



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2716

Introduced 2/16/2023, by Rep. Nabeela Syed

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 of 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.

LRB103 29632 BMS 56028 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 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
9 otherwise 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
2 (c) the territory in a county outside of the jurisdiction of a
3 city board of election commissioners. In each instance
4 election jurisdiction shall be determined according to which
5 election authority maintains the permanent registration
6 records of 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
12 which the regional superintendent is assigned election duties
13 by The 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
7 smallest constituent territory in which electors vote as a
8 unit at the same polling place in any election governed by this
9 Act.

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

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

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

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

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

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

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

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

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

26 22. "Business day" means any day in which the office of an

1 election authority, local election official or the State Board
2 of Elections is open to the public for a minimum of 7 hours.

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

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

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

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

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

23 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

24 Sec. 16-3. (a) Except as provided in Section 16-4.2 of
25 this Code, the ~~The~~ names of all candidates to be voted for in

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

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

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

1 county clerk who prints or causes to be printed upon the
 2 official ballot the name of a candidate, for an office to be
 3 filled by the Electors of the entire State, whose name has not
 4 been duly certified to him upon a certificate signed by the
 5 State Board of Elections shall be guilty of a Class C
 6 misdemeanor.

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

11 WRITE-IN VOTES

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

14

15 Title of Office

16 ()

17 Name of Candidate

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

25 (c) When an electronic voting system is used which uses a
 26 ballot sheet, the instructions to voters on the ballot sheet

1 shall refer the voter to the card of instructions for specific
2 information on write-in voting. Below each office appearing on
3 such ballot sheet there shall be a provision for the casting of
4 a write-in vote. Write-in lines equal to the number of
5 candidates for which a voter may vote shall be printed for an
6 office only if one or more persons filed declarations of
7 intent to be write-in candidates or qualify to file
8 declarations to be write-in candidates under Sections 17-16.1
9 and 18-9.1 when the certification of ballot contains the words
10 "OBJECTION PENDING".

11 (d) When such electronic system is used, there shall be
12 printed on the back of each ballot card, each ballot card
13 envelope, and the first page of the ballot label when a ballot
14 label is used, the words "Official Ballot," followed by the
15 number of the precinct or other precinct identification, which
16 may be stamped, in lieu thereof and, as applicable, the number
17 and name of the township, ward or other election district for
18 which the ballot card, ballot card envelope, and ballot label
19 are prepared, the date of the election and a facsimile of the
20 signature of the election authority who has caused the ballots
21 to be printed. The back of the ballot card shall also include a
22 method of identifying the ballot configuration such as a
23 listing of the political subdivisions and districts for which
24 votes may be cast on that ballot, or a number code identifying
25 the ballot configuration or color coded ballots, except that
26 where there is only one ballot configuration in a precinct,

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

19 (e) In the designation of the name of a candidate on the
20 ballot, the candidate's given name or names, initial or
21 initials, a nickname by which the candidate is commonly known,
22 or a combination thereof, may be used in addition to the
23 candidate's surname. If a candidate has changed his or her
24 name, whether by a statutory or common law procedure in
25 Illinois or any other jurisdiction, within 3 years before the
26 last day for filing the petition for nomination, nomination

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

1 personal identity of the candidate. A candidate may not use a
2 political slogan as part of his or her name on the ballot,
3 notwithstanding that the political slogan may be part of the
4 candidate's name.

5 (f) The State Board of Elections, a local election
6 official, or an election authority shall remove any
7 candidate's name designation from a ballot that is
8 inconsistent with subsection (e) of this Section. In addition,
9 the State Board of Elections, a local election official, or an
10 election authority shall not certify to any election authority
11 any candidate name designation that is inconsistent with
12 subsection (e) of this Section.

