



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4011

Introduced 1/14/2004, by Paul D. Froehlich, Barbara Flynn
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SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-80 new
10 ILCS 5/16-15 new
10 ILCS 5/17-50 new
65 ILCS 5/3.1-15-45 new
65 ILCS 5/3.1-15-50 new
65 ILCS 5/3.1-15-55 new

Amends the Election Code and the Illinois Municipal Code. Authorizes municipalities by referendum to adopt an instant run-off voting method for the nonpartisan offices of mayor, city clerk, city treasurer, and city councilman or alderman from single-member districts. Provides procedures for marking and counting ballots. Declares that a municipal election using instant runoff voting is valid if it otherwise conformed to law. Effective immediately.

LRB093 14644 JAM 40157 b

1 AN ACT in relation to 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 adding Sections
5 7-80, 16-15, and 17-50 as follows:

6 (10 ILCS 5/7-80 new)

7 Sec. 7-80. Municipal run-off. Any provision of this
8 Article to the contrary notwithstanding, the election
9 authority of a municipality may conduct instant run-off
10 elections as provided in the Illinois Municipal Code. Any
11 provision of this Article that would otherwise preclude an
12 instant run-off election is deemed inapplicable to instant
13 run-off elections conducted in accordance with the Illinois
14 Municipal Code.

15 (10 ILCS 5/16-15 new)

16 Sec. 16-15. Municipal run-off. Any provision of this
17 Article to the contrary notwithstanding, the election
18 authority of a municipality may prepare instant run-off
19 election ballots as provided in the Illinois Municipal Code.
20 Any provision of this Article that would otherwise preclude an
21 instant run-off election ballot is deemed inapplicable to
22 instant run-off election ballots prepared in accordance with
23 the Illinois Municipal Code.

24 (10 ILCS 5/17-50 new)

25 Sec. 17-50. Municipal run-off. Any provision of this
26 Article to the contrary notwithstanding, the election
27 authority of a municipality may conduct instant run-off
28 elections as provided in the Illinois Municipal Code. Any
29 provision of this Article that would otherwise preclude an
30 instant run-off election is deemed inapplicable to instant

1 run-off elections conducted in accordance with the Illinois
2 Municipal Code.

3 Section 10. The Illinois Municipal Code is amended by
4 adding Sections 3.1-15-45, 3.1-15-50, and 3.1-15-55 as
5 follows:

6 (65 ILCS 5/3.1-15-45 new)

7 Sec. 3.1-15-45. Instant runoff voting.

8 (a) Whenever the question of incorporation as a city under
9 this Code is submitted for adoption to the electors of any
10 territory, village, incorporated town, or city under special
11 charter, there may be submitted at the same time for adoption
12 or rejection the question of instant runoff voting for mayor,
13 city clerk, city treasurer, and city councilman or alderman,
14 provided that those offices are to be nonpartisan and that the
15 councilmen or aldermen are to be elected from single-member
16 districts. The proposition shall be in the following form:
17 Shall instant runoff voting for mayor, city clerk, city
18 treasurer, and city councilman or alderman be adopted?

19 (b) If a majority of the votes cast on the question at any
20 election are for instant runoff voting for mayor, city clerk,
21 city treasurer, and city councilman or alderman, the mayor,
22 city clerk, city treasurer, and city councilman or alderman,
23 except as otherwise provided, thereafter shall be elected as
24 provided in Section 3.1-15-50.

25 (c) If a majority of the votes cast on the question at any
26 election are against instant runoff voting for mayor, city
27 clerk, city treasurer, and city councilman or alderman, the
28 mayor, city clerk, city treasurer, and city councilman or
29 alderman shall be elected as otherwise provided in this Code.

30 (d) At any time after the incorporation of a city under
31 this Code, on petition of electors equal in number to
32 one-eighth the number of legal votes cast at the next preceding
33 consolidated election, the city clerk shall certify the
34 question of the adoption or retention of instant runoff voting

1 to the proper election authority for submission to the electors
2 of that city. The proposition shall be in the same form as
3 provided in this Section, except that the word "retained" shall
4 be substituted for the word "adopted" when appropriate. A
5 question of instant runoff voting, however, shall not be
6 submitted more than once within 32 months.

7 (65 ILCS 5/3.1-15-50 new)

8 Sec. 3.1-15-50. Mayor, city clerk, city treasurer, and city
9 councilman or alderman under instant runoff voting plan.

10 (a) The ballot shall be designed to allow an elector to
11 vote for the elector's first, second, and third choices from
12 among the candidates, including candidates listed on the ballot
13 or one write-in candidate.

14 (b) Ballots shall be counted as follows:

15 (1) The elector's vote shall be assigned to the
16 candidate marked as the elector's first choice. If one
17 candidate receives a majority of the first-choice votes,
18 that candidate shall be declared elected.

19 (2) If no candidate receives a majority of the
20 first-choice votes, the candidate receiving the fewest
21 first-choice votes shall be eliminated. Each vote cast for
22 the eliminated candidate shall be transferred to the
23 candidate who was each elector's next choice on the ballot.

24 (3) Candidates with the fewest votes shall continue to
25 be eliminated, with the votes for those candidates
26 transferred to the candidate who was each elector's next
27 choice on the ballot until a candidate receives a majority
28 of the votes cast. When a candidate receives a majority of
29 votes, that candidate shall be declared elected.

30 (4) Notwithstanding any provision of this Section, a
31 candidate shall be eliminated before the first tally of
32 ballots if the candidate receives fewer than 500 votes, or
33 fewer than 10% of the total votes cast for that office,
34 whichever is less.

35 (c) An elector may vote the elector's choices as follows:

1 (1) For each office for which there are 3 or more
2 candidates listed on the ballot, an elector may indicate 3
3 choices.

4 (2) For each office for which there are 2 candidates
5 listed on the ballot, an elector may indicate 2 choices.

6 (3) For each office for which there is one or no
7 candidate listed on the ballot, an elector may indicate one
8 choice.

9 (d) If all candidates for whom an elector voted on a ballot
10 are eliminated, the ballot shall be declared exhausted and may
11 not be considered in any continuing determination of whether a
12 candidate received a majority of votes cast. If the ballot of
13 an elector does not list the elector's choices in numerical
14 order, the elector's next clearly indicated choice in order
15 shall be counted. If an elector's ballot assigns the same
16 numeric choice to more than one candidate, those assignments
17 are invalid, and the elector's vote is transferred to the next
18 numeric choice, if any.

19 (e) If 2 or more candidates for the same office, after a
20 recount of the votes cast, have an equal number of votes at any
21 stage of the counting of the votes and one of the candidates is
22 to be eliminated, the tie shall be resolved by lot.

23 (65 ILCS 5/3.1-15-55 new)

24 Sec. 3.1-15-55. Instant runoff election validation. In any
25 case in which a city held an election for city officers, such
26 election is declared to be legal and valid if an instant runoff
27 method was used, as described in Section 3.1-15-45, if the
28 election was in other respects in conformity with law.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.