Sen. Bill Cunningham

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10100SB0018sam001   LRB101 06157 SMS 57597 a

1   AMENDMENT TO SENATE BILL 18

2   AMENDMENT NO. _____. Amend Senate Bill 18 by replacing

3   everything after the enacting clause with the following:

4   "Section 5. The Election Code is amended by changing

5   Section 1A-8 and by adding Section 1A-39 as follows:

6   (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

7   Sec. 1A-8. The State Board of Elections shall exercise the

8   following powers and perform the following duties in addition

9   to any powers or duties otherwise provided for by law:

10   (1) Assume all duties and responsibilities of the State

11   Electoral Board and the Secretary of State as heretofore

12   provided in this Code;

13   (2) Disseminate information to and consult with

14   election authorities concerning the conduct of elections

15   and registration in accordance with the laws of this State

16   and the laws of the United States;

1   (3) Furnish to each election authority prior to each
2   primary and general election and any other election it
3   deems   necessary,   a   manual   of   uniform   instructions
4   consistent with the provisions of this Code which shall be
5   used by election authorities in the preparation of the
6   official manual of instruction to be used by the judges of
7   election in any such election. In preparing such manual,
8   the State Board shall consult with representatives of the
9   election authorities throughout the State. The State Board
10   may provide separate portions of the uniform instructions
11   applicable   to   different   election   jurisdictions   which
12   administer elections under different options provided by
13   law. The State Board may by regulation require particular
14   portions of the uniform instructions to be included in any
15   official manual of instructions published by election
16   authorities. Any manual of instructions published by any
17   election authority shall be identical with the manual of
18   uniform instructions issued by the Board, but may be
19   adapted by the election authority to accommodate special or
20   unusual local election problems, provided that all manuals
21   published by election authorities must be consistent with
22   the provisions of this Code in all respects and must
23   receive the approval of the State Board of Elections prior
24   to publication; provided further that if the State Board
25   does not approve or disapprove of a proposed manual within
26   60 days of its submission, the manual shall be deemed

1   approved.

2   (4) Prescribe and require the use of such uniform

3   forms, notices, and other supplies not inconsistent with

4   the provisions of this Code as it shall deem advisable

5   which shall be used by election authorities in the conduct

6   of elections and registrations;

7   (5) Prepare and certify the form of ballot for any

8   proposed amendment to the Constitution of the State of

9   Illinois, or any referendum to be submitted to the electors

10   throughout the State or, when required to do so by law, to

11   the voters of any area or unit of local government of the

12   State;

13   (6) Require such statistical reports regarding the

14   conduct of elections and registration from election

15   authorities as may be deemed necessary;

16   (7) Review and inspect procedures and records relating

17   to conduct of elections and registration as may be deemed

18   necessary, and to report violations of election laws to the

19   appropriate State's Attorney or the Attorney General;

20   (8) Recommend to the General Assembly legislation to

21   improve the administration of elections and registration;

22   (9) Adopt, amend or rescind rules and regulations in

23   the performance of its duties provided that all such rules

24   and regulations must be consistent with the provisions of

25   this Article 1A or issued pursuant to authority otherwise

26   provided by law;

1   (10) Determine the validity and sufficiency of
2 petitions filed under Article XIV, Section 3, of the
3 Constitution of the State of Illinois of 1970;

4   (11) Maintain in its principal office a research
5 library that includes, but is not limited to, abstracts of
6 votes by precinct for general primary elections and general
7 elections, current precinct maps and current precinct poll
8 lists from all election jurisdictions within the State. The
9 research library shall be open to the public during regular
10 business hours. Such abstracts, maps and lists shall be
11 preserved as permanent records and shall be available for
12 examination and copying at a reasonable cost;

13   (12) Supervise the administration of the registration
14 and election laws throughout the State;

15   (13) Obtain from the Department of Central Management
16 Services, under Section 405-250 of the Department of
17 Central Management Services Law (20 ILCS 405/405-250),
18 such use of electronic data processing equipment as may be
19 required to perform the duties of the State Board of
20 Elections and to provide election-related information to
21 candidates, public and party officials, interested civic
22 organizations and the general public in a timely and
23 efficient manner;

