharing, split shifts, or
10 other methods of allocating election judge resources to ensure
11 that sufficient judges are available to conduct the election
12 day audits in a timely and efficient manner.

13 (10 ILCS 5/21B-25 new)

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

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

23 (b) After the close of the polls and prior to the
24 commencement of the election day audit, the election judges

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

13 (10 ILCS 5/21B-30 new)

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

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

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

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

1 (d) For paper records printed by Direct Recording
2 Electronic (DRE) voting machines, the paper records shall be
3 examined in the order printed on the DRE produced paper records
4 selecting each starting and tenth paper record thereafter in
5 accordance with the selection number resulting from the
6 operation of Section 21B-25.

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

12 (10 ILCS 5/21B-35 new)

13 Sec. 21B-35. Reports.

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

24 (b) Upon completion of the audit, 6 copies of the election
25 day audit summary shall be signed by all the judges

1 participating in the election day audit and shall be
2 distributed as follows:

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

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

10 (3) Three copies shall be made available on request to
11 pollwatchers or members of the public in that order of
12 preference.

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

15 (c) The audit reports from all in-precinct and central
16 counting locations shall be received by the election authority
17 and a consolidated report shall be prepared. The consolidated
18 reports shall be published by the election authority within 24
19 hours after the closing of the polls, and the authorities shall
20 certify the election day audit results and maintain both
21 consolidated and individual location reports in the same manner
22 and for the same period of time as ballots, except that copies
23 of consolidated and individual location reports shall be
24 available to the public upon request. If that election
25 authority maintains a public website, then the copies shall
26 also be made freely available to the public via the Internet

1 for a period of not less than 60 days.

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

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

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

9 (10 ILCS 5/21B-45 new)

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

17 (10 ILCS 5/21B-50 new)

18 Sec. 21B-50. Independent election audit committee. Each
19 election authority shall cause to be constituted an independent
20 election audit committee (EAC) of not less than 5 members, that
21 shall have as its primary duties: (1) the preparation of a
22 request for proposal (RFP) for the parallel election tabulation
23 and audit (PETA) and (2) the selection of the independent

1 auditor or auditors to perform such audit.

2 (10 ILCS 5/21B-55 new)

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

7 (10 ILCS 5/21B-60 new)

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

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

16 (2) Two members appointed by the election authority for
17 the jurisdiction.

18 (3) One election judge from each of the political
19 parties qualifying under paragraph (1) who has served as an
20 election judge in the most recent election conducted in
21 that jurisdiction and at least 2 previous elections. The
22 election judge members shall be selected by lot from among
23 the pool of available judges from the most recent election
24 conducted in that jurisdiction.

1 (10 ILCS 5/21B-65 new)

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

11 (10 ILCS 5/21B-70 new)

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

16 (10 ILCS 5/21B-75 new)

17 Sec. 21B-75. Contractor qualifications. To qualify to
18 submit a proposal, a potential PETA contractor shall include in
19 its response to the RFP:

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

22 (2) Provide evidence that upon awarding of a contract
23 to conduct the parallel election tabulation, the firm can post

1 a performance bond equal to \$1 for every registered voter in
2 that jurisdiction.

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

8 (4) A statement of performance secured by the
9 performance bond in item (2) that above the parallel election
10 tabulation and audit shall be completed and public reports
11 submitted within the time limitations set forth in Section
12 21B-85.

13 (10 ILCS 5/21B-80 new)

14 Sec. 21B-80. Award. The public accounting firm awarded the
15 contract shall be granted access to any and all records of the
16 election, including but not limited to paper ballots, portable
17 computer memory devices from DREs, scanning devices, central
18 count devices, paper records, ballot generating software,
19 counting and tabulation software, computer logs and error
20 reports of all voting machines and central tabulation devices,
21 servers, communications protocols, databases of all types
22 including registration databases, pollwatcher and election
23 judge logs and reports, and any other records deemed relevant
24 to the conduct of the election as the auditing entity shall
25 deem necessary and reasonable for the conduct of the parallel

1 election tabulation and audit.

2 (10 ILCS 5/21B-85 new)

3 Sec. 21B-85. Reports.

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

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

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

12 (3) To the extent possible to determine from the
13 records available, that the central tabulation procedures,
14 equipment, and software functioned correctly and that the
15 totals reflected in the internal and public tabulation of
16 votes was consistent and accurate.

17 The auditing entity shall certify, with any exceptions
18 noted thereto, the tabulated results of each race or
19 proposition of the election as being accurate to the extent
20 that the winner of each race or the prevailing result for each
21 proposition is correct. For each and every race for which the
22 auditing entity is unable to certify, it shall state the
23 reasons therefore, citing specific circumstances as to why it
24 is unable to certify the outcome.

