



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB2416

Introduced 2/17/2021, by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/16-3	from Ch. 46, par. 16-3
10 ILCS 5/16-4.2 new	
10 ILCS 5/17-11	from Ch. 46, par. 17-11
10 ILCS 5/17-18	from Ch. 46, par. 17-18
10 ILCS 5/17-18.2 new	
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/18-9	from Ch. 46, par. 18-9

Amends the Election Code. Provides that members of the General Assembly and the offices Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall be elected by ranked-choice voting. Provides for ranked-choice ballots to be produced. Provides that voters may rank their choice for candidates for those offices and provides for interpretations of certain ballot marks. Provides that tallying ranked-choice votes proceeds in rounds. Provides that in each round, the number of votes for each continuing candidate must be counted, that each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round, and that exhausted ballots are not counted for any continuing candidate. Provides that if only 2 candidates remain, the candidate with the higher vote total wins, and that if more than 2 candidates remain, the last-place candidate is eliminated and another round of tallying is to commence. Provides that rounds continue until a winner is found. Makes conforming changes.

LRB102 14268 SMS 19620 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 1-3, 16-3, 17-11, 17-18, 18-5, and 18-9 and by adding  
6 Sections 16-4.2 and 17-18.2 as follows:

7 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

8 Sec. 1-3. As used in this Act, unless the context  
9 otherwise requires:

10 1. "Election" includes the submission of all questions of  
11 public policy, propositions, and all measures submitted to  
12 popular vote, and includes primary elections when so indicated  
13 by the context.

14 2. "Regular election" means the general, general primary,  
15 consolidated and consolidated primary elections regularly  
16 scheduled in Article 2A. The even numbered year municipal  
17 primary established in Article 2A is a regular election only  
18 with respect to those municipalities in which a primary is  
19 required to be held on such date.

20 3. "Special election" means an election not regularly  
21 recurring at fixed intervals, irrespective of whether it is  
22 held at the same time and place and by the same election  
23 officers as a regular election.

1           4. "General election" means the biennial election at which  
2 members of the General Assembly are elected. "General primary  
3 election", "consolidated election" and "consolidated primary  
4 election" mean the respective elections or the election dates  
5 designated and established in Article 2A of this Code.

6           5. "Municipal election" means an election or primary,  
7 either regular or special, in cities, villages, and  
8 incorporated towns; and "municipality" means any such city,  
9 village or incorporated town.

10          6. "Political or governmental subdivision" means any unit  
11 of local government, or school district in which elections are  
12 or may be held. "Political or governmental subdivision" also  
13 includes, for election purposes, Regional Boards of School  
14 Trustees, and Township Boards of School Trustees.

15          7. The word "township" and the word "town" shall apply  
16 interchangeably to the type of governmental organization  
17 established in accordance with the provisions of the Township  
18 Code. The term "incorporated town" shall mean a municipality  
19 referred to as an incorporated town in the Illinois Municipal  
20 Code, as now or hereafter amended.

21          8. "Election authority" means a county clerk or a Board of  
22 Election Commissioners.

23          9. "Election Jurisdiction" means (a) an entire county, in  
24 the case of a county in which no city board of election  
25 commissioners is located or which is under the jurisdiction of  
26 a county board of election commissioners; (b) the territorial

1 jurisdiction of a city board of election commissioners; and  
2 (c) the territory in a county outside of the jurisdiction of a  
3 city board of election commissioners. In each instance  
4 election jurisdiction shall be determined according to which  
5 election authority maintains the permanent registration  
6 records of qualified electors.

7 10. "Local election official" means the clerk or secretary  
8 of a unit of local government or school district, as the case  
9 may be, the treasurer of a township board of school trustees,  
10 and the regional superintendent of schools with respect to the  
11 various school officer elections and school referenda for  
12 which the regional superintendent is assigned election duties  
13 by The School Code, as now or hereafter amended.

