

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 changing
5 Sections 7-19, 7-46, 7-59, 25-4, and 25-7 and adding Section
6 7-58.5 as follow:

7 (10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

8 Sec. 7-19. The primary ballot of each political party for
9 each precinct shall be arranged and printed substantially in
10 the manner following:

11 1. Designating words. At the top of the ballot shall be
12 printed in large capital letters, words designating the
13 ballot, if a Republican ballot, the designating words shall
14 be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the
15 designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and
16 in like manner for each political party.

17 2. Order of Names, Directions to Voters, etc. Beginning
18 not less than one inch below designating words, the name of
19 each office to be filled shall be printed in capital letters.
20 Such names may be printed on the ballot either in a single
21 column or in 2 or more columns and in the following order,
22 to-wit:

23 President of the United States, State offices,
24 congressional offices, delegates and alternate delegates to
25 be elected from the State at large to National nominating
26 conventions, delegates and alternate delegates to be elected
27 from congressional districts to National nominating
28 conventions, member or members of the State central
29 committee, trustees of sanitary districts, county offices,
30 judicial officers, city, village and incorporated town
31 offices, town offices, or of such of the said offices as

1 candidates are to be nominated for at such primary, and
2 precinct, township or ward committeemen. If two or more
3 columns are used, the foregoing offices to and including
4 member of the State central committee shall be listed in the
5 left-hand column and Senatorial offices, as defined in
6 Section 8-3, shall be the first offices listed in the second
7 column.

8 Below the name of each office shall be printed in small
9 letters the directions to voters: "Vote for one"; "Vote for
10 two"; "Vote for three"; or a spelled number designating how
11 many persons under that head are to be voted for.

12 Next to the name of each candidate for delegate or
13 alternate delegate to a national nominating convention shall
14 appear either (a) the name of the candidate's preference for
15 President of the United States or the word "uncommitted" or
16 (b) no official designation, depending upon the action taken
17 by the State central committee pursuant to Section 7-10.3 of
18 this Act.

19 Below the name of each office shall be printed in capital
20 letters the names of all candidates, arranged in the order in
21 which their petitions for nominations were filed, except as
22 otherwise provided in Sections 7-14 and 7-17 of this Article.
23 Opposite and in front of the name of each candidate shall be
24 printed a square and all squares upon the primary ballot
25 shall be of uniform size. Spaces between the names of
26 candidates under each office shall be uniform and sufficient
27 spaces shall separate the names of candidates for one office
28 from the names of candidates for another office, to avoid
29 confusion and to permit the writing in of the names of other
30 candidates.

31 Where voting machines or electronic voting systems are
32 used, the provisions of this Section may be modified as
33 required or authorized by Article 24 or Article 24A,
34 whichever is applicable.

1 Notwithstanding any provision of this Section, a ballot
 2 listing the names of candidates for nomination to
 3 congressional office or State office, as defined in Section
 4 7-4, shall be designed to accommodate the instant runoff
 5 voting system described in Section 7-58.5.

6 (Source: P.A. 83-33.)

7 (10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

8 Sec. 7-46. On receiving from the primary judges a primary
 9 ballot of his party, the primary elector shall forthwith and
 10 without leaving the polling place, retire alone to one of the
 11 voting booths and prepare such primary ballot by indicating
 12 the elector's first, second, and third choices by marking a
 13 voting square by-marking-a-cross-(X)-in-the-square in front
 14 of and opposite the name of each candidate for which the
 15 elector wishes to vote of-his-choice for each office to be
 16 filled, and for delegates and alternate delegates to national
 17 nominating conventions, and for committeemen, if committeemen
 18 are being elected at such primary.

19 Any primary elector may, instead of voting for any
 20 candidate for nomination or for committeeman or for delegate
 21 or alternate delegate to national nominating conventions,
 22 whose name is printed on the primary ballot, write in the
 23 name of any other person affiliated with such party as a
 24 candidate for the nomination for any office, or for
 25 committeeman, or for delegates or alternate delegates to
 26 national nominating conventions, and indicate his choice of
 27 such candidate or committeeman or delegate or alternate
 28 delegate, by placing to the left of and opposite the name
 29 thus written a square and placing in the square a 1, 2, or 3
 30 to indicate that the name written is the elector's first,
 31 second, or third choice, respectively cross-(X).

