



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0843

Introduced 2/2/2005, by Rep. Paul D. Froehlich

#### 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.

LRB094 03709 JAM 33714 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.