14 11. "Judges of election", "primary judges" and similar  
15 terms, as applied to cases where there are 2 sets of judges,  
16 when used in connection with duties at an election during the  
17 hours the polls are open, refer to the team of judges of  
18 election on duty during such hours; and, when used with  
19 reference to duties after the closing of the polls, refer to  
20 the team of tally judges designated to count the vote after the  
21 closing of the polls and the holdover judges designated  
22 pursuant to Section 13-6.2 or 14-5.2. In such case, where,  
23 after the closing of the polls, any act is required to be  
24 performed by each of the judges of election, it shall be  
25 performed by each of the tally judges and by each of the  
26 holdover judges.

1           12. "Petition" of candidacy as used in Sections 7-10 and  
2 7-10.1 shall consist of a statement of candidacy, candidate's  
3 statement containing oath, and sheets containing signatures of  
4 qualified primary electors bound together.

5           13. "Election district" and "precinct", when used with  
6 reference to a 30-day residence requirement, means the  
7 smallest constituent territory in which electors vote as a  
8 unit at the same polling place in any election governed by this  
9 Act.

10          14. "District" means any area which votes as a unit for the  
11 election of any officer, other than the State or a unit of  
12 local government or school district, and includes, but is not  
13 limited to, legislative, congressional and judicial districts,  
14 judicial circuits, county board districts, municipal and  
15 sanitary district wards, school board districts, and  
16 precincts.

17          15. "Question of public policy" or "public question" means  
18 any question, proposition or measure submitted to the voters  
19 at an election dealing with subject matter other than the  
20 nomination or election of candidates and shall include, but is  
21 not limited to, any bond or tax referendum, and questions  
22 relating to the Constitution.

23          16. "Ordinance providing the form of government of a  
24 municipality or county pursuant to Article VII of the  
25 Constitution" includes ordinances, resolutions and petitions  
26 adopted by referendum which provide for the form of

1 government, the officers or the manner of selection or terms  
2 of office of officers of such municipality or county, pursuant  
3 to the provisions of Sections 4, 6 or 7 of Article VII of the  
4 Constitution.

5 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,  
6 6-60, and 6-66 shall include a computer tape or computer disc  
7 or other electronic data processing information containing  
8 voter information.

9 18. "Accessible" means accessible to persons with  
10 disabilities and elderly individuals for the purpose of voting  
11 or registration, as determined by rule of the State Board of  
12 Elections.

13 19. "Elderly" means 65 years of age or older.

14 20. "Person with a disability" means a person having a  
15 temporary or permanent physical disability.

16 21. "Leading political party" means one of the two  
17 political parties whose candidates for governor at the most  
18 recent three gubernatorial elections received either the  
19 highest or second highest average number of votes. The  
20 political party whose candidates for governor received the  
21 highest average number of votes shall be known as the first  
22 leading political party and the political party whose  
23 candidates for governor received the second highest average  
24 number of votes shall be known as the second leading political  
25 party.

26 22. "Business day" means any day in which the office of an

1 election authority, local election official or the State Board  
2 of Elections is open to the public for a minimum of 7 hours.

3 23. "Homeless individual" means any person who has a  
4 nontraditional residence, including, but not limited to, a  
5 shelter, day shelter, park bench, street corner, or space  
6 under a bridge.

7 24. "Signature" means a name signed in ink or in digitized  
8 form. This definition does not apply to a nominating or  
9 candidate petition or a referendum petition.

10 25. "Intelligent mail barcode tracking system" means a  
11 printed trackable barcode attached to the return business  
12 reply envelope for mail-in ballots under Article 19 or Article  
13 20 that allows an election authority to determine the date the  
14 envelope was mailed in absence of a postmark.

15 26. "Office elected by ranked-choice voting" means any  
16 member of the General Assembly, as well as the offices of  
17 Governor, Lieutenant Governor, Attorney General, Secretary of  
18 State, Comptroller, and Treasurer. These offices shall only be  
19 elected by ranked-choice voting during a general or special  
20 election, and not during a primary, consolidated primary, or  
21 similar election.