32 Where voting machines or electronic voting systems are
 33 used, the provisions of this section may be modified as

1 required or authorized by Article 24 or Article 24A,
2 whichever is applicable.
3 (Source: Laws 1965, p. 2220.)

4 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)
5 Sec. 7-59. (a) Except as provided in Section 7-58.5 for
6 nominations to State office and congressional office as
7 defined in Section 7-4, the person receiving the highest
8 number of votes at a primary as a candidate of a party for
9 the nomination for an office shall be the candidate of that
10 party for such office, and his name as such candidate shall
11 be placed on the official ballot at the election then next
12 ensuing; provided, that where there are two or more persons
13 to be nominated for the same office or board, the requisite
14 number of persons receiving the highest number of votes as
15 provided in Section 7-58.5 shall be nominated and their names
16 shall be placed on the official ballot at the following
17 election.

18 Except as otherwise provided by Section 7-8 of this Act,
19 the person receiving the highest number of votes of his party
20 for State central committeeman of his congressional district
21 shall be declared elected State central committeeman from
22 said congressional district.

23 Unless a national political party specifies that
24 delegates and alternate delegates to a National nominating
25 convention be allocated by proportional selection
26 representation according to the results of a Presidential
27 preference primary, the requisite number of persons receiving
28 the highest number of votes of their party for delegates and
29 alternate delegates to National nominating conventions from
30 the State at large, and the requisite number of persons
31 receiving the highest number of votes of their party for
32 delegates and alternate delegates to National nominating
33 conventions in their respective congressional districts shall

1 be declared elected delegates and alternate delegates to the
2 National nominating conventions of their party.

3 A political party which elects the members to its State
4 Central Committee by Alternative B under paragraph (a) of
5 Section 7-8 shall select its congressional district delegates
6 and alternate delegates to its national nominating convention
7 by proportional selection representation according to the
8 results of a Presidential preference primary in each
9 congressional district in the manner provided by the rules of
10 the national political party and the State Central Committee,
11 when the rules and policies of the national political party
12 so require.

13 A political party which elects the members to its State
14 Central Committee by Alternative B under paragraph (a) of
15 Section 7-8 shall select its at large delegates and alternate
16 delegates to its national nominating convention by
17 proportional selection representation according to the
18 results of a Presidential preference primary in the whole
19 State in the manner provided by the rules of the national
20 political party and the State Central Committee, when the
21 rules and policies of the national political party so
22 require.

23 The person receiving the highest number of votes of his
24 party for precinct committeeman of his precinct shall be
25 declared elected precinct committeeman from said precinct.

26 The person receiving the highest number of votes of his
27 party for township committeeman of his township or part of a
28 township as the case may be, shall be declared elected
29 township committeeman from said township or part of a
30 township as the case may be. In cities where ward
31 committeemen are elected, the person receiving the highest
32 number of votes of his party for ward committeeman of his
33 ward shall be declared elected ward committeeman from said
34 ward.

1 When two or more persons receive an equal ~~and-the-highest~~
2 number of votes, at a stage of the counting of votes under
3 Section 7-58.5 when one of the candidates is to be nominated
4 or elected and the other candidate eliminated, for the
5 nomination for the same office or for committeeman of the
6 same political party, or where more than one person of the
7 same political party is to be nominated as a candidate for
8 office or committeeman, if it appears that more than the
9 number of persons to be nominated for an office or elected
10 committeeman have the highest and an equal number of votes,
11 at a stage of the counting of votes under Section 7-58.5 when
12 one of the candidates is to be nominated or elected and the
13 other candidate eliminated, for the nomination for the same
14 office or for election as committeeman, the board by which
15 the returns of the primary are canvassed shall decide by lot
16 which of said persons shall be nominated or elected, as the
17 case may be. In such case such canvassing board shall issue
18 notice in writing to such persons of such tie vote stating
19 therein the place, the day (which shall not be more than five
20 (5) days thereafter) and the hour when such nomination or
21 election shall be so determined.

22 (b) Write-in votes shall be counted only for persons who
23 have filed notarized declarations of intent to be write-in
24 candidates with the proper election authority or authorities
25 not later than 5:00 p.m. on the Tuesday immediately preceding
26 the primary.

27 Forms for the declaration of intent to be a write-in
28 candidate shall be supplied by the election authorities.
29 Such declaration shall specify the office for which the
30 person seeks nomination or election as a write-in candidate.

