



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5585

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/16-3	from Ch. 46, par. 16-3
10 ILCS 5/16-4.2 new	
10 ILCS 5/17-11	from Ch. 46, par. 17-11
10 ILCS 5/17-18	from Ch. 46, par. 17-18
10 ILCS 5/17-18.2 new	
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/18-9	from Ch. 46, par. 18-9

Amends the Election Code. Provides that members of the General Assembly and the offices Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall be elected by ranked-choice voting. Provides for ranked-choice ballots to be produced. Provides that voters may rank their choice for candidates for those offices and provides for interpretations of certain ballot marks. Provides that tallying ranked-choice votes proceeds in rounds. Provides that in each round, the number of votes for each continuing candidate must be counted, that each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round, and that exhausted ballots are not counted for any continuing candidate. Provides that if only 2 candidates remain, the candidate with the higher vote total wins, and that if more than 2 candidates remain, the last-place candidate is eliminated and another round of tallying is to commence. Provides that rounds continue until a winner is found. Makes conforming changes.

LRB101 16345 SMS 65721 b

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
5 Sections 1-3, 16-3, 17-11, 17-18, 18-5, and 18-9 and by adding
6 Sections 16-4.2 and 17-18.2 as follows:

7 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

8 Sec. 1-3. As used in this Act, unless the context otherwise
9 requires:

10 1. "Election" includes the submission of all questions of
11 public policy, propositions, and all measures submitted to
12 popular vote, and includes primary elections when so indicated
13 by the context.

14 2. "Regular election" means the general, general primary,
15 consolidated and consolidated primary elections regularly
16 scheduled in Article 2A. The even numbered year municipal
17 primary established in Article 2A is a regular election only
18 with respect to those municipalities in which a primary is
19 required to be held on such date.

20 3. "Special election" means an election not regularly
21 recurring at fixed intervals, irrespective of whether it is
22 held at the same time and place and by the same election
23 officers as a regular election.

1 4. "General election" means the biennial election at which
2 members of the General Assembly are elected. "General primary
3 election", "consolidated election" and "consolidated primary
4 election" mean the respective elections or the election dates
5 designated and established in Article 2A of this Code.

6 5. "Municipal election" means an election or primary,
7 either regular or special, in cities, villages, and
8 incorporated towns; and "municipality" means any such city,
9 village or incorporated town.

10 6. "Political or governmental subdivision" means any unit
11 of local government, or school district in which elections are
12 or may be held. "Political or governmental subdivision" also
13 includes, for election purposes, Regional Boards of School
14 Trustees, and Township Boards of School Trustees.

15 7. The word "township" and the word "town" shall apply
16 interchangeably to the type of governmental organization
17 established in accordance with the provisions of the Township
18 Code. The term "incorporated town" shall mean a municipality
19 referred to as an incorporated town in the Illinois Municipal
20 Code, as now or hereafter amended.

21 8. "Election authority" means a county clerk or a Board of
22 Election Commissioners.

23 9. "Election Jurisdiction" means (a) an entire county, in
24 the case of a county in which no city board of election
25 commissioners is located or which is under the jurisdiction of
26 a county board of election commissioners; (b) the territorial

1 jurisdiction of a city board of election commissioners; and (c)
2 the territory in a county outside of the jurisdiction of a city
3 board of election commissioners. In each instance election
4 jurisdiction shall be determined according to which election
5 authority maintains the permanent registration records of
6 qualified electors.

7 10. "Local election official" means the clerk or secretary
8 of a unit of local government or school district, as the case
9 may be, the treasurer of a township board of school trustees,
10 and the regional superintendent of schools with respect to the
11 various school officer elections and school referenda for which
12 the regional superintendent is assigned election duties by The
13 School Code, as now or hereafter amended.

14 11. "Judges of election", "primary judges" and similar
15 terms, as applied to cases where there are 2 sets of judges,
16 when used in connection with duties at an election during the
17 hours the polls are open, refer to the team of judges of
18 election on duty during such hours; and, when used with
19 reference to duties after the closing of the polls, refer to
20 the team of tally judges designated to count the vote after the
21 closing of the polls and the holdover judges designated
22 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
23 after the closing of the polls, any act is required to be
24 performed by each of the judges of election, it shall be
25 performed by each of the tally judges and by each of the
26 holdover judges.

1 12. "Petition" of candidacy as used in Sections 7-10 and
2 7-10.1 shall consist of a statement of candidacy, candidate's
3 statement containing oath, and sheets containing signatures of
4 qualified primary electors bound together.

5 13. "Election district" and "precinct", when used with
6 reference to a 30-day residence requirement, means the smallest
7 constituent territory in which electors vote as a unit at the
8 same polling place in any election governed by this Act.

9 14. "District" means any area which votes as a unit for the
10 election of any officer, other than the State or a unit of
11 local government or school district, and includes, but is not
12 limited to, legislative, congressional and judicial districts,
13 judicial circuits, county board districts, municipal and
14 sanitary district wards, school board districts, and
15 precincts.

