



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2807

Introduced 2/16/2023, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Ranked Choice Voting for Presidential Primaries Act. Provides that any State-administered primary election for the President of the United States shall be conducted using ranked choice voting. Sets forth provisions concerning form of ballot, tabulation, inactive ballots and undervotes, and ties for ranked choice voting. Provides that at least 150 days before the date of the presidential primary election, the State committee of each political party that intends to use the State-administered presidential primary in its nomination process shall inform the State Board of Elections in writing of its intention. Provides that the State committee's written notice shall indicate whether the party prefers tabulation to occur on a winner-take-all basis or on a proportional basis. Provides that if a party's notice fails to specify how to tabulate ballots, the State-administered presidential primary election for that party shall be tabulated on a statewide winner-take-all basis. Provides that the State Board of Elections shall adopt rules or guidance to facilitate the release of unofficial preliminary round-by-round results and unofficial preliminary cast vote records as soon as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete. Sets forth information that the State Board of Elections shall make public. Provides that the State Board of Elections shall have the authority to adopt any rules necessary to implement the provisions. Defines terms.

LRB103 30230 BMS 56658 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 1. Short title. This Act may be cited as the Ranked  
5 Choice Voting for Presidential Primaries Act.

6 Section 5. Definitions.

7 As used in this Act:

8 "Active candidate" means any candidate who has not been  
9 eliminated during tabulation or is not a withdrawn candidate.

10 "Highest-ranked active candidate" means the active  
11 candidate assigned to a higher ranking than any other active  
12 candidates on a ballot.

13 "Inactive ballot" means a ballot that does not count for  
14 any candidate for any of the reasons set forth in subsection  
15 (a) of Section 25.

16 "Overvote" means an instance in which a voter has ranked  
17 more than one candidate at the same ranking order.

18 "Ranking order" means the number available to be assigned  
19 by a voter to a candidate to express the voter's choice for  
20 that candidate; the number "1" is the highest ranking order,  
21 followed by "2", and then "3" and so on in ascending numerical  
22 order.

23 "Round" means an instance of the sequence of voting

1 tabulation conducted in accordance with subsection (b) of  
2 Section 20 for winner-take-all selection of delegates or  
3 subsection (c) of Section 20 for proportional selection of  
4 delegates.

5 "Skipped ranking" means a voter has left a ranking order  
6 unassigned but ranks a candidate at a subsequent ranking  
7 order.

8 "Threshold for receiving delegates" means the amount of  
9 votes necessary for a candidate to receive delegates in  
10 primary elections conducted in accordance with subsection (c)  
11 of Section 20.

12 "Undervote" means a ballot that does not contain any  
13 candidates at any ranking in a particular contest.

14 "Withdrawn candidate" means any candidate who:

15 (1) has filed a signed letter of withdrawal with the  
16 national and State party chairs in compliance with any  
17 applicable party rules that may exist governing the  
18 timing, procedures, or substance of candidate withdrawals  
19 or suspensions; and

20 (2) has filed a signed letter of withdrawal before  
21 election day with the State election official designated  
22 to receive the letter.

23 Section 10. Ranked choice voting for presidential primary  
24 elections. Any State-administered primary election for the  
25 President of the United States shall be conducted using ranked

1 choice voting as set forth in this Act.

2 Section 15. Ranked choice voting; form of ballot.

3 (a) Any ballot used to conduct ranked choice voting shall  
4 allow voters to rank candidates in order of choice.

5 (b) Any ballot used to conduct ranked choice voting shall  
6 allow voters to rank up to 5 qualified candidates. If voting  
7 equipment cannot accommodate 5 rankings, the State Board of  
8 Elections may limit the number of choices a voter may rank on  
9 the ballot to the maximum number allowed by the equipment,  
10 however, the number of rankings allowed shall be no fewer than  
11 3 and shall be uniform across the State.

12 (c) Nothing in subsection (b) shall be construed to allow  
13 a voter to vote for candidates of any party in a primary in  
14 which the voter is not eligible to vote.

15 Section 20. Ranked choice voting; tabulation.

16 (a) In any State-administered primary election for  
17 President of the United States conducted using ranked choice  
18 voting, each ballot shall count as one vote for the  
19 highest-ranked active candidate on that ballot. Ranking orders  
20 containing withdrawn candidates shall be treated the same as  
21 ranking orders containing candidates who have been eliminated  
22 from tabulation. Otherwise, each round proceeds sequentially  
23 as described in subsection (b) or (c), as applicable.

24 (b) If a party awards delegates to a single candidate on a

1 winner-take-all basis, tabulation shall proceed as follows:

2 (1) If 2 or fewer active candidates remain, then  
3 tabulation is complete; otherwise, tabulation proceeds  
4 pursuant to paragraph (2) of this subsection.

5 (2) If tabulation is not complete, then the active  
6 candidate with the fewest votes is eliminated, votes for  
7 the eliminated candidate are transferred to each ballot's  
8 next-ranked active candidate, and a new round begins  
9 pursuant to paragraph (1).

10 (c) If a party awards delegates to multiple candidates on  
11 a proportional basis, tabulation shall proceed as follows:

12 (1) If the vote total of every active candidate is  
13 above the party's threshold for receiving delegates, then  
14 tabulation is complete; otherwise, tabulation proceeds  
15 pursuant to paragraph (2) of this subsection.