25 (b) The public accounting firm shall produce an operational

1 report within 21 days after the close of the polls that shall
2 examine and comment on at least, but not limited to, the
3 following:

4 (1) Pre-election preparation including the compiling
5 and production of registration and eligible voter lists,
6 including printed ballot applications and voter records in
7 electronic poll books, and candidate, voter, and
8 pollworker accessible records of eligibility.

9 (2) Proper compiling and production of ballots, both
10 paper and electronic, as to completeness and accuracy for
11 each ballot style produced.

12 (3) Adequacy and completeness of training manuals,
13 election judge's manuals, voter instruction materials, and
14 other internal and public documents related to the
15 election.

16 (4) The election process during the time the polls were
17 open, including reports of machine failures, election
18 problems of all varieties, pollworkers and pollwatchers,
19 reports in order to determine and express an opinion of the
20 efficacy of the election process and to determine to the
21 extent possible that:

22 (A) All eligible voters were given an opportunity
23 to vote.

24 (B) Each voter received a proper and complete
25 ballot.

26 (C) Each voter's choices were properly recorded by

1 the electronic or mechanical machines used in the
2 voting process.

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

7 (1) All election materials were properly secured and
8 that a complete and unbroken chain of custody exists for
9 all election materials.

10 (2) In the case where election authorities gather
11 election results through electronic transmission, either
12 through land lines or wireless networks, the transmissions
13 were secure, reliable, and accurate.

14 (c) The auditing entity shall produce a report that
15 adequately describes all problems associated with the election
16 process and to the extent possible the causes of those
17 problems.

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

24 (10 ILCS 5/21B-90 new)

25 Sec. 21B-90. Availability and ownership of parallel

1 election tabulation and audit reports.

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

6 (b) If the election authority contracting for the parallel
7 election tabulation and audit report maintains a website, the
8 Report shall be posted on the publicly accessible portion of
9 the website in an appropriate format for downloading and
10 printing by the public.

11 (10 ILCS 5/21B-95 new)

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

16 (10 ILCS 5/24B-2)

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

18 "Approved independent testing authority" means an
19 independent laboratory or authority certified by the federal
20 Election Assistance Commission (EAC).

21 "Computer", "automatic tabulating equipment" or
22 "equipment" includes apparatus necessary to automatically
23 examine and count votes as designated on ballots, and data
24 processing machines which can be used for counting ballots and

1 tabulating results.

2 "Ballot" means paper ballot sheets.

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

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

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

23 "Computer operator" means any person or persons designated
24 by the election authority to operate the automatic tabulating
25 equipment during any portion of the vote tallying process in an
26 election, but shall not include judges of election operating

1 vote tabulating equipment in the precinct.

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

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

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

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

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

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

26 "Redundant count" means a verification of the original

1 computer count by another count using compatible equipment or
2 by hand as part of a discovery recount.

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

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

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

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

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

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

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

1 (10 ILCS 5/24B-16)

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

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

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

17 (b) (Blank);

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

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

26 (e) It will reject all votes for an office or upon a

1 proposition when the voter has cast more votes for the
2 office or upon the proposition than he or she is entitled
3 to cast;

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

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

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

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

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

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

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

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

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

16 (10 ILCS 5/24C-2)

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

18 "Approved independent testing authority" means an
19 independent laboratory or authority certified by the federal
20 Election Assistance Commission (EAC).

21 "Audit trail" or "audit capacity" means a continuous trail
22 of evidence linking individual transactions related to the
23 casting of a vote, the vote count and the summary record of
24 vote totals, but which shall not allow for the identification
25 of the voter. It shall permit verification of the accuracy of

1 the count and detection and correction of problems and shall
2 provide a record of each step taken in: defining and producing
3 ballots and generating related software for specific
4 elections; installing ballots and software; testing system
5 readiness; casting and tabulating ballots; and producing
6 images of votes cast and reports of vote totals. The record
7 shall incorporate system status and error messages generated
8 during election processing, including a log of machine
9 activities and routine and unusual intervention by authorized
10 and unauthorized individuals. Also part of an audit trail is
11 the documentation of such items as ballots delivered and
12 collected, administrative procedures for system security,
13 pre-election testing of voting systems, and maintenance
14 performed on voting equipment. All test plans, test results,
15 documentation, and other records used to plan, execute, and
16 record the results of the testing and verification, including
17 all material prepared or used by independent testing
18 authorities or other third parties, shall be made part of the
19 public record and shall be freely available via the Internet
20 and paper copy to anyone. "Audit trail" or "audit capacity"
21 also means that the voting system is capable of producing and
22 shall produce immediately after a ballot is cast a permanent
23 paper record of each ballot cast that shall be available as an
24 official record for any recount, redundant count, or
25 verification or retabulation of the vote count conducted with
26 respect to any election in which the voting system is used.