16 15. "Question of public policy" or "public question" means
17 any question, proposition or measure submitted to the voters at
18 an election dealing with subject matter other than the
19 nomination or election of candidates and shall include, but is
20 not limited to, any bond or tax referendum, and questions
21 relating to the Constitution.

22 16. "Ordinance providing the form of government of a
23 municipality or county pursuant to Article VII of the
24 Constitution" includes ordinances, resolutions and petitions
25 adopted by referendum which provide for the form of government,
26 the officers or the manner of selection or terms of office of

1 officers of such municipality or county, pursuant to the
2 provisions of Sections 4, 6 or 7 of Article VII of the
3 Constitution.

4 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
5 6-60, and 6-66 shall include a computer tape or computer disc
6 or other electronic data processing information containing
7 voter information.

8 18. "Accessible" means accessible to persons with
9 disabilities and elderly individuals for the purpose of voting
10 or registration, as determined by rule of the State Board of
11 Elections.

12 19. "Elderly" means 65 years of age or older.

13 20. "Person with a disability" means a person having a
14 temporary or permanent physical disability.

15 21. "Leading political party" means one of the two
16 political parties whose candidates for governor at the most
17 recent three gubernatorial elections received either the
18 highest or second highest average number of votes. The
19 political party whose candidates for governor received the
20 highest average number of votes shall be known as the first
21 leading political party and the political party whose
22 candidates for governor received the second highest average
23 number of votes shall be known as the second leading political
24 party.

25 22. "Business day" means any day in which the office of an
26 election authority, local election official or the State Board

1 of Elections is open to the public for a minimum of 7 hours.

2 23. "Homeless individual" means any person who has a
3 nontraditional residence, including, but not limited to, a
4 shelter, day shelter, park bench, street corner, or space under
5 a bridge.

6 24. "Signature" means a name signed in ink or in digitized
7 form. This definition does not apply to a nominating or
8 candidate petition or a referendum petition.

9 25. "Intelligent mail barcode tracking system" means a
10 printed trackable barcode attached to the return business reply
11 envelope for mail-in ballots under Article 19 or Article 20
12 that allows an election authority to determine the date the
13 envelope was mailed in absence of a postmark.

14 26. "Office elected by ranked-choice voting" means any
15 member of the General Assembly, as well as the offices of
16 Governor, Lieutenant Governor, Attorney General, Secretary of
17 State, Comptroller, and Treasurer. These offices shall only be
18 elected by ranked-choice voting during a general or special
19 election, and not during a primary, consolidated primary, or
20 similar election.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

22 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

23 Sec. 16-3. (a) Except as provided in Section 16-4.2 of this
24 Code, the ~~The~~ names of all candidates to be voted for in each
25 election district or precinct shall be printed on one ballot,

1 except as is provided in Sections 16-6.1 and 21-1.01 of this
2 Act and except as otherwise provided in this Act with respect
3 to the odd year regular elections and the emergency referenda;
4 all nominations of any political party being placed under the
5 party appellation or title of such party as designated in the
6 certificates of nomination or petitions. The names of all
7 independent candidates shall be printed upon the ballot in a
8 column or columns under the heading "independent" arranged
9 under the names or titles of the respective offices for which
10 such independent candidates shall have been nominated and so
11 far as practicable, the name or names of any independent
12 candidate or candidates for any office shall be printed upon
13 the ballot opposite the name or names of any candidate or
14 candidates for the same office contained in any party column or
15 columns upon said ballot. The ballot shall contain no other
16 names, except that in cases of electors for President and
17 Vice-President of the United States, the names of the
18 candidates for President and Vice-President may be added to the
19 party designation and words calculated to aid the voter in his
20 choice of candidates may be added, such as "Vote for one,"
21 "Vote for not more than three." If no candidate or candidates
22 file for an office and if no person or persons file a
23 declaration as a write-in candidate for that office, then below
24 the title of that office the election authority instead shall
25 print "No Candidate". When an electronic voting system is used
26 which utilizes a ballot label booklet, the candidates and

1 questions shall appear on the pages of such booklet in the
2 order provided by this Code; and, in any case where candidates
3 for an office appear on a page which does not contain the name
4 of any candidate for another office, and where less than 50% of
5 the page is utilized, the name of no candidate shall be printed
6 on the lowest 25% of such page. On the back or outside of the
7 ballot, so as to appear when folded, shall be printed the words
8 "Official Ballot", followed by the designation of the polling
9 place for which the ballot is prepared, the date of the
10 election and a facsimile of the signature of the election
11 authority who has caused the ballots to be printed. The ballots
12 shall be of plain white paper, through which the printing or
13 writing cannot be read. However, ballots for use at the
14 nonpartisan and consolidated elections may be printed on
15 different color paper, except blue paper, whenever necessary or
16 desirable to facilitate distinguishing between ballots for
17 different political subdivisions. In the case of nonpartisan
18 elections for officers of a political subdivision, unless the
19 statute or an ordinance adopted pursuant to Article VII of the
20 Constitution providing the form of government therefor
21 requires otherwise, the column listing such nonpartisan
22 candidates shall be printed with no appellation or circle at
23 its head. The party appellation or title, or the word
24 "independent" at the head of any column provided for
25 independent candidates, shall be printed in letters not less
26 than one-fourth of an inch in height and a circle one-half inch

