SB2038

LRB10215885SMS21254b

102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2038

Introduced 2/26/2021, by Sen. Darren Bailey

SYNOPSIS AS INTRODUCED:

10 ILCS 5/24-0.5 new
10 ILCS 5/24A-0.5 new
10 ILCS 5/24B-0.5 new
10 ILCS 5/24C-0.5 new

Amends the Election Code. Provides that certain Articles of the Code are subject to specified voting limitations. Requires election authorities to use hand-marked paper ballots that may be counted by hand or read through optical scan technology. Requires election authorities to implement strict chain of command procedures for ballots, voter registration polls, and tabulation results. Requires the State Board of Elections to implement software that monitors and detects vulnerabilities to the security of the voter registration rolls. Provides the State Board of Elections with rulemaking authority to adopt rules necessary to implement the provisions. Makes other changes.

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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 adding Sections

5   24-0.5, 24A-0.5, 24B-0.5, and 24C-0.5 as follows:

6   (10 ILCS 5/24-0.5 new)

7   Sec. 24-0.5. Voting security.

8   (a) As used in this Section, "hand-marked paper ballot"

9   means a paper ballot marked by the voter by hand.

10   (b) Notwithstanding any other law to the contrary, the

11   provisions of this Article are subject to the following

12   limitations:

13   (1) An election authority shall use a voting system

14   that requires the use of a hand-marked paper ballot of the

15   voter's vote that shall be marked and made available for

16   inspection and verification by the voter before the

17   voter's vote is cast and counted and which shall be

18   counted by hand or read by precinct tabulation optical

19   scan technology voting equipment or another counting

20   device.

21   (2) The election judges shall advise each voter that

22   he or she has the opportunity to correct any error on the

23   hand-marked paper ballot before the permanent hand-marked

1   paper ballot is counted and preserved.

2   (3) The voting system shall not preserve the

3   hand-marked paper ballots in any manner that makes it

4   possible, at any time after the ballot has been cast, to

5   associate a voter with the record of the voter's vote

6   without the voter's consent.

7   (4) The hand-marked paper ballot shall constitute the

8   official ballot and shall be preserved and used as the

9   official ballot for purposes of any recount or audit

10 conducted.

11   (5) Each hand-marked paper ballot used shall be

12 suitable for a manual audit and shall be counted by hand in

13 any recount or audit conducted.

14   (6) If any inconsistencies or irregularities between

15 any electronic vote tallies and the vote tallies

16 determined by counting by hand the hand-marked paper

17 ballots, the hand-marked paper ballots shall be the true

18 and correct record of the votes cast.

19   (7) If there is any inconsistency between any

20 electronic vote tallies and the vote tallies determined by

21 counting by hand the hand-marked paper and it is

22 demonstrated by clear and convincing evidence in any

23 recount, audit, or contest of the result of the election

24 that the hand-marked paper ballots have been compromised

25 (by damage or mischief or otherwise) and that a sufficient

26 number of the ballots have been so compromised that the

1   result of the election could be changed, the determination

2   of the appropriate remedy with respect to the election

3   shall be made in accordance with this Code, except that

4   the electronic tally shall not be used as the exclusive

5   basis for determining the official certified result.

6   (8) The State Board of Elections shall implement

7   software that monitors vulnerabilities to the security of

8   the voter registration rolls and detects intrusions to the

9   voter registration rolls and the origins of such

10   intrusions.

11   (9) Election authorities shall implement strict chain

12   of custody procedures for ballots, ballot boxes, poll

13   lists and poll books, and memory from voting tabulators.

14   (10) An election authority may not use an electronic

15   device to tabulate votes or determine voter registration

16   that has remote access or that can otherwise access the

17   Internet.

18   (11) The requirements of this subsection (b) apply to

19   all ballots cast in elections under this Code, including

20   ballots pursuant to Articles 19, 19A, and 20.

21   (c) The State Board of Elections shall adopt any rules for

22 the necessary implementation of this Section, including its

23 impact on the provisions of this Article.

24   (10 ILCS 5/24A-0.5 new)

25   Sec. 24A-0.5. Voting security.

1   (a) As used in this Section, "hand-marked paper ballot"

2 means a paper ballot marked by the voter by hand.