24   (14) To take such action as may be necessary or
25 required to give effect to directions of the national
26 committee or State central committee of an established

1   political party under Sections 7-8, 7-11, and 7-14.1 or

2   such other provisions as may be applicable pertaining to

3   the selection of delegates and alternate delegates to an

4   established political party's national nominating

5   conventions   or,   notwithstanding   any   candidate

6   certification schedule contained within this Code, the

7   certification of the Presidential and Vice Presidential

8   candidate selected by the established political party's

9   national nominating convention;

10   (15) To post all early voting sites separated by

11   election authority and hours of operation on its website at

12   least 5 business days before the period for early voting

13   begins;

14   (16) To post on its website the statewide totals, and

15   totals separated by each election authority, for each of

16   the counts received pursuant to Section 1-9.2; ~~and~~

17   (17) To post on its website, in a downloadable format,

18   the information received from each election authority

19   under Section 1-17; and~~.~~

20   (18) On or by February 15 of each year, to provide a

21   single, consolidated report to the Governor and the General

22   Assembly that includes a detailed analysis and accounting

23   from all divisions of all activities from the preceding 12

24   months, the current state of each division, and a detailed

25   statement of goals and expectations for the coming year

26   from the following divisions of the State Board of

1   Elections: Office of Executive Director, Office of the

2   General Counsel, Election Operations, Information

3   Technology, Voting and Registrations Systems, and Campaign

4   Disclosure; the Voting and Registrations Systems division

5   must include in the report an analysis of all activities

6   from the preceding 12 months undertaken to maintain the

7   State's voter registration system and changes resulting

8   from those activities; this analysis shall encompass

9   activities undertaken to update voter registration

10   information and voter status based on:

11   (A) deaths and Social Security Administration

12   data;

13   (B) data exchanged with neighboring states as part

14   of a bilateral data sharing agreement;

15   (C) data exchanged as part of a multi-state data

16   sharing agreement;

17   (D) felony convictions;

18   (E) federal convictions;

19   (F) adjudicated incompetent persons;

20   (G) noncitizens;

21   (H) voter cancellations;

22   (I) change of address;

23   (J) the current state of automatic voter

24   registration; and

25   (K) an analysis of all bilateral and multi-state

26   voter registration data sharing programs to

1   demonstrate compliance with the governance, data

2   quality, and security standards set forth in the

3   Electronic Registration Information Center Membership

4   Agreement.

5   The State Board of Elections' report shall contain the

6   methodology used in gathering and analyzing the data; the

7   Executive Director of the State Board of Elections shall

8   certify that the data included in the State Board of

9   Elections' report is accurate and reliable. The State Board

10   of Elections shall post its report on its website on or

11   before February 15. On or before March 31 of each year, the

12   General Assembly shall request the Executive Director of

13   the State Board of Elections and all division heads serving

14   underneath the Executive Director to provide an in-person

15   briefing to a committee of each chamber of the General

16   Assembly, as determined by the leadership of each chamber,

17   concerning the information provided in the report required

18   under this paragraph (18).

19   The Board may by regulation delegate any of its duties or

20 functions under this Article, except that final determinations

21 and orders under this Article shall be issued only by the

22 Board.

23   The requirement for reporting to the General Assembly shall

24 be satisfied by filing copies of the report as required by

25 Section 3.1 of the General Assembly Organization Act, and

26 filing such additional copies with the State Government Report

1   Distribution Center for the General Assembly as is required
2   under paragraph (t) of Section 7 of the State Library Act.
3   (Source: P.A. 100-623, eff. 7-20-18; 100-863, eff. 8-14-18;
4   100-1148, eff. 12-10-18.)

