

Joint Statement

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PRESS RELEASE

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Kane County State’s Attorney Jamie L. Mosser and Sheriff Ron Hain have received several complaints in anticipation of early voting beginning February 8, 2024. The complaints have been reviewed, and the State’s Attorney’s Office has researched the relevant portions of the Illinois Election Code and associated administrative regulations, inspected and tested the voting machines, and reached the following conclusions.

Complaint – Unapproved Voting Machines

The first set of complaints received alleged that the Kane County Clerk had purchased unapproved voting machines. On August 8, 2023, the Kane County Board passed Resolution 23-335, authorizing the Kane County Board Chairman to enter into an agreement with Hart InterCivic (“Hart”) for the upgrade of the Kane County voting system. The complaints alleged that the purchase of the voting equipment prior to its approval by the Illinois State Board of Elections violated the Illinois Election Code.

On November 21, 2023, the Illinois State Board of Elections (“ISBE”) voted to give Hart a two-year interim approval of their Verity 2.7.1 IL voting system (“Voting System”). According to the staff report recommending approval of the Voting System, ISBE noted that on August 11, 2023, Hart requested approval of their Voting System for use in the March 19, 2024, General Primary Election. Administrative regulations required Hart to submit its application for approval no later than September 18, 2023. The ISBE staff report indicates that Hart’s Voting System meets the applicable Illinois statutory and regulatory requirements.

While it appears that a portion of the Illinois Election Code regarding the timing of the sale of electronic voting systems may not have been strictly complied with, the Voting System was approved before it was ever used in any election, including prior to early voting for the March 19, 2024, General Primary Election. We have not been presented with any evidence or any specific allegation showing that Hart knowingly intended to disregard the relevant provisions

of the Election Code. Moreover, the corresponding ISBE rules for the approval of voting systems state that no voting system shall be used in Illinois unless approved for use by ISBE.

In conclusion, the Voting System was approved for use by ISBE prior to the March 19, 2024, General Primary Election. The approval came in a timely fashion, and there is no legal remedy to alter what has occurred even with the statute not being followed completely. Based on this, we have found that the complaints are unfounded and the matter is closed.

Complaint – Voting Machine Irregularity

There were also questions raised during sample public demonstrations of the Voting System hosted by the County Clerk to educate voters on the use of the new equipment. Specifically, several individuals reported that they submitted a name during the mock demonstration, another name was generated and printed on the ballot, and, separately, the machines had difficulty feeding the paper ballots into the scanning device.

Regarding the first issue, the machines that were used by the public were demonstrative machines provided by Hart. The demonstration program used by Hart is the same nationwide and is meant to display the capabilities of the program. Some states allow a candidate to use an “alias” name on the ballot. To demonstrate the system’s capacity to accommodate these laws, the test displays the name “Abraham Lincoln” on the screen and prints out the alias “John Muir.” While understandably confusing to those using the machines during the demonstration, as that is not the procedure in Illinois, the machines that will be used for the March 19, 2024, General Primary Election will have only one name.

On February 6, 2024, a State’s Attorney investigator and the State’s Attorney visited the County Clerk’s Office with a request to try the machines. Please note that no actual votes were cast, but were performed as a test vote. During that visit, they were able to sample ballots for each primary ticket (Democratic and Republican). At the voting machine, the ballot number was entered, and the corresponding ballot was seen on the screen. Both were able to select test votes and confirm the selections made on the screen. The votes were then printed onto the ballot paper, and they were able to confirm that what was printed on the paper was who they had each respectively voted for on the machine. They were lastly directed to submit the paper ballot to the scanning device. Neither had any difficulty in feeding the final ballot into the scanning device.

As such, we determined that there were no issues with the voting machines based on the two complaints that were received. However, the Kane County Clerk’s Office, in an abundance of caution, will have the election judges ready and willing to assist any voter with the submission of their final ballot. We also believe that the Kane County Clerk’s Office is generally prepared to assist during the voting process if there are any issues with that process. Based on this, we have found that the complaints are unfounded and that the matter is closed.

State’s Attorney Mosser and Sheriff Hain commit to ensuring a fair election process. Both have promised to be responsive to citizen complaints and to report their findings.