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

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

22 Nothing in this Section shall prohibit election
23 authorities from using or reusing ballot card envelopes which
24 were printed before January 1, 1986 (the effective date of
25 Public Act 84-820) ~~this amendatory Act of 1985.~~

26 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

1 (10 ILCS 5/16-4.2 new)

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

3 (a) For an election for an office elected by ranked-choice
4 voting that has more than 2 choices, the ballot shall be laid
5 out to allow the voter to rank the candidates for an office in
6 order of preference. Space shall be provided for a voter to
7 include one write-in candidate if he or she desires. The
8 ballot shall be as simple and easy to understand as possible.
9 Any ballot laid out in such a manner shall be tallied in
10 accordance with Section 17-18.2 of this Code.

11 (b) All other requirements of this Article apply with
12 regards to ballots for offices elected by ranked-choice voting
13 to the extent that they do not contradict the provisions of
14 this amendatory Act of the 103rd General Assembly.

15 (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

16 Sec. 17-11. On receipt of his ballot the voter shall
17 forthwith, and without leaving the inclosed space, retire
18 alone, or accompanied by children as provided in Section 17-8,
19 to one of the voting booths so provided and shall prepare his
20 ballot by making in the appropriate margin or place a cross (X)
21 opposite the name of the candidate of his choice for each
22 office to be filled, or by writing in the name of the candidate
23 of his choice in a blank space on said ticket, making a cross
24 (X) opposite thereto; and in case of a question submitted to

1 the vote of the people, by making in the appropriate margin or
2 place a cross (X) against the answer he desires to give. A
3 cross (X) in the square in front of the bracket enclosing the
4 names of a team of candidates for Governor and Lieutenant
5 Governor counts as one vote for each of such candidates.
6 Before leaving the voting booth the voter shall fold his
7 ballot in such manner as to conceal the marks thereon. He shall
8 then vote forthwith in the manner herein provided, except that
9 the number corresponding to the number of the voter on the poll
10 books shall not be indorsed on the back of his ballot. He shall
11 mark and deliver his ballot without undue delay, and shall
12 quit said inclosed space as soon as he has voted; except that
13 immediately after voting, the voter shall be instructed
14 whether the voting equipment, if used, accepted or rejected
15 the ballot or identified the ballot as under-voted for a
16 statewide constitutional office. A voter whose ballot is
17 identified as under-voted may return to the voting booth and
18 complete the voting of that ballot. A voter whose ballot is not
19 accepted by the voting equipment may, upon surrendering the
20 ballot, request and vote another ballot. The voter's
21 surrendered ballot shall be initialed by the election judge
22 and handled as provided in the appropriate Article governing
23 that voting equipment.

24 No voter shall be allowed to occupy a voting booth already
25 occupied by another, nor remain within said inclosed space
26 more than ten minutes, nor to occupy a voting booth more than

1 five minutes in case all of said voting booths are in use and
2 other voters waiting to occupy the same. No voter not an
3 election officer, shall, after having voted, be allowed to
4 re-enter said inclosed space during said election. No person
5 shall take or remove any ballot from the polling place before
6 the close of the poll. No voter shall vote or offer to vote any
7 ballot except such as he has received from the judges of
8 election in charge of the ballots. Any voter who shall, by
9 accident or mistake, spoil his ballot, may, on returning said
10 spoiled ballot, receive another in place thereof only after
11 the word "spoiled" has been written in ink diagonally across
12 the entire face of the ballot returned by the voter.

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

23 Where a ranked-choice balloting is used for an office
24 elected by ranked-choice balloting, the voter may rank his or
25 her preferences for the candidates for that office. A voter
26 shall not be required to rank all candidates for that office. A

1 cross (X) for only one candidate shall be interpreted as a vote
2 of rank 1 for that particular candidate, with no other
3 candidate being ranked. Crosses (X) for 2 or more candidates
4 shall not count as votes for any candidate, and shall cause the
5 ballot to be identified as under-voted, subject to the
6 provisions for under-voted ballots under Section 18-5.