1 in diameter shall be printed at the beginning of the line in
2 which such appellation or title is printed, provided, however,
3 that no such circle shall be printed at the head of any column
4 or columns provided for such independent candidates. The names
5 of candidates shall be printed in letters not less than
6 one-eighth nor more than one-fourth of an inch in height, and
7 at the beginning of each line in which a name of a candidate is
8 printed a square shall be printed, the sides of which shall be
9 not less than one-fourth of an inch in length. However, the
10 names of the candidates for Governor and Lieutenant Governor on
11 the same ticket shall be printed within a bracket and a single
12 square shall be printed in front of the bracket. The list of
13 candidates of the several parties and any such list of
14 independent candidates shall be placed in separate columns on
15 the ballot in such order as the election authorities charged
16 with the printing of the ballots shall decide; provided, that
17 the names of the candidates of the several political parties,
18 certified by the State Board of Elections to the several county
19 clerks shall be printed by the county clerk of the proper
20 county on the official ballot in the order certified by the
21 State Board of Elections. Any county clerk refusing, neglecting
22 or failing to print on the official ballot the names of
23 candidates of the several political parties in the order
24 certified by the State Board of Elections, and any county clerk
25 who prints or causes to be printed upon the official ballot the
26 name of a candidate, for an office to be filled by the Electors

1 of the entire State, whose name has not been duly certified to
2 him upon a certificate signed by the State Board of Elections
3 shall be guilty of a Class C misdemeanor.

4 (b) When an electronic voting system is used which utilizes
5 a ballot card, on the inside flap of each ballot card envelope
6 there shall be printed a form for write-in voting which shall
7 be substantially as follows:

8 WRITE-IN VOTES

9 (See card of instructions for specific information.
10 Duplicate form below by hand for additional write-in votes.)

11 _____

12 Title of Office

13 () _____

14 Name of Candidate

15 Write-in lines equal to the number of candidates for which
16 a voter may vote shall be printed for an office only if one or
17 more persons filed declarations of intent to be write-in
18 candidates or qualify to file declarations to be write-in
19 candidates under Sections 17-16.1 and 18-9.1 when the
20 certification of ballot contains the words "OBJECTION
21 PENDING".

22 (c) When an electronic voting system is used which uses a
23 ballot sheet, the instructions to voters on the ballot sheet
24 shall refer the voter to the card of instructions for specific
25 information on write-in voting. Below each office appearing on
26 such ballot sheet there shall be a provision for the casting of

1 a write-in vote. Write-in lines equal to the number of
2 candidates for which a voter may vote shall be printed for an
3 office only if one or more persons filed declarations of intent
4 to be write-in candidates or qualify to file declarations to be
5 write-in candidates under Sections 17-16.1 and 18-9.1 when the
6 certification of ballot contains the words "OBJECTION
7 PENDING".

8 (d) When such electronic system is used, there shall be
9 printed on the back of each ballot card, each ballot card
10 envelope, and the first page of the ballot label when a ballot
11 label is used, the words "Official Ballot," followed by the
12 number of the precinct or other precinct identification, which
13 may be stamped, in lieu thereof and, as applicable, the number
14 and name of the township, ward or other election district for
15 which the ballot card, ballot card envelope, and ballot label
16 are prepared, the date of the election and a facsimile of the
17 signature of the election authority who has caused the ballots
18 to be printed. The back of the ballot card shall also include a
19 method of identifying the ballot configuration such as a
20 listing of the political subdivisions and districts for which
21 votes may be cast on that ballot, or a number code identifying
22 the ballot configuration or color coded ballots, except that
23 where there is only one ballot configuration in a precinct, the
24 precinct identification, and any applicable ward
25 identification, shall be sufficient. Ballot card envelopes
26 used in punch card systems shall be of paper through which no

1 writing or punches may be discerned and shall be of sufficient
2 length to enclose all voting positions. However, the election
3 authority may provide ballot card envelopes on which no
4 precinct number or township, ward or other election district
5 designation, or election date are preprinted, if space and a
6 preprinted form are provided below the space provided for the
7 names of write-in candidates where such information may be
8 entered by the judges of election. Whenever an election
9 authority utilizes ballot card envelopes on which the election
10 date and precinct is not preprinted, a judge of election shall
11 mark such information for the particular precinct and election
12 on the envelope in ink before tallying and counting any
13 write-in vote written thereon. If some method of insuring
14 ballot secrecy other than an envelope is used, such information
15 must be provided on the ballot itself.