3   (b) Notwithstanding any other law to the contrary, the

4 provisions of this Article are subject to the following

5 limitations:

6   (1) An election authority shall use a voting system

7   that requires the use of a hand-marked paper ballot of the

8   voter's vote that shall be marked and made available for

9   inspection and verification by the voter before the

10   voter's vote is cast and counted and which shall be

11   counted by hand or read by precinct tabulation optical

12   scan technology voting equipment or another counting

13   device.

14   (2) The election judges shall advise each voter that

15   he or she has the opportunity to correct any error on the

16   hand-marked paper ballot before the permanent hand-marked

17   paper ballot is counted and preserved.

18   (3) The voting system shall not preserve the

19   hand-marked paper ballots in any manner that makes it

20   possible, at any time after the ballot has been cast, to

21   associate a voter with the record of the voter's vote

22   without the voter's consent.

23   (4) The hand-marked paper ballot shall constitute the

24   official ballot and shall be preserved and used as the

25   official ballot for purposes of any recount or audit

26   conducted.

1   (5) Each hand-marked paper ballot used shall be

2   suitable for a manual audit and shall be counted by hand in

3   any recount or audit conducted.

4   (6) If any inconsistencies or irregularities between

5   any electronic vote tallies and the vote tallies

6   determined by counting by hand the hand-marked paper

7   ballots, the hand-marked paper ballots shall be the true

8   and correct record of the votes cast.

9   (7) If there is any inconsistency between any

10   electronic vote tallies and the vote tallies determined by

11   counting by hand the hand-marked paper and it is

12   demonstrated by clear and convincing evidence in any

13   recount, audit, or contest of the result of the election

14   that the hand-marked paper ballots have been compromised

15   (by damage or mischief or otherwise) and that a sufficient

16   number of the ballots have been so compromised that the

17   result of the election could be changed, the determination

18   of the appropriate remedy with respect to the election

19   shall be made in accordance with this Code, except that

20   the electronic tally shall not be used as the exclusive

21   basis for determining the official certified result.

22   (8) The State Board of Elections shall implement

23   software that monitors vulnerabilities to the security of

24   the voter registration rolls and detects intrusions to the

25   voter registration rolls and the origins of such

26   intrusions.

1   (9) Election authorities shall implement strict chain

2   of custody procedures for ballots, ballot boxes, poll

3   lists and poll books, and memory from voting tabulators.

4   (10) An election authority may not use an electronic

5   device to tabulate votes or determine voter registration

6   that has remote access or that can otherwise access the

7   Internet.

8   (11) The requirements of this subsection (b) apply to

9   all ballots cast in elections under this Code, including

10   ballots pursuant to Articles 19, 19A, and 20.

11   (c) The State Board of Elections shall adopt any rules for

12 the necessary implementation of this Section, including its

13 impact on the provisions of this Article.

14 (10 ILCS 5/24B-0.5 new)

15 Sec. 24B-0.5. Voting security.

16 (a) As used in this Section, "hand-marked paper ballot"

17 means a paper ballot marked by the voter by hand.

18 (b) Notwithstanding any other law to the contrary, the

19 provisions of this Article are subject to the following

20 limitations:

21   (1) An election authority shall use a voting system

22   that requires the use of a hand-marked paper ballot of the

23   voter's vote that shall be marked and made available for

24   inspection and verification by the voter before the

25   voter's vote is cast and counted and which shall be

1   counted by hand or read by precinct tabulation optical

2   scan technology voting equipment or another counting

3   device.

4   (2) The election judges shall advise each voter that

5   he or she has the opportunity to correct any error on the

6   hand-marked paper ballot before the permanent hand-marked

7   paper ballot is counted and preserved.

8   (3) The voting system shall not preserve the

9   hand-marked paper ballots in any manner that makes it

10   possible, at any time after the ballot has been cast, to

11   associate a voter with the record of the voter's vote

12   without the voter's consent.

13   (4) The hand-marked paper ballot shall constitute the

14   official ballot and shall be preserved and used as the

15   official ballot for purposes of any recount or audit

16   conducted.

17   (5) Each hand-marked paper ballot used shall be

18   suitable for a manual audit and shall be counted by hand in

19   any recount or audit conducted.

20   (6) If any inconsistencies or irregularities between

21   any electronic vote tallies and the vote tallies

22   determined by counting by hand the hand-marked paper

23   ballots, the hand-marked paper ballots shall be the true

24   and correct record of the votes cast.

