

# SB2948



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2948

Introduced 10/26/2021, by Sen. Darren Bailey

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/24A-15

from Ch. 46, par. 24A-15

Amends the Election Code. Provides that the State Board of Elections shall develop procedures for conducting audits of affidavit signatures on ballots cast in each regular election. Provides that each election authority shall select at random 1% of the ballots cast within the jurisdiction of the election authority to be audited in accordance with the those procedures. Effective January 1, 2022.

LRB102 20952 HLH 29848 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 Sections 24A-15 as follows:

6 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

7 Sec. 24A-15. The precinct return printed by the automatic  
8 tabulating equipment shall include the number of ballots cast  
9 and votes cast for each candidate and proposition and shall  
10 constitute the official return of each precinct. In addition  
11 to the precinct return, the election authority shall provide  
12 the number of applications for ballots in each precinct, the  
13 write-in votes, the total number of ballots counted in each  
14 precinct for each political subdivision and district and the  
15 number of registered voters in each precinct. However, the  
16 election authority shall check the totals shown by the  
17 precinct return and, if there is an obvious discrepancy with  
18 respect to the total number of votes cast in any precinct,  
19 shall have the ballots for such precinct retabulated to  
20 correct the return. The procedures for retabulation shall  
21 apply prior to and after the proclamation is completed;  
22 however, after the proclamation of results, the election  
23 authority must obtain a court order to unseal voted ballots

1     except for election contests and discovery recounts. In those  
2     election jurisdictions that utilize in-precinct counting  
3     equipment, the certificate of results, which has been prepared  
4     by the judges of election after the ballots have been  
5     tabulated, shall be the document used for the canvass of votes  
6     for such precinct. Whenever a discrepancy exists during the  
7     canvass of votes between the unofficial results and the  
8     certificate of results, or whenever a discrepancy exists  
9     during the canvass of votes between the certificate of results  
10    and the set of totals which has been affixed to such  
11    certificate of results, the ballots for such precinct shall be  
12    retabulated to correct the return. As an additional part of  
13    this check prior to the proclamation, in those jurisdictions  
14    where in-precinct counting equipment is utilized, the election  
15    authority shall retabulate the total number of votes cast in  
16    5% of the precincts within the election jurisdiction, as well  
17    as 5% of the voting devices used in early voting. The precincts  
18    and the voting devices to be retabulated shall be selected  
19    after election day on a random basis by the State Board of  
20    Elections, so that every precinct in the election jurisdiction  
21    and every voting device used in early voting has an equal  
22    mathematical chance of being selected. The State Board of  
23    Elections shall design a standard and scientific random method  
24    of selecting the precincts and voting devices which are to be  
25    retabulated. The State central committee chair of each  
26    established political party shall be given prior written

1 notice of the time and place of such random selection  
2 procedure and may be represented at such procedure. Such  
3 retabulation shall consist of counting the ballot cards which  
4 were originally counted and shall not involve any  
5 determination as to which ballot cards were, in fact, properly  
6 counted. The ballots from the precincts selected for such  
7 retabulation shall remain at all times under the custody and  
8 control of the election authority and shall be transported and  
9 retabulated by the designated staff of the election authority.

10 As part of such retabulation, the election authority shall  
11 test the computer program in the selected precincts and on the  
12 selected early voting devices. Such test shall be conducted by  
13 processing a preaudited group of ballots so punched so as to  
14 record a predetermined number of valid votes for each  
15 candidate and on each public question, and shall include for  
16 each office one or more ballots which have votes in excess of  
17 the number allowed by law in order to test the ability of the  
18 equipment to reject such votes. If any error is detected, the  
19 cause therefor shall be ascertained and corrected and an  
20 errorless count shall be made prior to the official canvass  
21 and proclamation of election results.

22 The State Board of Elections, the State's Attorney and  
23 other appropriate law enforcement agencies, the county chair  
24 of each established political party and qualified civic  
25 organizations shall be given prior written notice of the time  
26 and place of such retabulation and may be represented at such

1     retabulation.

2             The results of this retabulation shall be treated in the  
3 same manner and have the same effect as the results of the  
4 discovery procedures set forth in Section 22-9.1 of this Act.  
5 Upon completion of the retabulation, the election authority  
6 shall print a comparison of the results of the retabulation  
7 with the original precinct return printed by the automatic  
8 tabulating equipment. Such comparison shall be done for each  
9 precinct and for each early voting device selected for testing  
10 and for each office voted upon within that precinct or on that  
11 voting device, and the comparisons shall be open to the  
12 public.

13             In addition to the retabulation under this Section,  
14 beginning with the general election held in calendar year  
15 2022, the State Board of Elections shall develop procedures  
16 for conducting audits of affidavit signatures on ballots cast  
17 in each regular election. Each election authority shall select  
18 at random 1% of the ballots cast within the jurisdiction of the  
19 election authority to be audited in accordance with the  
20 procedures developed by the State Board of Elections under  
21 this paragraph.

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

23             Section 99. Effective date. This Act takes effect January  
24 1, 2022.