16 (e) In the designation of the name of a candidate on the
17 ballot, the candidate's given name or names, initial or
18 initials, a nickname by which the candidate is commonly known,
19 or a combination thereof, may be used in addition to the
20 candidate's surname. If a candidate has changed his or her
21 name, whether by a statutory or common law procedure in
22 Illinois or any other jurisdiction, within 3 years before the
23 last day for filing the petition for nomination, nomination
24 papers, or certificate of nomination for that office, whichever
25 is applicable, then (i) the candidate's name on the ballot must
26 be followed by "formerly known as (list all prior names during

1 the 3-year period) until name changed on (list date of each
2 such name change)" and (ii) the petition, papers, or
3 certificate must be accompanied by the candidate's affidavit
4 stating the candidate's previous names during the period
5 specified in (i) and the date or dates each of those names was
6 changed; failure to meet these requirements shall be grounds
7 for denying certification of the candidate's name for the
8 ballot or removing the candidate's name from the ballot, as
9 appropriate, but these requirements do not apply to name
10 changes resulting from adoption to assume an adoptive parent's
11 or parents' surname, marriage to assume a spouse's surname, or
12 dissolution of marriage or declaration of invalidity of
13 marriage to assume a former surname. No other designation such
14 as a political slogan, title, or degree or nickname suggesting
15 or implying possession of a title, degree or professional
16 status, or similar information may be used in connection with
17 the candidate's surname. For purposes of this Section, a
18 "political slogan" is defined as any word or words expressing
19 or connoting a position, opinion, or belief that the candidate
20 may espouse, including but not limited to, any word or words
21 conveying any meaning other than that of the personal identity
22 of the candidate. A candidate may not use a political slogan as
23 part of his or her name on the ballot, notwithstanding that the
24 political slogan may be part of the candidate's name.

25 (f) The State Board of Elections, a local election
26 official, or an election authority shall remove any candidate's

1 name designation from a ballot that is inconsistent with
2 subsection (e) of this Section. In addition, the State Board of
3 Elections, a local election official, or an election authority
4 shall not certify to any election authority any candidate name
5 designation that is inconsistent with subsection (e) of this
6 Section.

7 (g) If the State Board of Elections, a local election
8 official, or an election authority removes a candidate's name
9 designation from a ballot under subsection (f) of this Section,
10 then the aggrieved candidate may seek appropriate relief in
11 circuit court.

12 Where voting machines or electronic voting systems are
13 used, the provisions of this Section may be modified as
14 required or authorized by Article 24 or Article 24A, whichever
15 is applicable.

16 Nothing in this Section shall prohibit election
17 authorities from using or reusing ballot card envelopes which
18 were printed before the effective date of this amendatory Act
19 of 1985.

20 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07;
21 95-862, eff. 8-19-08.)

22 (10 ILCS 5/16-4.2 new)

23 Sec. 16-4.2. Ranked-choice ballots.

24 (a) For an election for an office elected by ranked-choice
25 voting that has more than 2 choices, the ballot shall be laid

1 out to allow the voter to rank the candidates for an office in
2 order of preference. Space shall be provided for a voter to
3 include one write-in candidate if he or she desires. The ballot
4 shall be as simple and easy to understand as possible. Any
5 ballot laid out in such a manner shall be tallied in accordance
6 with Section 17-18.2 of this Code.

7 (b) All other requirements of this Article apply with
8 regards to ballots for offices elected by ranked-choice voting
9 to the extent that they do not contradict the provisions of
10 this amendatory Act of the 101st General Assembly.

11 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

12 Sec. 17-11. On receipt of his ballot the voter shall
13 forthwith, and without leaving the inclosed space, retire
14 alone, or accompanied by children as provided in Section 17-8,
15 to one of the voting booths so provided and shall prepare his
16 ballot by making in the appropriate margin or place a cross (X)
17 opposite the name of the candidate of his choice for each
18 office to be filled, or by writing in the name of the candidate
19 of his choice in a blank space on said ticket, making a cross
20 (X) opposite thereto; and in case of a question submitted to
21 the vote of the people, by making in the appropriate margin or
22 place a cross (X) against the answer he desires to give. A
23 cross (X) in the square in front of the bracket enclosing the
24 names of a team of candidates for Governor and Lieutenant
25 Governor counts as one vote for each of such candidates. Before

1 leaving the voting booth the voter shall fold his ballot in
2 such manner as to conceal the marks thereon. He shall then vote
3 forthwith in the manner herein provided, except that the number
4 corresponding to the number of the voter on the poll books
5 shall not be indorsed on the back of his ballot. He shall mark
6 and deliver his ballot without undue delay, and shall quit said
7 inclosed space as soon as he has voted; except that immediately
8 after voting, the voter shall be instructed whether the voting
9 equipment, if used, accepted or rejected the ballot or
10 identified the ballot as under-voted for a statewide
11 constitutional office. A voter whose ballot is identified as
12 under-voted may return to the voting booth and complete the
13 voting of that ballot. A voter whose ballot is not accepted by
14 the voting equipment may, upon surrendering the ballot, request
15 and vote another ballot. The voter's surrendered ballot shall
16 be initialed by the election judge and handled as provided in
17 the appropriate Article governing that voting equipment.

