



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2835

Introduced 2/16/2023, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

10 ILCS 5/22-19 new

Amends the Election Code. Authorizes election authorities to conduct risk-limiting audits before and after the certification of election results. Provides that the determination to conduct a risk-limiting audit, the scope of an audit, and the uses of the results of an audit are entirely within the discretion of the election authority. Requires the State Board of Elections to adopt rules for the creation of a certification process for certifying that the procedure to be used by an election authority comports with the specified requirements. Provides for waiver of the certification process. Defines "risk-limiting audit". Effective immediately.

LRB103 27728 BMS 54105 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 adding Section
5 22-19 as follows:

6 (10 ILCS 5/22-19 new)

7 Sec. 22-19. Risk-limiting election audits.

8 (a) Notwithstanding any other provision of law, an
9 election authority is authorized to conduct a risk-limiting
10 audit before the certification of the results of an election
11 as provided under Section 22-18. The determination to conduct
12 a risk-limiting audit, the scope of an audit, and the uses of
13 the results of an audit are entirely within the discretion of
14 the election authority. The provisions of the law regarding
15 the anonymity of the ballot and chain of custody shall be
16 observed in any process conducted under this subsection (a).

17 (b) Notwithstanding any other provision of law, an
18 election authority is authorized to conduct a risk-limiting
19 audit after the results of an election have been certified and
20 the period for filing an election contest has expired. The
21 determination to conduct a risk-limiting audit, the scope of
22 an audit, and the uses of the results of an audit are entirely
23 within the discretion of the election authority.

1 (c) The State Board of Elections shall adopt rules to
2 create a certification process for certifying that the
3 procedure to be used by an election authority comports with
4 the requirements of this Section, uses generally-accepted
5 statistical methods, and meets the standards for best
6 practices to insure statistically sound results. Upon
7 application by an election authority, accompanied by a
8 sufficient showing of the statistical soundness of an election
9 authority's risk-limiting audit methods, the State Board of
10 Elections may waive the certification process requirement for
11 that election authority, notwithstanding the rules adopted
12 under this subsection (c).

13 (d) For the purposes of this Section, "risk-limiting
14 audit" means a process of examining election materials,
15 including ballots, under an audit protocol that makes use of
16 statistical methods and is designed to limit the risk of the
17 certification of an incorrect election outcome. The method
18 used in a risk-limiting audit shall be capable of producing an
19 outcome that demonstrates a strong statistical likelihood that
20 the outcome of an election is correct.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.