



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1138

Introduced 1/12/2023, by Rep. Blaine Wilhour

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 those procedures. Effective January 1, 2024.

LRB103 05321 AWJ 50339 b

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 2024, 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, 2024.