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

8 (10 ILCS 5/17-18) (from Ch. 46, par. 17-18)

9 Sec. 17-18. Immediately upon closing the polls the judges
10 shall proceed to canvass the votes polled. They shall first
11 count the whole number of ballots in the box. If 2 or more
12 ballots are folded together so as to appear to have been cast
13 by the same person, all of the ballots so folded together shall
14 be marked and returned with the other ballots in the same
15 conditions, as near as may be, in which they were found when
16 first opened, but shall not be counted. If the remaining
17 ballots shall be found to exceed the number of applications
18 for ballot, the ballots shall be replaced in the box, and the
19 box closed and well shaken and again opened and one of the
20 judges shall publicly draw out so many ballots unopened as
21 shall be equal to such excess; and the number of the ballots
22 agreeing with the poll lists, or being made to agree. Such
23 excess ballots shall be marked "Excess-Not Counted" and signed
24 by a majority of the judges and shall be placed in the "After
25 6:00 p.m. Defective Ballots Envelope". The number of excess

1 ballots shall be noted in the remarks section of the
2 Certificate of Results. "Excess" ballots shall not be counted
3 in the total of "defective" ballots.

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

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

26 Where ranked-choice ballot tallying is used for an office

1 elected by ranked-choice voting, the provisions of this
2 Section may be modified as required or authorized by Section
3 16-4.2 or Section 17-18.2 of this Code, whichever is
4 applicable.

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

6 (10 ILCS 5/17-18.2 new)

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

8 (a) As used in this Section,

9 "Batch elimination" means the simultaneous defeat of
10 multiple candidates for whom it is mathematically impossible
11 to be elected.

12 "Continuing ballot" means a ballot that is not an
13 exhausted ballot.

14 "Continuing candidate" means a candidate who has not been
15 defeated.

16 "Exhausted ballot" means a ballot that does not rank any
17 continuing candidate, contains an overvote at the highest
18 continuing ranking or contains 2 or more sequential skipped
19 rankings before its highest continuing ranking.

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

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

24 "Mathematically impossible to be elected," with respect to
25 a candidate, means either:

1 (1) the candidate cannot be elected because the
2 candidate's vote total in a round of the ranked-choice
3 voting tabulation plus all votes that could possibly be
4 transferred to the candidate in future rounds from
5 candidates with fewer votes or an equal number of votes
6 would not be enough to surpass the candidate with the
7 next-higher vote total in the round; or

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

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

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

16 "Skipped ranking" means a circumstance in which a voter
17 has left a ranking blank and ranks a candidate at a subsequent
18 ranking.

19 (b) Except as provided in subsections (c) and (d) of this
20 Section, the following procedures are used to determine the
21 winner in an election for an office elected by ranked-choice
22 voting. Tallying must proceed in rounds. In each round, the
23 number of votes for each continuing candidate must be counted.
24 Each continuing ballot counts as one vote for its
25 highest-ranked continuing candidate for that round. Exhausted
26 ballots are not counted for any continuing candidate. The

1 round then ends with one of the following 2 potential
2 outcomes:

3 (1) If there are 2 or fewer continuing candidates, the
4 candidate with the most votes is declared the winner of
5 the election.

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

9 (c) A tie under this Section between candidates for the
10 most votes in the final round or a tie between last-place
11 candidates in any round must be decided by lot, and the
12 candidate chosen by lot is defeated. The result of the tie
13 resolution must be recorded and reused in the event of a
14 recount. Election authorities may resolve prospective ties
15 between candidates before the election.

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

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

20 (2) Two or more candidates may be defeated
21 simultaneously by batch elimination in any round of
22 tabulation.

23 (e) For all statutory and constitutional provisions in the
24 State pertaining to the rights of political parties, the
25 number of votes cast for a party's candidate for an office
26 elected by ranked-choice voting is the number of votes

1 credited to that candidate after the initial counting in the
2 first round described in subsection (b).