22 (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

23 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

24 Sec. 16-3. (a) Except as provided in Section 16-4.2 of  
25 this Code, the ~~The~~ names of all candidates to be voted for in

1 each election district or precinct shall be printed on one  
2 ballot, except as is provided in Sections 16-6.1 and 21-1.01  
3 of this Act and except as otherwise provided in this Act with  
4 respect to the odd year regular elections and the emergency  
5 referenda; all nominations of any political party being placed  
6 under the party appellation or title of such party as  
7 designated in the certificates of nomination or petitions. The  
8 names of all independent candidates shall be printed upon the  
9 ballot in a column or columns under the heading "independent"  
10 arranged under the names or titles of the respective offices  
11 for which such independent candidates shall have been  
12 nominated and so far as practicable, the name or names of any  
13 independent candidate or candidates for any office shall be  
14 printed upon the ballot opposite the name or names of any  
15 candidate or candidates for the same office contained in any  
16 party column or columns upon said ballot. The ballot shall  
17 contain no other names, except that in cases of electors for  
18 President and Vice-President of the United States, the names  
19 of the candidates for President and Vice-President may be  
20 added to the party designation and words calculated to aid the  
21 voter in his choice of candidates may be added, such as "Vote  
22 for one," "Vote for not more than three." If no candidate or  
23 candidates file for an office and if no person or persons file  
24 a declaration as a write-in candidate for that office, then  
25 below the title of that office the election authority instead  
26 shall print "No Candidate". When an electronic voting system



1 is used which utilizes a ballot label booklet, the candidates  
2 and questions shall appear on the pages of such booklet in the  
3 order provided by this Code; and, in any case where candidates  
4 for an office appear on a page which does not contain the name  
5 of any candidate for another office, and where less than 50% of  
6 the page is utilized, the name of no candidate shall be printed  
7 on the lowest 25% of such page. On the back or outside of the  
8 ballot, so as to appear when folded, shall be printed the words  
9 "Official Ballot", followed by the designation of the polling  
10 place for which the ballot is prepared, the date of the  
11 election and a facsimile of the signature of the election  
12 authority who has caused the ballots to be printed. The  
13 ballots shall be of plain white paper, through which the  
14 printing or writing cannot be read. However, ballots for use  
15 at the nonpartisan and consolidated elections may be printed  
16 on different color paper, except blue paper, whenever  
17 necessary or desirable to facilitate distinguishing between  
18 ballots for different political subdivisions. In the case of  
19 nonpartisan elections for officers of a political subdivision,  
20 unless the statute or an ordinance adopted pursuant to Article  
21 VII of the Constitution providing the form of government  
22 therefor requires otherwise, the column listing such  
23 nonpartisan candidates shall be printed with no appellation or  
24 circle at its head. The party appellation or title, or the word  
25 "independent" at the head of any column provided for  
26 independent candidates, shall be printed in letters not less

1 than one-fourth of an inch in height and a circle one-half inch  
2 in diameter shall be printed at the beginning of the line in  
3 which such appellation or title is printed, provided, however,  
4 that no such circle shall be printed at the head of any column  
5 or columns provided for such independent candidates. The names  
6 of candidates shall be printed in letters not less than  
7 one-eighth nor more than one-fourth of an inch in height, and  
8 at the beginning of each line in which a name of a candidate is  
9 printed a square shall be printed, the sides of which shall be  
10 not less than one-fourth of an inch in length. However, the  
11 names of the candidates for Governor and Lieutenant Governor  
12 on the same ticket shall be printed within a bracket and a  
13 single square shall be printed in front of the bracket. The  
14 list of candidates of the several parties and any such list of  
15 independent candidates shall be placed in separate columns on  
16 the ballot in such order as the election authorities charged  
17 with the printing of the ballots shall decide; provided, that  
18 the names of the candidates of the several political parties,  
19 certified by the State Board of Elections to the several  
20 county clerks shall be printed by the county clerk of the  
21 proper county on the official ballot in the order certified by  
22 the State Board of Elections. Any county clerk refusing,  
23 neglecting or failing to print on the official ballot the  
24 names of candidates of the several political parties in the  
25 order certified by the State Board of Elections, and any  
26 county clerk who prints or causes to be printed upon the