5   (10 ILCS 5/1A-39 new)
6   Sec. 1A-39. Data sharing agreements.
7   As used in this Section:
8   "Information system" means a discrete set of electronic
9   information resources organized for the collection,
10 processing, maintenance, use, sharing, dissemination, or
11 disposition of electronic information.
12   "Multi-factor authentication" means authentication through
13 verification of at least 2 of the following types of
14 authentication factors:
15   (1) knowledge factor, such as a password;
16   (2) possession factor, such as a token or USB key; or
17   (3) inherence factor, such as a biometric
18   characteristic.
19   "Nonpublic voter information" means the following data
20 elements that are not publicly available information:
21   (1) date of birth;
22   (2) full or partial social security number; or
23   (3) driver's license number or non-driver
24   identification card number.
25   "Penetration testing" means a test methodology in which

1   assessors attempt to circumvent or defeat the security features

2   of an information system by attempting penetration of systems,

3   networks, databases, software applications, or controls from

4   outside   or   inside   the   information   system   undergoing

5   assessment.

6   (a) The State Board of Elections may enter into the

7   following types of data sharing agreements:

8   (1) multi-state voter data sharing agreements; and

9   (2) bilateral voter data sharing agreements with

10   bordering states that do not participate in a multi-state

11   voter   data   sharing   agreement   in   which   Illinois also

12   participates.

13   (b) A multi-state voter data sharing program that enters

14   into a multi-state voter data sharing agreement with the State

15   Board of Elections must comply with the following governance

16   requirements:

17   (1) The multi-state voter data sharing program must be

18   governed by a board consisting of at least 10 members

19   comprised of election officials from the member states

20   (governing board).

21   (2) Upon joining the multi-state voter data sharing

22   program, an Illinois election official must be appointed to

23   the governing board.

24   (3) The operation of the multi-state voter data sharing

25   program must be performed by an independent team or entity

26   as approved by the governing board, and no single member

1   state may absorb any operational responsibility for the

2   overall program.

3   (4) The operational costs of the multi-state voter data

4   sharing program must be collectively funded by all member

5   states.

6   (5) The multi-state voter data sharing program must

7   share security policies, procedures, and relevant

8   certifications with Illinois election officials sufficient

9   to demonstrate compliance with the International

10   Organization for Standardization and the International

11   Electrotechnical Commission 2700 Family of Standards.

12   (6) The multi-state voter data sharing program must

13   have documented policies and procedures to notify all

14   participating state election officials immediately in the

15   event of a data breach or an inadvertent exposure of data.

16   (c) A multi-state voter data sharing program that enters

17   into a multi-state voter data sharing agreement with the State

18   Board of Elections must comply with the following minimum

19   requirements for security and data accuracy:

20   (1) Nonpublic voter information may not be sent to a

21   multi-state voter data sharing program without the

22   application of a cryptographic hash.

23   (2) The multi-state voter data sharing program must

24   require participating states to include, at a minimum,

25   voter name, address, date of birth, and partial social

26   security number (when available on a voter record).

1   (3) No voter's unencrypted nonpublic voter information

2   may be transmitted through email or stored in an email

3   system in the course of participation in the multi-state

4   voter data sharing program.

5   (4) Multi-factor authentication must be used by

6   Illinois election officials and staff to access any of the

7   multi-state data sharing program's user interfaces.

8   (5) The multi-state voter data sharing program must

9   conduct a third-party security audit, including

10 penetration testing and a vulnerability assessment. The

11 results of the security audit shall be shared with the

12 Illinois member of the governing board.

13   (6) Before joining a multi-state voter data sharing

14 program, the governing body of the multi-state voter data

15 sharing program must provide the State Board of Elections

16 evidence of the multi-state voter data sharing program's

17 compliance with the security requirements of this

18 subsection.

19   (7) The State Board of Elections shall maintain records

20 sufficient to demonstrate the multi-state voter data

21 sharing program meets all requirements set forth in this

22 Section on an ongoing basis.

23   (8) The multi-state voter data sharing program must

24 provide a data quality report to the governing board that

25 evaluates the quality of the data the multi-state voter

26 data sharing program provides members. The first such

1   report must be submitted to the governing body on or before

2   March 1, 2021, and then annually thereafter.

3   (d) A bilateral voter data sharing agreement entered into

4   by the State Board of Elections must comply with the following

5   requirements:

6   (1) Nonpublic voter information may not be shared with

7   election   authorities   without   the   application   of   a

8   cryptographic hash.

9   (2) No voter's unencrypted voter information data may

10   be transmitted through email or stored in an email system

11   in the course of participation of the agreement.