18 No voter shall be allowed to occupy a voting booth already
19 occupied by another, nor remain within said inclosed space more
20 than ten minutes, nor to occupy a voting booth more than five
21 minutes in case all of said voting booths are in use and other
22 voters waiting to occupy the same. No voter not an election
23 officer, shall, after having voted, be allowed to re-enter said
24 inclosed space during said election. No person shall take or
25 remove any ballot from the polling place before the close of
26 the poll. No voter shall vote or offer to vote any ballot

1 except such as he has received from the judges of election in
2 charge of the ballots. Any voter who shall, by accident or
3 mistake, spoil his ballot, may, on returning said spoiled
4 ballot, receive another in place thereof only after the word
5 "spoiled" has been written in ink diagonally across the entire
6 face of the ballot returned by the voter.

7 Where voting machines or electronic voting systems are
8 used, the provisions of this section may be modified as
9 required or authorized by Article 24, 24A, 24B, or 24C,
10 whichever is applicable, except that the requirements of this
11 Section that (i) the voter must be notified of the voting
12 equipment's acceptance or rejection of the voter's ballot or
13 identification of an under-vote for a statewide constitutional
14 office and (ii) the voter shall have the opportunity to correct
15 an under-vote or surrender the ballot that was not accepted and
16 vote another ballot shall not be modified.

17 Where a ranked-choice balloting is used for an office
18 elected by ranked-choice balloting, the voter may rank his or
19 her preferences for the candidates for that office. A voter
20 shall not be required to rank all candidates for that office. A
21 cross (X) for only one candidate shall be interpreted as a vote
22 of rank 1 for that particular candidate, with no other
23 candidate being ranked. Crosses (X) for 2 or more candidates
24 shall not count as votes for any candidate, and shall cause the
25 ballot to be identified as under-voted, subject to the
26 provisions for under-voted ballots under Section 18-5.

1 (Source: P.A. 94-288, eff. 1-1-06; 95-699, eff. 11-9-07.)

2 (10 ILCS 5/17-18) (from Ch. 46, par. 17-18)

3 Sec. 17-18. Immediately upon closing the polls the judges
4 shall proceed to canvass the votes polled. They shall first
5 count the whole number of ballots in the box. If 2 or more
6 ballots are folded together so as to appear to have been cast
7 by the same person, all of the ballots so folded together shall
8 be marked and returned with the other ballots in the same
9 conditions, as near as may be, in which they were found when
10 first opened, but shall not be counted. If the remaining
11 ballots shall be found to exceed the number of applications for
12 ballot, the ballots shall be replaced in the box, and the box
13 closed and well shaken and again opened and one of the judges
14 shall publicly draw out so many ballots unopened as shall be
15 equal to such excess; and the number of the ballots agreeing
16 with the poll lists, or being made to agree. Such excess
17 ballots shall be marked "Excess-Not Counted" and signed by a
18 majority of the judges and shall be placed in the "After 6:00
19 p.m. Defective Ballots Envelope". The number of excess ballots
20 shall be noted in the remarks section of the Certificate of
21 Results. "Excess" ballots shall not be counted in the total of
22 "defective" ballots.

23 The judges shall then proceed to count and record the
24 votes; and when the judges of election shall open and read the
25 ballots, 3 judges, with at least one from each political party

1 from which the precinct judges were chosen, shall carefully and
2 correctly mark down upon the three tally sheets the vote each
3 candidate has received, in a separate box prepared for that
4 purpose, with the name of such candidate at the head of such
5 box, and the office designated by the votes such candidate
6 shall fill. Whenever a proposition is submitted to the electors
7 at the same election, the ballots for or against such
8 proposition shall always be canvassed, counted or tallied. The
9 votes shall be canvassed in the room or place where the
10 election is held, and the judges shall not allow the ballot
11 box, or any of the ballots, or the applications for ballot, or
12 any of the tally sheets to be removed or carried away from such
13 room or place, until the canvass of the vote is completed, and
14 the returns carefully enveloped and sealed up as provided by
15 law.

16 Where voting machines or electronic voting systems are
17 used, the provisions of this section may be modified as
18 required or authorized by Article 24 or Article 24A, whichever
19 is applicable.

20 Where ranked-choice ballot tallying is used for an office
21 elected by ranked-choice voting, the provisions of this Section
22 may be modified as required or authorized by Section 16-4.2 or
23 Section 17-18.2 of this Code, whichever is applicable.

24 (Source: P.A. 83-333.)

25 (10 ILCS 5/17-18.2 new)

1 Sec. 17-18.2. Ranked-choice ballot tallying.

2 (a) As used in this Section,

3 "Batch elimination" means the simultaneous defeat of
4 multiple candidates for whom it is mathematically impossible to
5 be elected.

6 "Continuing ballot" means a ballot that is not an exhausted
7 ballot.

8 "Continuing candidate" means a candidate who has not been
9 defeated.

10 "Exhausted ballot" means a ballot that does not rank any
11 continuing candidate, contains an overvote at the highest
12 continuing ranking or contains 2 or more sequential skipped
13 rankings before its highest continuing ranking.

14 "Highest continuing ranking" means the highest ranking on a
15 voter's ballot for a continuing candidate.

16 "Last-place candidate" means the candidate with the fewest
17 votes in a round of the ranked-choice voting tallying.