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

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

6 Sec. 18-5. Any person desiring to vote and whose name is
7 found upon the register of voters by the person having charge
8 thereof, shall then be questioned by one of the judges as to
9 his nativity, his term of residence at present address,
10 precinct, State and United States, his age, whether
11 naturalized and if so the date of naturalization papers and
12 court from which secured, and he shall be asked to state his
13 residence when last previously registered and the date of the
14 election for which he then registered. The judges of elections
15 shall check each application for ballot against the list of
16 voters registered in that precinct to whom grace period, vote
17 by mail, and early ballots have been issued for that election,
18 which shall be provided by the election authority and which
19 list shall be available for inspection by pollwatchers. A
20 voter applying to vote in the precinct on election day whose
21 name appears on the list as having been issued a grace period,
22 vote by mail, or early ballot shall not be permitted to vote in
23 the precinct, except that a voter to whom a vote by mail ballot
24 was issued may vote in the precinct if the voter submits to the
25 election judges that vote by mail ballot for cancellation. If

1 the voter is unable to submit the vote by mail ballot, it shall
2 be sufficient for the voter to submit to the election judges
3 (i) a portion of the vote by mail ballot if the vote by mail
4 ballot was torn or mutilated or (ii) an affidavit executed
5 before the election judges specifying that (A) the voter never
6 received a vote by mail ballot or (B) the voter completed and
7 returned a vote by mail ballot and was informed that the
8 election authority did not receive that vote by mail ballot.
9 If such person so registered shall be challenged as
10 disqualified, the party challenging shall assign his reasons
11 therefor, and thereupon one of the judges shall administer to
12 him an oath to answer questions, and if he shall take the oath
13 he shall then be questioned by the judge or judges touching
14 such cause of challenge, and touching any other cause of
15 disqualification. And he may also be questioned by the person
16 challenging him in regard to his qualifications and identity.
17 But if a majority of the judges are of the opinion that he is
18 the person so registered and a qualified voter, his vote shall
19 then be received accordingly. But if his vote be rejected by
20 such judges, such person may afterward produce and deliver an
21 affidavit to such judges, subscribed and sworn to by him
22 before one of the judges, in which it shall be stated how long
23 he has resided in such precinct, and state; that he is a
24 citizen of the United States, and is a duly qualified voter in
25 such precinct, and that he is the identical person so
26 registered. In addition to such an affidavit, the person so

1 challenged shall provide to the judges of election proof of
2 residence by producing 2 forms of identification showing the
3 person's current residence address, provided that such
4 identification may include a lease or contract for a residence
5 and not more than one piece of mail addressed to the person at
6 his current residence address and postmarked not earlier than
7 30 days prior to the date of the election, or the person shall
8 procure a witness personally known to the judges of election,
9 and resident in the precinct (or district), or who shall be
10 proved by some legal voter of such precinct or district, known
11 to the judges to be such, who shall take the oath following,
12 viz:

13 I do solemnly swear (or affirm) that I am a resident of
14 this election precinct (or district), and entitled to vote at
15 this election, and that I have been a resident of this State
16 for 30 days last past, and am well acquainted with the person
17 whose vote is now offered; that he is an actual and bona fide
18 resident of this election precinct (or district), and has
19 resided herein 30 days, and as I verily believe, in this State,
20 30 days next preceding this election.

21 The oath in each case may be administered by one of the
22 judges of election, or by any officer, resident in the
23 precinct or district, authorized by law to administer oaths.
24 Also supported by an affidavit by a registered voter residing
25 in such precinct, stating his own residence, and that he knows
26 such person; and that he does reside at the place mentioned and