31 The election authority or authorities shall deliver a
32 list of all persons who have filed such declarations to the
33 election judges in the appropriate precincts prior to the
34 primary.

1 (c) (1) Notwithstanding any other provisions of this
2 Section, where the number of candidates whose names have been
3 printed on a party's ballot for nomination for or election to
4 an office at a primary is less than the number of persons the
5 party is entitled to nominate for or elect to the office at
6 the primary, a person whose name was not printed on the
7 party's primary ballot as a candidate for nomination for or
8 election to the office, is not nominated for or elected to
9 that office as a result of a write-in vote at the primary
10 unless the number of votes he received equals or exceeds the
11 number of signatures required on a petition for nomination
12 for that office; or unless the number of votes he receives
13 exceeds the number of votes received by at least one of the
14 candidates whose names were printed on the primary ballot for
15 nomination for or election to the same office.

16 (2) Paragraph (1) of this subsection does not apply
17 where the number of candidates whose names have been printed
18 on the party's ballot for nomination for or election to the
19 office at the primary equals or exceeds the number of persons
20 the party is entitled to nominate for or elect to the office
21 at the primary.

22 For purposes of Sections 7-2, 7-3, 7-8, 7-9.1, 7-10,
23 7-14.1, 7-35, 7-52, 7-53, 7-56, 7-56.1, 7-59, 7-60, 7-60.1,
24 and 7-63 and any other law under which a calculation is based
25 on the total number of votes cast for an office, the
26 calculation shall be based on the number of first-choice
27 votes cast for the office.

28 (Source: P.A. 89-653, eff. 8-14-96.)

29 (10 ILCS 5/7-58.5 new)

30 Sec. 7-58.5. Instant runoff voting.

31 (a) Elections for the nomination of candidates for State
32 office and congressional office, as defined in Section 7-4,
33 and any other election where an instant runoff method is used

1 for any office, shall be conducted as described in this
2 Section.

3 (b) The ballot shall be designed to allow an elector to
4 vote for the elector's first, second, and third choices from
5 among the candidates, including candidates listed on the
6 ballot or one write-in candidate.

7 (c) Ballots shall be counted as follows:

8 (1) The elector's vote shall be assigned to the
9 candidate marked as the elector's first choice. If one
10 candidate receives a majority of the first-choice votes,
11 that candidate shall be declared nominated.

12 (2) If no candidate receives a majority of the
13 first-choice votes, the candidate receiving the fewest
14 first-choice votes shall be eliminated. Each vote cast
15 for the eliminated candidate shall be transferred to the
16 candidate who was each elector's next choice on the
17 ballot.

18 (3) Candidates with the fewest votes shall continue
19 to be eliminated, with the votes for those candidates
20 transferred to the candidate who was each elector's next
21 choice on the ballot until a candidate receives a
22 majority of the votes cast. When a candidate receives a
23 majority of votes, that candidate shall be declared
24 nominated.

25 (4) Notwithstanding any provision of this Section,
26 a candidate shall be eliminated before the first tally of
27 ballots if the candidate receives fewer than 500 votes,
28 or fewer than 10% of the total votes cast for the
29 nomination, whichever is less.

30 (d) An elector may vote the elector's choices as
31 follows:

32 (1) For each office for which there are 3 or more
33 candidates listed on the ballot, an elector may indicate
34 3 choices.

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

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

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

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

23 (10 ILCS 5/25-4) (from Ch. 46, par. 25-4)

24 Sec. 25-4. In case of vacancies in the offices of
25 Governor and Lieutenant-Governor, the officer performing the
26 duties of the office of Governor, or if there is no such
27 officer, the Secretary of State, shall issue a proclamation
28 appointing a day for a special election to fill such
29 vacancies using the instant runoff method as described in
30 Section 7-58.5, and shall issue a writ of election to the
31 county clerks of the several counties in the state, and shall
32 also, when necessary, call a special session of the General
33 Assembly to canvass the votes cast at such election; but if

1 such vacancy shall occur not more than ninety (90) days
2 before a general election for members of the legislature, the
3 vacancies shall be filled at such general election, in which
4 case no special session of the General Assembly to canvass
5 the votes shall be deemed necessary.

6 (Source: Laws 1943, vol. 2, p. 1.)