18 "Mathematically impossible to be elected," with respect to
19 a candidate, means either:

20 (1) the candidate cannot be elected because the
21 candidate's vote total in a round of the ranked-choice
22 voting tabulation plus all votes that could possibly be
23 transferred to the candidate in future rounds from
24 candidates with fewer votes or an equal number of votes
25 would not be enough to surpass the candidate with the
26 next-higher vote total in the round; or

1 (2) the candidate has a lower vote total than a
2 candidate described in subparagraph (1) of this
3 definition.

4 "Overvote" means a circumstance in which a voter has ranked
5 more than one candidate at the same ranking.

6 "Round" means an instance of the sequence of voting
7 tabulation steps established in subsection (b) of this Section.

8 "Skipped ranking" means a circumstance in which a voter has
9 left a ranking blank and ranks a candidate at a subsequent
10 ranking.

11 (b) Except as provided in subsections (c) and (d) of this
12 Section, the following procedures are used to determine the
13 winner in an election for an office elected by ranked-choice
14 voting. Tallying must proceed in rounds. In each round, the
15 number of votes for each continuing candidate must be counted.
16 Each continuing ballot counts as one vote for its
17 highest-ranked continuing candidate for that round. Exhausted
18 ballots are not counted for any continuing candidate. The round
19 then ends with one of the following 2 potential outcomes:

20 (1) If there are 2 or fewer continuing candidates, the
21 candidate with the most votes is declared the winner of the
22 election.

23 (2) If there are more than 2 continuing candidates, the
24 last-place candidate is defeated and a new round begins.

25 (c) A tie under this Section between candidates for the
26 most votes in the final round or a tie between last-place

1 candidates in any round must be decided by lot, and the
2 candidate chosen by lot is defeated. The result of the tie
3 resolution must be recorded and reused in the event of a
4 recount. Election authorities may resolve prospective ties
5 between candidates before the election.

6 (d) Modification of a ranked-choice voting ballot and
7 tabulation is permitted in accordance with the following:

8 (1) The number of allowable rankings may be limited to
9 no fewer than 6.

10 (2) Two or more candidates may be defeated
11 simultaneously by batch elimination in any round of
12 tabulation.

13 (e) For all statutory and constitutional provisions in the
14 State pertaining to the rights of political parties, the number
15 of votes cast for a party's candidate for an office elected by
16 ranked-choice voting is the number of votes credited to that
17 candidate after the initial counting in the first round
18 described in subsection (b).

19 (f) The State Board of Elections may adopt rules to
20 implement the provisions of this Section.

21 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

22 Sec. 18-5. Any person desiring to vote and whose name is
23 found upon the register of voters by the person having charge
24 thereof, shall then be questioned by one of the judges as to
25 his nativity, his term of residence at present address,

1 precinct, State and United States, his age, whether naturalized
2 and if so the date of naturalization papers and court from
3 which secured, and he shall be asked to state his residence
4 when last previously registered and the date of the election
5 for which he then registered. The judges of elections shall
6 check each application for ballot against the list of voters
7 registered in that precinct to whom grace period, vote by mail,
8 and early ballots have been issued for that election, which
9 shall be provided by the election authority and which list
10 shall be available for inspection by pollwatchers. A voter
11 applying to vote in the precinct on election day whose name
12 appears on the list as having been issued a grace period, vote
13 by mail, or early ballot shall not be permitted to vote in the
14 precinct, except that a voter to whom a vote by mail ballot was
15 issued may vote in the precinct if the voter submits to the
16 election judges that vote by mail ballot for cancellation. If
17 the voter is unable to submit the vote by mail ballot, it shall
18 be sufficient for the voter to submit to the election judges
19 (i) a portion of the vote by mail ballot if the vote by mail
20 ballot was torn or mutilated or (ii) an affidavit executed
21 before the election judges specifying that (A) the voter never
22 received a vote by mail ballot or (B) the voter completed and
23 returned a vote by mail ballot and was informed that the
24 election authority did not receive that vote by mail ballot. If
25 such person so registered shall be challenged as disqualified,
26 the party challenging shall assign his reasons therefor, and

1 thereupon one of the judges shall administer to him an oath to
2 answer questions, and if he shall take the oath he shall then
3 be questioned by the judge or judges touching such cause of
4 challenge, and touching any other cause of disqualification.
5 And he may also be questioned by the person challenging him in
6 regard to his qualifications and identity. But if a majority of
7 the judges are of the opinion that he is the person so
8 registered and a qualified voter, his vote shall then be
9 received accordingly. But if his vote be rejected by such
10 judges, such person may afterward produce and deliver an
11 affidavit to such judges, subscribed and sworn to by him before
12 one of the judges, in which it shall be stated how long he has
13 resided in such precinct, and state; that he is a citizen of
14 the United States, and is a duly qualified voter in such
15 precinct, and that he is the identical person so registered. In
16 addition to such an affidavit, the person so challenged shall
17 provide to the judges of election proof of residence by
18 producing 2 forms of identification showing the person's
19 current residence address, provided that such identification
20 may include a lease or contract for a residence and not more
21 than one piece of mail addressed to the person at his current
22 residence address and postmarked not earlier than 30 days prior
23 to the date of the election, or the person shall procure a
24 witness personally known to the judges of election, and
25 resident in the precinct (or district), or who shall be proved
26 by some legal voter of such precinct or district, known to the

1 judges to be such, who shall take the oath following, viz:

2 I do solemnly swear (or affirm) that I am a resident of
3 this election precinct (or district), and entitled to vote at
4 this election, and that I have been a resident of this State
5 for 30 days last past, and am well acquainted with the person
6 whose vote is now offered; that he is an actual and bona fide
7 resident of this election precinct (or district), and has
8 resided herein 30 days, and as I verily believe, in this State,
9 30 days next preceding this election.

