LRB09510840JAM31104b

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1188

Introduced 2/8/2007, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

10 ILCS 5/23-15.1

Amends the Election Code. With respect to electronic voting systems, provides for the availability to the public by the vendor of the system's ballot counting technology information.

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FISCAL NOTE ACT
MAY APPLY

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 Section

5   23-15.1 as follows:

6   (10 ILCS 5/23-15.1)

7   Sec. 23-15.1. Production of ballot counting code ~~and~~

8   ~~attendance of witnesses~~. Citizens have the right to know how

9   their votes are counted. Technology shall not be used in a

10   voting system that interferes with this right to know.

11   "Publicly disclosed" technology refers to hardware and

12   software whose design details have been made public and are

13   freely available for public inspection. In addition, the vendor

14   of publicly disclosed technology grants to the public the right

15   to test the technology and publish the test results.

16   The technology disclosure package is an electronic file

17   that contains all the documents required to show exactly how

18   the system works.

19   Voting system technology includes components specifically

20   designed or modified for the voting application, as well as

21   components that are general purpose commodity items (sometimes

22   called COTS for "commercial-off-the-shelf"). The vendor is not

23   expected to reveal the inner workings of unmodified COTS

1   components. However, all unmodified COTS components must be

2   identified by manufacturer, model, and revision. In addition,

3   all product data sheets, manuals, and other publicly available

4   documentation should be included for unmodified COTS

5   components in the technology disclosure package.

6   All hardware and software components created or modified

7   for the voting application must have complete documentation,

8   including software source code, in the technology disclosure

9   package.

10   The vendor is not required to freely provide hardware to

11 the public for testing purposes, but the technology disclosure

12 package shall be sufficiently detailed such that competent

13 engineers with the correct tools can fully recreate the

14 hardware and software systems.

15   All contracts executed by any election authority within the

16 State of Illinois that include the purchase of voting equipment

17 shall include the following provisions for public disclosure of

18 technology as described in this Section; the vendor must make

19 arrangements to have a complete technology disclosure package

20 available for free public download on a public disclosure

21 website, which may be operated by a government or private

22 entity, to make publicly disclosed technology available for

23 free download to the public. In the event that the public

24 disclosure service becomes unavailable from the vendor's

25 chosen provider, the vendor must agree to make arrangements for

26 public disclosure with another entity within 30 days from the

1   time the service becomes unavailable from the original public

2   disclosure service provider.

3   ~~All voting system vendors shall, within 90 days after the~~

4   ~~adoption of rules or upon application for voting-system~~

5   ~~approval, place in escrow all computer code for its voting~~

6   ~~system with the State Board of Elections. The State Board of~~

7   ~~Elections shall promulgate rules to implement this Section. For~~

8   ~~purposes of this Section, the term "computer code" includes,~~

9   ~~but is not limited to, ballot counting source code, table~~

10   ~~structures, modules, program narratives, and other human~~

11   ~~readable computer instructions used to count ballots. Any~~

12   ~~computer code submitted by vendors to the State Board of~~

13   ~~Elections shall be considered strictly confidential and the~~

14   ~~intellectual property of the vendors and shall not be subject~~

15   ~~to public disclosure under the Freedom of Information Act.~~

16   ~~The State Board of Elections shall determine which software~~

17   ~~components of a voting system it deems necessary to enable the~~

18   ~~review and verification of the computer. The State Board of~~

19   ~~Elections shall secure and maintain all proprietary computer~~

20   ~~codes in strict confidence and shall make a computer code~~

21   ~~available to authorized persons in connection with an election~~

22   ~~contest or pursuant to any State or federal court order.~~

23   ~~In an election contest, each party to the contest may~~

24   ~~designate one or more persons who are authorized to receive the~~

25   ~~computer code of the relevant voting systems. The person or~~

26   ~~persons authorized to receive the relevant computer code shall~~

1   ~~enter into a confidentiality agreement with the State Board of~~

2   ~~Elections and must exercise the highest degree of reasonable~~

3   ~~care to maintain the confidentiality of all proprietary~~

4   ~~information.~~

5   The State Board of Elections shall promulgate rules to

6   provide for the security, review, and verification of computer

7   codes. Verification includes, but is not limited to,

8   determining that the computer code corresponds to computer

9   instructions actually in use to count ballots. The State Board

10   of Elections shall hire, contract with, or otherwise provide

11   sufficiently qualified resources, both human and capital, to

12   conduct the reviews with the greatest possible expectation of

13   thoroughness, completeness, and effectiveness. The resources

14   shall be independent of and have no business, personal,

15   professional, or other affiliation with any of the system

16   vendors currently or prospectively supplying voting systems to

17   any county in the State of Illinois. Nothing in this Section

18   shall impair the obligation of any contract between a

19   voting-systems vendor and an election authority that provides

20   access to computer code that is equal to or greater than that

21   provided by this Section.

22   (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)