1 official ballot the name of a candidate, for an office to be  
2 filled by the Electors of the entire State, whose name has not  
3 been duly certified to him upon a certificate signed by the  
4 State Board of Elections shall be guilty of a Class C  
5 misdemeanor.

6 (b) When an electronic voting system is used which  
7 utilizes a ballot card, on the inside flap of each ballot card  
8 envelope there shall be printed a form for write-in voting  
9 which shall be substantially as follows:

10 WRITE-IN VOTES

11 (See card of instructions for specific information.  
12 Duplicate form below by hand for additional write-in votes.)

13 \_\_\_\_\_  
14 Title of Office  
15 ( ) \_\_\_\_\_  
16 Name of Candidate

17 Write-in lines equal to the number of candidates for which  
18 a voter may vote shall be printed for an office only if one or  
19 more persons filed declarations of intent to be write-in  
20 candidates or qualify to file declarations to be write-in  
21 candidates under Sections 17-16.1 and 18-9.1 when the  
22 certification of ballot contains the words "OBJECTION  
23 PENDING".

24 (c) When an electronic voting system is used which uses a  
25 ballot sheet, the instructions to voters on the ballot sheet  
26 shall refer the voter to the card of instructions for specific

1 information on write-in voting. Below each office appearing on  
2 such ballot sheet there shall be a provision for the casting of  
3 a write-in vote. Write-in lines equal to the number of  
4 candidates for which a voter may vote shall be printed for an  
5 office only if one or more persons filed declarations of  
6 intent to be write-in candidates or qualify to file  
7 declarations to be write-in candidates under Sections 17-16.1  
8 and 18-9.1 when the certification of ballot contains the words  
9 "OBJECTION PENDING".

10 (d) When such electronic system is used, there shall be  
11 printed on the back of each ballot card, each ballot card  
12 envelope, and the first page of the ballot label when a ballot  
13 label is used, the words "Official Ballot," followed by the  
14 number of the precinct or other precinct identification, which  
15 may be stamped, in lieu thereof and, as applicable, the number  
16 and name of the township, ward or other election district for  
17 which the ballot card, ballot card envelope, and ballot label  
18 are prepared, the date of the election and a facsimile of the  
19 signature of the election authority who has caused the ballots  
20 to be printed. The back of the ballot card shall also include a  
21 method of identifying the ballot configuration such as a  
22 listing of the political subdivisions and districts for which  
23 votes may be cast on that ballot, or a number code identifying  
24 the ballot configuration or color coded ballots, except that  
25 where there is only one ballot configuration in a precinct,  
26 the precinct identification, and any applicable ward

1 identification, shall be sufficient. Ballot card envelopes  
2 used in punch card systems shall be of paper through which no  
3 writing or punches may be discerned and shall be of sufficient  
4 length to enclose all voting positions. However, the election  
5 authority may provide ballot card envelopes on which no  
6 precinct number or township, ward or other election district  
7 designation, or election date are preprinted, if space and a  
8 preprinted form are provided below the space provided for the  
9 names of write-in candidates where such information may be  
10 entered by the judges of election. Whenever an election  
11 authority utilizes ballot card envelopes on which the election  
12 date and precinct is not preprinted, a judge of election shall  
13 mark such information for the particular precinct and election  
14 on the envelope in ink before tallying and counting any  
15 write-in vote written thereon. If some method of insuring  
16 ballot secrecy other than an envelope is used, such  
17 information must be provided on the ballot itself.