10 The oath in each case may be administered by one of the
11 judges of election, or by any officer, resident in the precinct
12 or district, authorized by law to administer oaths. Also
13 supported by an affidavit by a registered voter residing in
14 such precinct, stating his own residence, and that he knows
15 such person; and that he does reside at the place mentioned and
16 has resided in such precinct and state for the length of time
17 as stated by such person, which shall be subscribed and sworn
18 to in the same way. For purposes of this Section, the
19 submission of a photo identification issued by a college or
20 university, accompanied by either (i) a copy of the applicant's
21 contract or lease for a residence or (ii) one piece of mail
22 addressed to the person at his or her current residence address
23 and postmarked not earlier than 30 days prior to the date of
24 the election, shall be sufficient to establish proof of
25 residence. Whereupon the vote of such person shall be received,
26 and entered as other votes. But such judges, having charge of

1 such registers, shall state in their respective books the facts
2 in such case, and the affidavits, so delivered to the judges,
3 shall be preserved and returned to the office of the
4 commissioners of election. Blank affidavits of the character
5 aforesaid shall be sent out to the judges of all the precincts,
6 and the judges of election shall furnish the same on demand and
7 administer the oaths without criticism. Such oaths, if
8 administered by any other officer than such judge of election,
9 shall not be received. Whenever a proposal for a constitutional
10 amendment or for the calling of a constitutional convention is
11 to be voted upon at the election, the separate blue ballot or
12 ballots pertaining thereto shall be placed on top of the other
13 ballots to be voted at the election in such manner that the
14 legend appearing on the back thereof, as prescribed in Section
15 16-6 of this Act, shall be plainly visible to the voter, and in
16 this fashion the ballots shall be handed to the voter by the
17 judge.

18 Immediately after voting, the voter shall be instructed
19 whether the voting equipment, if used, accepted or rejected the
20 ballot or identified the ballot as under-voted. A voter whose
21 ballot is identified as under-voted for an office elected by
22 ranked-choice voting ~~a statewide constitutional office~~ may
23 return to the voting booth and complete the voting of that
24 ballot. A voter whose ballot is not accepted by the voting
25 equipment may, upon surrendering the ballot, request and vote
26 another ballot. If a ballot for an office elected by

1 ranked-choice voting is considered under-voted because the
2 ballot has crosses (X) for 2 or more candidates, the voter may,
3 upon surrendering the ballot, request and vote upon another
4 ballot. The voter's surrendered ballot shall be initialed by
5 the election judge and handled as provided in the appropriate
6 Article governing that voting equipment.

7 The voter shall, upon quitting the voting booth, deliver to
8 one of the judges of election all of the ballots, properly
9 folded, which he received. The judge of election to whom the
10 voter delivers his ballots shall not accept the same unless all
11 of the ballots given to the voter are returned by him. If a
12 voter delivers less than all of the ballots given to him, the
13 judge to whom the same are offered shall advise him in a voice
14 clearly audible to the other judges of election that the voter
15 must return the remainder of the ballots. The statement of the
16 judge to the voter shall clearly express the fact that the
17 voter is not required to vote such remaining ballots but that
18 whether or not he votes them he must fold and deliver them to
19 the judge. In making such statement the judge of election shall
20 not indicate by word, gesture or intonation of voice that the
21 unreturned ballots shall be voted in any particular manner. No
22 new voter shall be permitted to enter the voting booth of a
23 voter who has failed to deliver the total number of ballots
24 received by him until such voter has returned to the voting
25 booth pursuant to the judge's request and again quit the booth
26 with all of the ballots required to be returned by him. Upon

1 receipt of all such ballots the judges of election shall enter
2 the name of the voter, and his number, as above provided in
3 this Section, and the judge to whom the ballots are delivered
4 shall immediately put the ballots into the ballot box. If any
5 voter who has failed to deliver all the ballots received by him
6 refuses to return to the voting booth after being advised by
7 the judge of election as herein provided, the judge shall
8 inform the other judges of such refusal, and thereupon the
9 ballot or ballots returned to the judge shall be deposited in
10 the ballot box, the voter shall be permitted to depart from the
11 polling place, and a new voter shall be permitted to enter the
12 voting booth.

13 The judge of election who receives the ballot or ballots
14 from the voter shall announce the residence and name of such
15 voter in a loud voice. The judge shall put the ballot or
16 ballots received from the voter into the ballot box in the
17 presence of the voter and the judges of election, and in plain
18 view of the public. The judges having charge of such registers
19 shall then, in a column prepared thereon, in the same line of,
20 the name of the voter, mark "Voted" or the letter "V".