1 has resided in such precinct and state for the length of time
2 as stated by such person, which shall be subscribed and sworn
3 to in the same way. For purposes of this Section, the
4 submission of a photo identification issued by a college or
5 university, accompanied by either (i) a copy of the
6 applicant's contract or lease for a residence or (ii) one
7 piece of mail addressed to the person at his or her current
8 residence address and postmarked not earlier than 30 days
9 prior to the date of the election, shall be sufficient to
10 establish proof of residence. Whereupon the vote of such
11 person shall be received, and entered as other votes. But such
12 judges, having charge of such registers, shall state in their
13 respective books the facts in such case, and the affidavits,
14 so delivered to the judges, shall be preserved and returned to
15 the office of the commissioners of election. Blank affidavits
16 of the character aforesaid shall be sent out to the judges of
17 all the precincts, and the judges of election shall furnish
18 the same on demand and administer the oaths without criticism.
19 Such oaths, if administered by any other officer than such
20 judge of election, shall not be received. Whenever a proposal
21 for a constitutional amendment or for the calling of a
22 constitutional convention is to be voted upon at the election,
23 the separate blue ballot or ballots pertaining thereto shall
24 be placed on top of the other ballots to be voted at the
25 election in such manner that the legend appearing on the back
26 thereof, as prescribed in Section 16-6 of this Act, shall be

1 plainly visible to the voter, and in this fashion the ballots
2 shall be handed to the voter by the judge.

3 Immediately after voting, the voter shall be instructed
4 whether the voting equipment, if used, accepted or rejected
5 the ballot or identified the ballot as under-voted. A voter
6 whose ballot is identified as under-voted for an office
7 elected by ranked-choice voting ~~a statewide constitutional~~
8 ~~office~~ may return to the voting booth and complete the voting
9 of that ballot. A voter whose ballot is not accepted by the
10 voting equipment may, upon surrendering the ballot, request
11 and vote another ballot. If a ballot for an office elected by
12 ranked-choice voting is considered under-voted because the
13 ballot has crosses (X) for 2 or more candidates, the voter may,
14 upon surrendering the ballot, request and vote upon another
15 ballot. The voter's surrendered ballot shall be initialed by
16 the election judge and handled as provided in the appropriate
17 Article governing that voting equipment.

18 The voter shall, upon quitting the voting booth, deliver
19 to one of the judges of election all of the ballots, properly
20 folded, which he received. The judge of election to whom the
21 voter delivers his ballots shall not accept the same unless
22 all of the ballots given to the voter are returned by him. If a
23 voter delivers less than all of the ballots given to him, the
24 judge to whom the same are offered shall advise him in a voice
25 clearly audible to the other judges of election that the voter
26 must return the remainder of the ballots. The statement of the

1 judge to the voter shall clearly express the fact that the
2 voter is not required to vote such remaining ballots but that
3 whether or not he votes them he must fold and deliver them to
4 the judge. In making such statement the judge of election
5 shall not indicate by word, gesture or intonation of voice
6 that the unreturned ballots shall be voted in any particular
7 manner. No new voter shall be permitted to enter the voting
8 booth of a voter who has failed to deliver the total number of
9 ballots received by him until such voter has returned to the
10 voting booth pursuant to the judge's request and again quit
11 the booth with all of the ballots required to be returned by
12 him. Upon receipt of all such ballots the judges of election
13 shall enter the name of the voter, and his number, as above
14 provided in this Section, and the judge to whom the ballots are
15 delivered shall immediately put the ballots into the ballot
16 box. If any voter who has failed to deliver all the ballots
17 received by him refuses to return to the voting booth after
18 being advised by the judge of election as herein provided, the
19 judge shall inform the other judges of such refusal, and
20 thereupon the ballot or ballots returned to the judge shall be
21 deposited in the ballot box, the voter shall be permitted to
22 depart from the polling place, and a new voter shall be
23 permitted to enter the voting booth.

24 The judge of election who receives the ballot or ballots
25 from the voter shall announce the residence and name of such
26 voter in a loud voice. The judge shall put the ballot or

1 ballots received from the voter into the ballot box in the
2 presence of the voter and the judges of election, and in plain
3 view of the public. The judges having charge of such registers
4 shall then, in a column prepared thereon, in the same line of,
5 the name of the voter, mark "Voted" or the letter "V".