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

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

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

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

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

24 "Computer", "automatic tabulating equipment" or
25 "equipment" includes apparatus necessary to automatically
26 examine and count votes as designated on ballots, and data

1 processing machines which can be used for counting ballots and
2 tabulating results.

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

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

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

26 "Edit listing" means a computer generated listing of the

1 names of each candidate and public question as they appear in
2 the program for each precinct.

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

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

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

20 "Redundant count" means a verification of the original
21 computer count of ballots by another count using compatible
22 equipment or other means as part of a discovery recount,
23 including a count of the permanent paper record of each ballot
24 cast by using compatible equipment, different equipment
25 approved by the State Board of Elections for that purpose, or
26 by hand.

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

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

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

8 (10 ILCS 5/24C-9)

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

1 published in that jurisdiction, notice shall be published in a
2 newspaper of general circulation in that jurisdiction. Timely
3 written notice stating the date, time, and location of the
4 public test shall also be provided to the State Board of
5 Elections. The test shall be open to representatives of the
6 political parties, the press, representatives of the State
7 Board of Elections, and the public. The test shall be conducted
8 by entering a pre-audited group of votes designed to record a
9 predetermined number of valid votes for each candidate and on
10 each public question, and shall include for each office one or
11 more ballots having votes exceeding the number allowed by law
12 to test the ability of the automatic tabulating equipment to
13 reject the votes. The test shall also include producing an edit
14 listing. In those election jurisdictions where in-precinct
15 counting equipment is used, a public test of both the equipment
16 and program shall be conducted as nearly as possible in the
17 manner prescribed above. The State Board of Elections may
18 select as many election jurisdictions as the Board deems
19 advisable in the interests of the election process of this
20 State, to order a special test of the automatic tabulating
21 equipment and program before any regular election. The Board
22 may order a special test in any election jurisdiction where,
23 during the preceding 12 months, computer programming errors or
24 other errors in the use of System resulted in vote tabulation
25 errors. Not less than 30 days before any election, the State
26 Board of Elections shall provide written notice to those

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

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

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

21 (10 ILCS 5/24C-16)

22 Sec. 24C-16. Approval of Direct Recording Electronic
23 Voting Systems; Requisites. The State Board of Elections shall
24 approve all Direct Recording Electronic Voting Systems that
25 fulfill the functional requirements provided by Section 24C-11

1 of this Code, voluntary provisions and the mandatory
2 requirements of the federal voting system standards pertaining
3 to Direct Recording Electronic Voting Systems promulgated by
4 the Federal Election Commission or the Election Assistance
5 Commission, the testing requirements of an approved
6 independent testing authority and the rules of the State Board
7 of Elections.

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

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

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

22 Any voting system vendor, person, or other private entity
23 seeking the State Board of Elections' approval of a voting
24 system shall, as part of the approval application, submit to
25 the State Board a non-refundable fee. The State Board of
26 Elections by rule shall establish an appropriate fee structure,

1 taking into account the type of voting system approval that is
2 requested (such as approval of a new system, a modification of
3 an existing system, the size of the modification, etc.). No
4 voting system or modification of a voting system shall be
5 approved unless the fee is paid.

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

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

1	INDEX
2	Statutes amended in order of appearance
3	10 ILCS 5/19A-75
4	10 ILCS 5/Art. 21B heading
5	new
6	10 ILCS 5/21B-5 new
7	10 ILCS 5/21B-10 new
8	10 ILCS 5/21B-15 new
9	10 ILCS 5/21B-20 new
10	10 ILCS 5/21B-25 new
11	10 ILCS 5/21B-30 new
12	10 ILCS 5/21B-35 new
13	10 ILCS 5/21B-40 new
14	10 ILCS 5/21B-45 new
15	10 ILCS 5/21B-50 new
16	10 ILCS 5/21B-55 new
17	10 ILCS 5/21B-60 new
18	10 ILCS 5/21B-65 new
19	10 ILCS 5/21B-70 new
20	10 ILCS 5/21B-75 new
21	10 ILCS 5/21B-80 new
22	10 ILCS 5/21B-85 new
23	10 ILCS 5/21B-90 new
24	10 ILCS 5/21B-95 new
25	10 ILCS 5/24B-2

- 1 10 ILCS 5/24B-16
- 2 10 ILCS 5/24C-2
- 3 10 ILCS 5/24C-9
- 4 10 ILCS 5/24C-16