18 (e) In the designation of the name of a candidate on the  
19 ballot, the candidate's given name or names, initial or  
20 initials, a nickname by which the candidate is commonly known,  
21 or a combination thereof, may be used in addition to the  
22 candidate's surname. If a candidate has changed his or her  
23 name, whether by a statutory or common law procedure in  
24 Illinois or any other jurisdiction, within 3 years before the  
25 last day for filing the petition for nomination, nomination  
26 papers, or certificate of nomination for that office,

1 whichever is applicable, then (i) the candidate's name on the  
2 ballot must be followed by "formerly known as (list all prior  
3 names during the 3-year period) until name changed on (list  
4 date of each such name change)" and (ii) the petition, papers,  
5 or certificate must be accompanied by the candidate's  
6 affidavit stating the candidate's previous names during the  
7 period specified in (i) and the date or dates each of those  
8 names was changed; failure to meet these requirements shall be  
9 grounds for denying certification of the candidate's name for  
10 the ballot or removing the candidate's name from the ballot,  
11 as appropriate, but these requirements do not apply to name  
12 changes resulting from adoption to assume an adoptive parent's  
13 or parents' surname, marriage to assume a spouse's surname, or  
14 dissolution of marriage or declaration of invalidity of  
15 marriage to assume a former surname. No other designation such  
16 as a political slogan, title, or degree or nickname suggesting  
17 or implying possession of a title, degree or professional  
18 status, or similar information may be used in connection with  
19 the candidate's surname. For purposes of this Section, a  
20 "political slogan" is defined as any word or words expressing  
21 or connoting a position, opinion, or belief that the candidate  
22 may espouse, including but not limited to, any word or words  
23 conveying any meaning other than that of the personal identity  
24 of the candidate. A candidate may not use a political slogan as  
25 part of his or her name on the ballot, notwithstanding that the  
26 political slogan may be part of the candidate's name.

1 (f) The State Board of Elections, a local election  
2 official, or an election authority shall remove any  
3 candidate's name designation from a ballot that is  
4 inconsistent with subsection (e) of this Section. In addition,  
5 the State Board of Elections, a local election official, or an  
6 election authority shall not certify to any election authority  
7 any candidate name designation that is inconsistent with  
8 subsection (e) of this Section.

9 (g) If the State Board of Elections, a local election  
10 official, or an election authority removes a candidate's name  
11 designation from a ballot under subsection (f) of this  
12 Section, then the aggrieved candidate may seek appropriate  
13 relief in circuit court.

14 Where voting machines or electronic voting systems are  
15 used, the provisions of this Section may be modified as  
16 required or authorized by Article 24 or Article 24A, whichever  
17 is applicable.

18 Nothing in this Section shall prohibit election  
19 authorities from using or reusing ballot card envelopes which  
20 were printed before the effective date of this amendatory Act  
21 of 1985.

22 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07;  
23 95-862, eff. 8-19-08.)

24 (10 ILCS 5/16-4.2 new)

25 Sec. 16-4.2. Ranked-choice ballots.

1       (a) For an election for an office elected by ranked-choice  
2 voting that has more than 2 choices, the ballot shall be laid  
3 out to allow the voter to rank the candidates for an office in  
4 order of preference. Space shall be provided for a voter to  
5 include one write-in candidate if he or she desires. The  
6 ballot shall be as simple and easy to understand as possible.  
7 Any ballot laid out in such a manner shall be tallied in  
8 accordance with Section 17-18.2 of this Code.

9       (b) All other requirements of this Article apply with  
10 regards to ballots for offices elected by ranked-choice voting  
11 to the extent that they do not contradict the provisions of  
12 this amendatory Act of the 102nd General Assembly.