16 (2) If tabulation is not complete, then the active  
17 candidate with the fewest votes is eliminated, votes for  
18 the eliminated candidate are transferred to each ballot's  
19 next-ranked active candidate, and a new round begins  
20 pursuant to paragraph (1).

21 (d) When the State Board of Elections certifies the  
22 results of the election, the official shall certify the  
23 results of each round tabulated pursuant to subsection (b) or  
24 (c) and any other information required under Section 40 to the  
25 State chairperson and the national committee of each political  
26 party that had at least one candidate on the

1 State-administered presidential primary election ballot to  
2 allocate national delegate votes in accordance with the  
3 party's State and national rules.

4 (e) Nothing in this Act shall be construed to preclude a  
5 political party from allocating delegates according to its own  
6 rules for allocating such delegates.

7 Section 25. Ranked choice voting; inactive ballots and  
8 undervotes.

9 (a) An inactive ballot does not count for any candidate. A  
10 ballot is inactive if any of the following is true:

11 (1) The ballot does not contain any active candidates  
12 and is not an undervote.

13 (2) The ballot has reached an overvote.

14 (3) The ballot has reached 2 consecutive skipped  
15 rankings.

16 (b) An undervote does not count as an active or inactive  
17 ballot in any round of tabulation.

18 Section 30. Ranked choice voting; ties. If 2 or more  
19 candidates are tied with the fewest votes and tabulation  
20 cannot continue until the candidate with the fewest votes is  
21 eliminated, then the candidate to be eliminated shall be  
22 determined by lot. Election officials may resolve prospective  
23 ties between candidates before tabulation after all votes are  
24 cast. The result of any tie resolution must be recorded and

1 reused in the event of a recount.

2 Section 35. Political party notice regarding participation  
3 in primary, type of primary, and threshold for receiving  
4 delegates.

5 (a) At least 150 days before the date of the presidential  
6 primary election, the State committee of each political party  
7 that intends to use the State-administered presidential  
8 primary in its nomination process shall inform the State Board  
9 of Elections in writing of its intention. The State  
10 committee's written notice shall indicate whether the party  
11 prefers tabulation to occur on a winner-take-all basis in  
12 accordance with subsection (b) of Section 20 or on a  
13 proportional basis in accordance with subsection (c) of  
14 Section 20. If the party requests that tabulation occur on a  
15 proportional basis, the party shall indicate what the  
16 applicable threshold for receiving delegates will be. If a  
17 party allocates any delegates by congressional district or  
18 other geographical unit, then the party shall indicate the  
19 geographical basis for its allocation. If a party's notice  
20 fails to specify how to tabulate ballots, the  
21 State-administered presidential primary election for that  
22 party shall be tabulated on a statewide winner-take-all basis  
23 in accordance with subsection (b) of Section 20.

24 (b) At least 120 days before the date of the presidential  
25 primary election, the State Board of Elections shall confirm

1 with the State committee of each political party that the  
2 State is capable of implementing the party's preferences as  
3 declared under subsection (a) or shall notify the State  
4 committee of any feasibility constraints that could prevent  
5 the State from implementing the party's preferences.

6 Section 40. Results reporting.

7 (a) The State Board of Elections shall adopt rules or  
8 guidance to facilitate the release of unofficial preliminary  
9 round-by-round results and unofficial preliminary cast vote  
10 records as soon as feasible after the polls close and at  
11 regular intervals thereafter until the counting of ballots is  
12 complete.

13 (1) Unofficial preliminary round-by-round results  
14 shall be clearly labeled as preliminary and, to the extent  
15 feasible, shall include the percentage of ballots counted  
16 to date.

17 (2) Unofficial preliminary cast vote records shall be:

18 (A) clearly labeled as preliminary and, to the  
19 extent feasible, shall include the percentage of  
20 ballots counted to date;

21 (B) published online in a publicly accessible,  
22 electronic format; and

23 (C) published in a manner consistent with the need  
24 to maintain voter privacy.

25 (3) In adopting rules or guidance under this



1 subsection, the State Board of Elections shall consult  
2 with and allow for input from county clerks, local  
3 election officials, and national and State party  
4 representatives.

5 (b) In addition to any other information required by law  
6 to be reported with final results, the State Board of  
7 Elections shall make public:

8 (1) the total number of votes each candidate received  
9 in each round of the official tabulation, including votes  
10 for withdrawn candidates;

11 (2) the total number of ballots that became inactive  
12 in each round because they did not contain any active  
13 candidates, reached an overvote, or reached 2 consecutive  
14 skipped rankings, reported as separate figures; and

15 (3) the cast vote records in a publicly accessible,  
16 electronic format and by precinct, published in a manner  
17 consistent with the need to maintain voter privacy.

18 (c) If a party allocates delegates by congressional  
19 district or other geographical unit, the State Board of  
20 Elections shall provide round-by-round results by  
21 congressional district or other geographical unit in addition  
22 to providing statewide results.

23 Section 45. Rulemaking. The State Board of Elections shall  
24 have the authority to adopt any rules necessary to implement  
25 this Act.

1           Section 97. Severability. The provisions of this Act are  
2           severable under Section 1.31 of the Statute on Statutes.