6 No judge of election shall accept from any voter less than
7 the full number of ballots received by such voter without
8 first advising the voter in the manner above provided of the
9 necessity of returning all of the ballots, nor shall any such
10 judge advise such voter in a manner contrary to that which is
11 herein permitted, or in any other manner violate the
12 provisions of this Section; provided, that the acceptance by a
13 judge of election of less than the full number of ballots
14 delivered to a voter who refuses to return to the voting booth
15 after being properly advised by such judge shall not be a
16 violation of this Section.

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

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

2 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

3 Sec. 18-9. The judges of election shall first count the
4 whole number of ballots in the box. If the ballots shall be
5 found to exceed the number of applications for ballot, they
6 shall reject the ballots, if any, found folded inside of a
7 ballot. And if the ballots and the applications for ballot
8 still do not agree after such rejection, the ballots shall be
9 replaced in the box and the box closed and well shaken, and
10 again opened; and one of the judges shall publicly draw out so
11 many ballots unopened as shall be equal to such excess. Such
12 excess ballots shall be marked "Excess-Not Counted" and signed
13 by a majority of judges and shall be placed in the "After 6:00
14 p.m. Defective Ballots Envelope". The number of excess ballots
15 shall be noted in the remarks section of the Certificate of
16 Results. "Excess" ballots shall not be counted in the total of
17 "defective" ballots. And the ballots and applications for
18 ballot being made to agree in this way, the judges shall
19 proceed to count the votes in the following manner: The judges
20 shall open the ballots and place those which contain the same
21 names together, so that the several kinds shall be in separate
22 piles or on separate files. Each of the judges shall examine
23 the separate files which are, or are supposed to be, alike, and
24 exclude from such files any which may have a name or an
25 erasure, or in any manner shall be different from the others of

1 such file. One of the judges shall then take one file of the
2 kind of ballots which contain the same names, and count them by
3 tens, carefully examining each name on each of the ballots.
4 Such judge shall then pass the ten ballots aforesaid to the
5 judge sitting next to him, who shall count them in the same
6 manner, who shall then pass them to a third judge, who shall
7 also count them in the same manner. Then the third judge shall
8 call the names of the persons named in the ten ballots, and the
9 offices for which they are designated, and 2 of the judges, who
10 did not assist in the counting shall tally ten votes for each
11 of such persons, except as herein otherwise provided. When the
12 judges shall have gone through such file of ballots,
13 containing the same names, and shall count them by tens in the
14 same way, and shall call the names of the persons named in the
15 ballots and the office for which they are designated, the
16 tally judges shall tally the votes by tens for each of such
17 persons in the same manner as in the first instance. When the
18 counting of each file of ballots which contain the same names
19 shall be completed, the tally judges shall compare their
20 tallies together and ascertain the total number of ballots of
21 that kind so canvassed; and when they agree upon the number,
22 one of them shall announce it in a loud voice to the other
23 judges. The judges shall then canvass the other kinds of
24 ballots which do not correspond, those containing names partly
25 from one kind of ballots and partly from another, being those
26 from which the name of the person proper to be voted for on

1 such ballots has been omitted or erased, usually called
2 "scratched tickets". They shall be canvassed separately by one
3 of the judges sitting between 2 other judges, which judge
4 shall call each name to the tally judges and the office for
5 which it is designated, and the other judges looking at the
6 ballot at the same time, and the tally judges making tally of
7 the same. When all the ballots have been canvassed in this
8 manner, the tally judges shall compare their tallies together,
9 and ascertain the total number of votes received by each
10 candidate and when they agree upon the numbers one of them
11 shall announce in a loud voice to the judges the number of
12 votes received by each candidate on each of the kinds of
13 ballots containing his name, the number received by him on
14 scratch tickets, and the total number of votes received by
15 him.

16 The votes for the offices of Governor and Lieutenant
17 Governor shall be counted and tallied jointly.

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

22 Where ranked-choice ballot tallying is used for an office
23 elected by ranked-choice voting, the provisions of this
24 Section may be modified as required or authorized by Section
25 16-4.2 of this Code and the judges shall abide by Section
26 17-18.2 of this Code, as applicable.

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