13       (10 ILCS 5/17-11) (from Ch. 46, par. 17-11)

14       Sec. 17-11. On receipt of his ballot the voter shall  
15 forthwith, and without leaving the inclosed space, retire  
16 alone, or accompanied by children as provided in Section 17-8,  
17 to one of the voting booths so provided and shall prepare his  
18 ballot by making in the appropriate margin or place a cross (X)  
19 opposite the name of the candidate of his choice for each  
20 office to be filled, or by writing in the name of the candidate  
21 of his choice in a blank space on said ticket, making a cross  
22 (X) opposite thereto; and in case of a question submitted to  
23 the vote of the people, by making in the appropriate margin or  
24 place a cross (X) against the answer he desires to give. A  
25 cross (X) in the square in front of the bracket enclosing the



1 names of a team of candidates for Governor and Lieutenant  
2 Governor counts as one vote for each of such candidates.  
3 Before leaving the voting booth the voter shall fold his  
4 ballot in such manner as to conceal the marks thereon. He shall  
5 then vote forthwith in the manner herein provided, except that  
6 the number corresponding to the number of the voter on the poll  
7 books shall not be indorsed on the back of his ballot. He shall  
8 mark and deliver his ballot without undue delay, and shall  
9 quit said inclosed space as soon as he has voted; except that  
10 immediately after voting, the voter shall be instructed  
11 whether the voting equipment, if used, accepted or rejected  
12 the ballot or identified the ballot as under-voted for a  
13 statewide constitutional office. A voter whose ballot is  
14 identified as under-voted may return to the voting booth and  
15 complete the voting of that ballot. A voter whose ballot is not  
16 accepted by the voting equipment may, upon surrendering the  
17 ballot, request and vote another ballot. The voter's  
18 surrendered ballot shall be initialed by the election judge  
19 and handled as provided in the appropriate Article governing  
20 that voting equipment.

21 No voter shall be allowed to occupy a voting booth already  
22 occupied by another, nor remain within said inclosed space  
23 more than ten minutes, nor to occupy a voting booth more than  
24 five minutes in case all of said voting booths are in use and  
25 other voters waiting to occupy the same. No voter not an  
26 election officer, shall, after having voted, be allowed to

1 re-enter said inclosed space during said election. No person  
2 shall take or remove any ballot from the polling place before  
3 the close of the poll. No voter shall vote or offer to vote any  
4 ballot except such as he has received from the judges of  
5 election in charge of the ballots. Any voter who shall, by  
6 accident or mistake, spoil his ballot, may, on returning said  
7 spoiled ballot, receive another in place thereof only after  
8 the word "spoiled" has been written in ink diagonally across  
9 the entire face of the ballot returned by the voter.

10 Where voting machines or electronic voting systems are  
11 used, the provisions of this section may be modified as  
12 required or authorized by Article 24, 24A, 24B, or 24C,  
13 whichever is applicable, except that the requirements of this  
14 Section that (i) the voter must be notified of the voting  
15 equipment's acceptance or rejection of the voter's ballot or  
16 identification of an under-vote for a statewide constitutional  
17 office and (ii) the voter shall have the opportunity to  
18 correct an under-vote or surrender the ballot that was not  
19 accepted and vote another ballot shall not be modified.

20 Where a ranked-choice balloting is used for an office  
21 elected by ranked-choice balloting, the voter may rank his or  
22 her preferences for the candidates for that office. A voter  
23 shall not be required to rank all candidates for that office. A  
24 cross (X) for only one candidate shall be interpreted as a vote  
25 of rank 1 for that particular candidate, with no other  
26 candidate being ranked. Crosses (X) for 2 or more candidates

1 shall not count as votes for any candidate, and shall cause the  
2 ballot to be identified as under-voted, subject to the  
3 provisions for under-voted ballots under Section 18-5.

4 (Source: P.A. 94-288, eff. 1-1-06; 95-699, eff. 11-9-07.)