7 (10 ILCS 5/25-7) (from Ch. 46, par. 25-7)

8 Sec. 25-7. When any vacancy shall occur in the office of
9 representative in congress from this state more than 180 days
10 before the next general election, the Governor shall issue a
11 writ of election within 5 days after the occurrence of that
12 vacancy to the county clerks of the several counties in the
13 district where the vacancy exists, appointing a day within
14 115 days to hold a special election to fill such vacancy
15 using the instant runoff method as described in Section
16 7-58.5.

17 (Source: P.A. 78-781.)

18 Section 10. The Illinois Municipal Code is amended by
19 adding Sections 3.1-15-45, 3.1-15-50, and 3.1-15-55 as
20 follows:

21 (65 ILCS 5/3.1-15-45 new)

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

23 (a) Whenever the question of incorporation as a city
24 under this Code is submitted for adoption to the electors of
25 any territory, village, incorporated town, or city under
26 special charter, there may be submitted at the same time for
27 adoption or rejection the question of instant runoff voting
28 for mayor, city clerk, and city treasurer. The proposition
29 shall be in the following form: Shall instant runoff voting
30 for mayor, city clerk, and city treasurer be adopted?

31 (b) If a majority of the votes cast on the question at

1 any election are for instant runoff voting for mayor, city
2 clerk, and city treasurer, the mayor, city clerk, and city
3 treasurer, except as otherwise provided, thereafter shall be
4 elected as provided in Section 3.1-15-50.

5 (c) If a majority of the votes cast on the question at
6 any election are against instant runoff voting for mayor,
7 city clerk, and city treasurer, the mayor, city clerk, and
8 city treasurer shall be elected as otherwise provided in this
9 Code.

10 (d) At any time after the incorporation of a city under
11 this Code, on petition of electors equal in number to
12 one-eighth the number of legal votes cast at the next
13 preceding general municipal election, the city clerk shall
14 certify the question of the adoption or retention of instant
15 runoff voting to the proper election authority for submission
16 to the electors of that city. The proposition shall be in the
17 same form as provided in this Section, except that the word
18 "retained" shall be substituted for the word "adopted" when
19 appropriate. A question of instant runoff voting, however,
20 shall not be submitted more than once within 32 months.

21 (65 ILCS 5/3.1-15-50 new)

22 Sec. 3.1-15-50. Mayor, city clerk, and city treasurer
23 under instant runoff voting plan.

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

28 (b) Ballots shall be counted as follows:

29 (1) The elector's vote shall be assigned to the
30 candidate marked as the elector's first choice. If one
31 candidate receives a majority of the first-choice votes,
32 that candidate shall be declared nominated.

33 (2) If no candidate receives a majority of the

1 first-choice votes, the candidate receiving the fewest
2 first-choice votes shall be eliminated. Each vote cast
3 for the eliminated candidate shall be transferred to the
4 candidate who was each elector's next choice on the
5 ballot.

6 (3) Candidates with the fewest votes shall continue
7 to be eliminated, with the votes for those candidates
8 transferred to the candidate who was each elector's next
9 choice on the ballot until a candidate receives a
10 majority of the votes cast. When a candidate receives a
11 majority of votes, that candidate shall be declared
12 nominated.

13 (4) Notwithstanding any provision of this Section,
14 a candidate shall be eliminated before the first tally of
15 ballots if the candidate receives fewer than 500 votes,
16 or fewer than 10% of the total votes cast for the
17 nomination, whichever is less.

18 (C) An elector may vote the elector's choices as
19 follows:

20 (1) For each office for which there are 3 or more
21 candidates listed on the ballot, an elector may indicate
22 3 choices.

23 (2) For each office for which there are 2
24 candidates listed on the ballot, an elector may indicate
25 2 choices.

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

29 (d) If all candidates for whom an elector voted on a
30 ballot are eliminated, the ballot shall be declared exhausted
31 and may not be considered in any continuing determination of
32 whether a candidate for the nomination received a majority of
33 votes cast. If the ballot of an elector does not list the
34 elector's choices in numerical order, the elector's next

1 clearly indicated choice in order shall be counted. If an
2 elector's ballot assigns the same numeric choice to more than
3 one candidate, those assignments are invalid, and the
4 elector's vote is transferred to the next numeric choice, if
5 any.

6 (e) If 2 or more candidates for the same nomination or
7 election, after a recount of the votes cast, have an equal
8 number of votes at any stage of the counting of the votes and
9 one of the candidates is to be eliminated, the tie shall be
10 resolved by lot.

11 (65 ILCS 5/3.1-15-55 new)

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