21 No judge of election shall accept from any voter less than
22 the full number of ballots received by such voter without first
23 advising the voter in the manner above provided of the
24 necessity of returning all of the ballots, nor shall any such
25 judge advise such voter in a manner contrary to that which is
26 herein permitted, or in any other manner violate the provisions

1 of this Section; provided, that the acceptance by a judge of
2 election of less than the full number of ballots delivered to a
3 voter who refuses to return to the voting booth after being
4 properly advised by such judge shall not be a violation of this
5 Section.

6 Where ranked-choice ballot tallying is used for an office
7 elected by ranked-choice voting, the voter may rank his or her
8 preferences for the candidates for that office. A voter shall
9 not be required to rank all candidates for that office. A cross
10 (X) for only one candidate shall be interpreted as a vote of
11 rank 1 for that particular candidate, with no other candidate
12 being ranked. Crosses (X) for 2 or more candidates shall not
13 count as votes for any candidate, and shall cause the ballot to
14 be identified as under-voted, shall be subject to the
15 provisions for under-voted ballots in this Section.

16 (Source: P.A. 98-1171, eff. 6-1-15.)

17 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

18 Sec. 18-9. The judges of election shall first count the
19 whole number of ballots in the box. If the ballots shall be
20 found to exceed the number of applications for ballot, they
21 shall reject the ballots, if any, found folded inside of a
22 ballot. And if the ballots and the applications for ballot
23 still do not agree after such rejection, the ballots shall be
24 replaced in the box and the box closed and well shaken, and
25 again opened; and one of the judges shall publicly draw out so

1 many ballots unopened as shall be equal to such excess. Such
2 excess ballots shall be marked "Excess-Not Counted" and signed
3 by a majority of judges and shall be placed in the "After 6:00
4 p.m. Defective Ballots Envelope". The number of excess ballots
5 shall be noted in the remarks section of the Certificate of
6 Results. "Excess" ballots shall not be counted in the total of
7 "defective" ballots. And the ballots and applications for
8 ballot being made to agree in this way, the judges shall
9 proceed to count the votes in the following manner: The judges
10 shall open the ballots and place those which contain the same
11 names together, so that the several kinds shall be in separate
12 piles or on separate files. Each of the judges shall examine
13 the separate files which are, or are supposed to be, alike, and
14 exclude from such files any which may have a name or an
15 erasure, or in any manner shall be different from the others of
16 such file. One of the judges shall then take one file of the
17 kind of ballots which contain the same names, and count them by
18 tens, carefully examining each name on each of the ballots.
19 Such judge shall then pass the ten ballots aforesaid to the
20 judge sitting next to him, who shall count them in the same
21 manner, who shall then pass them to a third judge, who shall
22 also count them in the same manner. Then the third judge shall
23 call the names of the persons named in the ten ballots, and the
24 offices for which they are designated, and 2 of the judges, who
25 did not assist in the counting shall tally ten votes for each
26 of such persons, except as herein otherwise provided. When the

1 judges shall have gone through such file of ballots, containing
2 the same names, and shall count them by tens in the same way,
3 and shall call the names of the persons named in the ballots
4 and the office for which they are designated, the tally judges
5 shall tally the votes by tens for each of such persons in the
6 same manner as in the first instance. When the counting of each
7 file of ballots which contain the same names shall be
8 completed, the tally judges shall compare their tallies
9 together and ascertain the total number of ballots of that kind
10 so canvassed; and when they agree upon the number, one of them
11 shall announce it in a loud voice to the other judges. The
12 judges shall then canvass the other kinds of ballots which do
13 not correspond, those containing names partly from one kind of
14 ballots and partly from another, being those from which the
15 name of the person proper to be voted for on such ballots has
16 been omitted or erased, usually called "scratched tickets".
17 They shall be canvassed separately by one of the judges sitting
18 between 2 other judges, which judge shall call each name to the
19 tally judges and the office for which it is designated, and the
20 other judges looking at the ballot at the same time, and the
21 tally judges making tally of the same. When all the ballots
22 have been canvassed in this manner, the tally judges shall
23 compare their tallies together, and ascertain the total number
24 of votes received by each candidate and when they agree upon
25 the numbers one of them shall announce in a loud voice to the
26 judges the number of votes received by each candidate on each

1 of the kinds of ballots containing his name, the number
2 received by him on scratch tickets, and the total number of
3 votes received by him.

4 The votes for the offices of Governor and Lieutenant
5 Governor shall be counted and tallied jointly.

6 Where voting machines or electronic voting systems are
7 used, the provisions of this section may be modified as
8 required or authorized by Article 24 or Article 24A, whichever
9 is applicable.

10 Where ranked-choice ballot tallying is used for an office
11 elected by ranked-choice voting, the provisions of this Section
12 may be modified as required or authorized by Section 16-4.2 of
13 this Code and the judges shall abide by Section 17-18.2 of this
14 Code, as applicable.

15 (Source: P.A. 89-700, eff. 1-17-97.)