25   (7) If there is any inconsistency between any

26   electronic vote tallies and the vote tallies determined by

1   counting by hand the hand-marked paper and it is
2   demonstrated by clear and convincing evidence in any
3   recount, audit, or contest of the result of the election
4   that the hand-marked paper ballots have been compromised
5   (by damage or mischief or otherwise) and that a sufficient
6   number of the ballots have been so compromised that the
7   result of the election could be changed, the determination
8   of the appropriate remedy with respect to the election
9   shall be made in accordance with this Code, except that
10   the electronic tally shall not be used as the exclusive
11   basis for determining the official certified result.
12   (8) The State Board of Elections shall implement
13   software that monitors vulnerabilities to the security of
14   the voter registration rolls and detects intrusions to the
15   voter registration rolls and the origins of such
16   intrusions.
17   (9) Election authorities shall implement strict chain
18   of custody procedures for ballots, ballot boxes, poll
19   lists and poll books, and memory from voting tabulators.
20   (10) An election authority may not use an electronic
21   device to tabulate votes or determine voter registration
22   that has remote access or that can otherwise access the
23   Internet.
24   (11) The requirements of this subsection (b) apply to
25   all ballots cast in elections under this Code, including
26   ballots pursuant to Articles 19, 19A, and 20.

1   (c) The State Board of Elections shall adopt any rules for

2   the necessary implementation of this Section, including its

3   impact on the provisions of this Article.

4   (10 ILCS 5/24C-0.5 new)

5   Sec. 24C-0.5. Voting security.

6   (a) As used in this Section, "hand-marked paper ballot"

7   means a paper ballot marked by the voter by hand.

8   (b) Notwithstanding any other law to the contrary, the

9   provisions of this Article are subject to the following

10 limitations:

11   (1) An election authority shall use a voting system

12   that requires the use of a hand-marked paper ballot of the

13   voter's vote that shall be marked and made available for

14   inspection and verification by the voter before the

15   voter's vote is cast and counted and which shall be

16   counted by hand or read by precinct tabulation optical

17   scan technology voting equipment or another counting

18   device.

19   (2) The election judges shall advise each voter that

20   he or she has the opportunity to correct any error on the

21   hand-marked paper ballot before the permanent hand-marked

22   paper ballot is counted and preserved.

23   (3) The voting system shall not preserve the

24   hand-marked paper ballots in any manner that makes it

25   possible, at any time after the ballot has been cast, to

1   associate a voter with the record of the voter's vote

2   without the voter's consent.

3   (4) The hand-marked paper ballot shall constitute the

4   official ballot and shall be preserved and used as the

5   official ballot for purposes of any recount or audit

6   conducted.

7   (5) Each hand-marked paper ballot used shall be

8   suitable for a manual audit and shall be counted by hand in

9   any recount or audit conducted.

10   (6) If any inconsistencies or irregularities between

11   any electronic vote tallies and the vote tallies

12   determined by counting by hand the hand-marked paper

13   ballots, the hand-marked paper ballots shall be the true

14   and correct record of the votes cast.

15   (7) If there is any inconsistency between any

16   electronic vote tallies and the vote tallies determined by

17   counting by hand the hand-marked paper and it is

18   demonstrated by clear and convincing evidence in any

19   recount, audit, or contest of the result of the election

20   that the hand-marked paper ballots have been compromised

21   (by damage or mischief or otherwise) and that a sufficient

22   number of the ballots have been so compromised that the

23   result of the election could be changed, the determination

24   of the appropriate remedy with respect to the election

25   shall be made in accordance with this Code, except that

26   the electronic tally shall not be used as the exclusive

1   basis for determining the official certified result.

2   (8) The State Board of Elections shall implement

3   software that monitors vulnerabilities to the security of

4   the voter registration rolls and detects intrusions to the

5   voter registration rolls and the origins of such

6   intrusions.

7   (9) Election authorities shall implement strict chain

8   of custody procedures for ballots, ballot boxes, poll

9   lists and poll books, and memory from voting tabulators.

10   (10) An election authority may not use an electronic

11 device to tabulate votes or determine voter registration

12 that has remote access or that can otherwise access the

13 Internet.

14   (11) The requirements of this subsection (b) apply to

15 all ballots cast in elections under this Code, including

16 ballots pursuant to Articles 19, 19A, and 20.

17 (c) The State Board of Elections shall adopt any rules for

18 the necessary implementation of this Section, including its

19 impact on the provisions of this Article.