12   (3) If any shared system of data exchange is used, such

13   as a file transfer protocol server or any third-party file

14   storage system, then multi-factor authentication must be

15   used by any Illinois personnel or personnel of the partner

16   state to access or transfer any portions of the voter data

17   exchanged.

18   (4) Illinois must conduct a third-party security audit

19   on an annual basis that includes penetration testing and a

20   vulnerability assessment.

21   (5) The State Board of Elections shall maintain records

22   sufficient to demonstrate that the bilateral voter data

23   agreement meets all requirements of this Section.

24   (e) The State Board of Elections is required to monitor

25   compliance with the governance, security, and reporting

26   requirements of this Section.

1   (f) Participation in a multi-state voter data sharing

2 program or a bilateral voter data sharing agreement must be

3 reaffirmed by a majority vote of the State Board of Elections,

4 a majority being defined as a minimum of 5 affirmative votes,

5 on an annual basis. Before a vote, the State Board of Elections

6 must provide documented evidence of the multi-state voter data

7 sharing program's or the bilateral voter data sharing

8 agreement's compliance with the governance, security, and

9 reporting requirements of this Section. A failure to reach a

10 majority affirmation shall result in the immediate termination

11 of the voter data sharing agreement.

12   (g) A multi-state voter data sharing program or a bilateral

13 voter data sharing agreement shall be subject to a

14 cybersecurity audit as provided under Section 3-2.4 of the

15 Illinois State Auditing Act.

16   (h) The State Board of Elections must request an analysis

17 of the partnering states' compliance with the federal National

18 Voter Registration Act of 1993 as it pertains to voter roll

19 maintenance activities from the Office of the Attorney General.

20 This report must be delivered to the State Board of Elections

21 at least 60 days before any vote to enter into a bilateral

22 voter data sharing agreement or to continue an existing

23 bilateral voter data sharing agreement. The report must be made

24 a part of the public record in a public State Board of

25 Elections meeting before a vote.

26   (i) If a multi-state voter data sharing program no longer

1   complies with the governance requirements of subsection (b):

2   (1) The State Board of Elections must immediately cease

3   data exchanges with the multi-state voter data sharing

4   program and initiate any agreed upon withdrawal process.

5   (2) If the issue of non-compliance is corrected, the

6   State Board of Elections may resume participation in the

7   multi-state voter data sharing program by a majority vote.

8   (j) If a multi-state voter data sharing program no longer

9   complies with the security requirements of this Section, has

10   incurred a data breach, or has inadvertently exposed data:

11   (1) The State Board of Elections must immediately cease

12   data exchanges with the multi-state voter data sharing

13   program and initiate any agreed upon withdrawal process.

14   (2) If the issue of noncompliance is corrected, the

15   State Board of Elections may resume participation in the

16   multi-state voter data sharing program or bilateral voter

17   data sharing agreement by a majority vote.

18   (k) If a partner state in a bilateral voter data sharing

19   agreement no longer complies with the security requirements of

20   this Section, has incurred a data breach, or has inadvertently

21   exposed data:

22   (1) The State Board of Elections shall immediately

23   cease exchanging data and request the permanent

24   destruction of any and all Illinois voter data in the

25   possession of the partner state.

26   (2) If the issue of noncompliance is corrected, the

1   State Board of Elections may resume participation in the

2   bilateral agreement by majority vote of the State Board of

3   Elections.

4   (l) If a multi-state voter data sharing program does not

5   produce a data quality report within the specified time frame

6   of this Section:

7   (1) The State Board of Elections must immediately cease

8   data exchanges with the multi-state voter data sharing

9   program.

10   (2) If the issue of noncompliance is not corrected

11   within 90 days, the State Board of Elections must initiate

12   any agreed upon withdrawal process.

13   (3) If the issue of noncompliance is corrected, the

14   State Board of Elections may resume participation in the

15   multi-state voter data sharing program by a majority vote.

16   (m) The State Board of Elections may adopt rules to execute

17 voter data sharing agreements.

18   Section 99. Effective date. This Act takes effect January

19 1, 2020.".