



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3749

Introduced 2/17/2023, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-5.01

from Ch. 46, par. 16-5.01

10 ILCS 5/16-5.02 new

Amends the Ballots Article of the Election Code. Provides that the governing body of a municipality may adopt, upon submission of a written statement by the municipality's election authority attesting to the administrative ability of the election authority to administer an election using a ranked ballot to the municipality's governing body, an ordinance requiring a ranked vote by mail ballot for municipal and township office candidates to be voted on in the consolidated election or consolidated primary election (rather than only the consolidated election). Provides that the governing body of a municipality may adopt an ordinance allowing any qualified voter to use a ranked vote by mail ballot for any municipal and township election. Sets forth provisions concerning ranked ballots for nonpartisan primary elections. Removes language providing that a ranked ballot shall only be for use by a qualified voter who either is a member of the United States military or will be outside of the United States on the consolidated primary election day and the consolidated election day.

LRB103 29708 BMS 56113 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 Section 16-5.01 and by adding Section 16-5.02 as follows:

6 (10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

7 Sec. 16-5.01. (a) Except as otherwise provided in this
8 Code, the election authority shall, at least 46 days prior to
9 the date of any election at which federal officers are elected
10 and 45 days prior to any other regular election, have a
11 sufficient number of ballots printed so that such ballots will
12 be available for mailing 45 days prior to the date of the
13 election to persons who have filed application for a ballot
14 under the provisions of Article 20 of this Code Act.

15 (b) If at any election at which federal offices are
16 elected or nominated the election authority is unable to
17 comply with the provisions of subsection (a), the election
18 authority shall mail to each such person, in lieu of the
19 ballot, a Special Write-in Vote by Mail Voter's Blank Ballot.
20 The Special Write-in Vote by Mail Voter's Blank Ballot shall
21 be used at all elections at which federal officers are elected
22 or nominated and shall be prepared by the election authority
23 in substantially the following form:

1 Special Write-in Vote by Mail Voter's Blank Ballot

2 (To vote for a person, write the title of the office and
3 his or her name on the lines provided. Place to the left of and
4 opposite the title of office a square and place a cross (X) in
5 the square.)

6 Title of Office Name of Candidate

7 ()

8 ()

9 ()

10 ()

11 ()

12 ()

13 The election authority shall send with the Special
14 Write-in Vote by Mail Voter's Blank Ballot a list of all
15 referenda for which the voter is qualified to vote and all
16 candidates for whom nomination papers have been filed and for
17 whom the voter is qualified to vote. The voter shall be
18 entitled to write in the name of any candidate seeking
19 election and any referenda for which he or she is entitled to
20 vote.

21 On the back or outside of the ballot, so as to appear when
22 folded, shall be printed the words "Official Ballot", the date
23 of the election and a facsimile of the signature of the
24 election authority who has caused the ballot to be printed.

25 The provisions of Article 20, insofar as they may be
26 applicable to the Special Write-in Vote by Mail Voter's Blank

1 Ballot, shall be applicable herein.

2 (c) Notwithstanding any provision of this Code or other
3 law to the contrary, the governing body of a municipality may
4 adopt, upon submission of a written statement by the
5 municipality's election authority attesting to the
6 administrative ability of the election authority to administer
7 an election using a ranked ballot to the municipality's
8 governing body, an ordinance requiring, and that
9 municipality's election authority shall prepare, a ranked vote
10 by mail ballot for municipal and township office candidates to
11 be voted on in the consolidated election or consolidated
12 primary election. This ranked ballot shall be for use ~~only~~ by a
13 qualified voter who either is a member of the United States
14 military or will be outside of the United States on the
15 consolidated primary election day and the consolidated
16 election day. The governing body of a municipality may adopt
17 an ordinance allowing any qualified voter to use a ranked vote
18 by mail ballot for any municipal and township election. The
19 ranked ballot shall contain a list of the titles of all
20 municipal and township offices potentially contested at both
21 the consolidated primary election and the consolidated
22 election and the candidates for each office and shall permit
23 the elector to vote in the consolidated election by indicating
24 his or her order of preference for each candidate for each
25 office. To indicate his or her order of preference for each
26 candidate for each office, the voter shall put the number one

1 next to the name of the candidate who is the voter's first
2 choice, the number 2 for his or her second choice, and so forth
3 so that, in consecutive numerical order, a number indicating
4 the voter's preference is written by the voter next to each
5 candidate's name on the ranked ballot. The voter shall not be
6 required to indicate his or her preference for more than one
7 candidate on the ranked ballot. The voter may not cast a
8 write-in vote using the ranked ballot for the consolidated
9 election. The election authority shall, if using the ranked
10 vote by mail ballot authorized by this subsection, also
11 prepare instructions for use of the ranked ballot. The ranked
12 ballot for the consolidated election shall be mailed to the
13 voter at the same time that the ballot for the consolidated
14 primary election is mailed to the voter and the election
15 authority shall accept the completed ranked ballot for the
16 consolidated election when the authority accepts the completed
17 ballot for the consolidated primary election.

18 The voter shall also be sent a vote by mail ballot for the
19 consolidated election for those races that are not related to
20 the results of the consolidated primary election as soon as
21 the consolidated election ballot is certified.

22 The State Board of Elections shall adopt rules for
23 election authorities for the implementation of this
24 subsection, including, but not limited to, the application for
25 and counting of ranked ballots.

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

1 (10 ILCS 5/16-5.02 new)

2 Sec. 16-5.02. Ranked ballot; nonpartisan primary
3 elections.

4 (a) The State Board of Elections is authorized to adopt
5 rules mandating all election authorities to conduct all State,
6 local, and federal primary elections, excluding the
7 presidential primary, utilizing a ranked ballot method.

8 (b) This Section only applies if more than 2 candidates
9 have been nominated for an office.

10 (c) All qualified voters shall be permitted to vote for
11 the candidate of their choice in a primary election regardless
12 of the voter's political party affiliation.

13 (d) Any person who meets the primary election
14 qualifications may petition as a candidate in a primary
15 election as a member of the political party in which the
16 candidate is registered.

17 (e) All candidates shall be listed on a single primary
18 ballot. The ballot shall clearly designate the party in which
19 each candidate is registered. The top 2 candidates as
20 determined by the ranked ballot method shall advance to the
21 general election regardless of political party affiliation.
22 The winner of the election shall be the candidate that
23 receives the greatest number of votes cast in the general
24 election.

25 (f) For offices subject to the ranked ballot method, the

1 ballot shall be simple and easy to understand and allow a voter
2 to rank candidates for an office based on preference.

3 (g) Instructions on the ballot shall conform substantially
4 to the following specifications:

5 "Vote for candidates by indicating your first-choice
6 candidates in order of preference. Indicate your first
7 choice by marking the number "1" beside a candidate's
8 name, your second choice by marking the number "2" beside
9 a candidate's name, your third choice by marking a number
10 "3" beside a candidate's name, and so on in ascending
11 numerical order.

12 You may choose to rank only one candidate, but ranking
13 additional candidates will not hurt the chances of your
14 first-choice candidate. You may not rank more than 5
15 candidates. Do not mark the same number beside more than
16 one candidate. Do not skip numbers."

17 (h) A sample ballot for an office subject to the ranked
18 ballot method shall illustrate the voting procedure for the
19 ranked ballot method. A sample ballot shall be included with
20 each absentee ballot.

21 (i) The State Board of Elections shall conduct a voter
22 education campaign on the ranked ballot system to familiarize
23 voters with the ballot design, method of voting, and
24 advantages of determining a majority winner in a single
25 election.