5 (10 ILCS 5/17-18) (from Ch. 46, par. 17-18)

6 Sec. 17-18. Immediately upon closing the polls the judges  
7 shall proceed to canvass the votes polled. They shall first  
8 count the whole number of ballots in the box. If 2 or more  
9 ballots are folded together so as to appear to have been cast  
10 by the same person, all of the ballots so folded together shall  
11 be marked and returned with the other ballots in the same  
12 conditions, as near as may be, in which they were found when  
13 first opened, but shall not be counted. If the remaining  
14 ballots shall be found to exceed the number of applications  
15 for ballot, the ballots shall be replaced in the box, and the  
16 box closed and well shaken and again opened and one of the  
17 judges shall publicly draw out so many ballots unopened as  
18 shall be equal to such excess; and the number of the ballots  
19 agreeing with the poll lists, or being made to agree. Such  
20 excess ballots shall be marked "Excess-Not Counted" and signed  
21 by a majority of the judges and shall be placed in the "After  
22 6:00 p.m. Defective Ballots Envelope". The number of excess  
23 ballots shall be noted in the remarks section of the  
24 Certificate of Results. "Excess" ballots shall not be counted  
25 in the total of "defective" ballots.

1           The judges shall then proceed to count and record the  
2 votes; and when the judges of election shall open and read the  
3 ballots, 3 judges, with at least one from each political party  
4 from which the precinct judges were chosen, shall carefully  
5 and correctly mark down upon the three tally sheets the vote  
6 each candidate has received, in a separate box prepared for  
7 that purpose, with the name of such candidate at the head of  
8 such box, and the office designated by the votes such  
9 candidate shall fill. Whenever a proposition is submitted to  
10 the electors at the same election, the ballots for or against  
11 such proposition shall always be canvassed, counted or  
12 tallied. The votes shall be canvassed in the room or place  
13 where the election is held, and the judges shall not allow the  
14 ballot box, or any of the ballots, or the applications for  
15 ballot, or any of the tally sheets to be removed or carried  
16 away from such room or place, until the canvass of the vote is  
17 completed, and the returns carefully enveloped and sealed up  
18 as provided by law.

19           Where voting machines or electronic voting systems are  
20 used, the provisions of this section may be modified as  
21 required or authorized by Article 24 or Article 24A, whichever  
22 is applicable.

23           Where ranked-choice ballot tallying is used for an office  
24 elected by ranked-choice voting, the provisions of this  
25 Section may be modified as required or authorized by Section  
26 16-4.2 or Section 17-18.2 of this Code, whichever is

1 applicable.

2 (Source: P.A. 83-333.)

3 (10 ILCS 5/17-18.2 new)

4 Sec. 17-18.2. Ranked-choice ballot tallying.

5 (a) As used in this Section,

6 "Batch elimination" means the simultaneous defeat of  
7 multiple candidates for whom it is mathematically impossible  
8 to be elected.

9 "Continuing ballot" means a ballot that is not an  
10 exhausted ballot.

11 "Continuing candidate" means a candidate who has not been  
12 defeated.

13 "Exhausted ballot" means a ballot that does not rank any  
14 continuing candidate, contains an overvote at the highest  
15 continuing ranking or contains 2 or more sequential skipped  
16 rankings before its highest continuing ranking.

17 "Highest continuing ranking" means the highest ranking on  
18 a voter's ballot for a continuing candidate.

19 "Last-place candidate" means the candidate with the fewest  
20 votes in a round of the ranked-choice voting tallying.

21 "Mathematically impossible to be elected," with respect to  
22 a candidate, means either:

23 (1) the candidate cannot be elected because the  
24 candidate's vote total in a round of the ranked-choice  
25 voting tabulation plus all votes that could possibly be

1 transferred to the candidate in future rounds from  
2 candidates with fewer votes or an equal number of votes  
3 would not be enough to surpass the candidate with the  
4 next-higher vote total in the round; or

5 (2) the candidate has a lower vote total than a  
6 candidate described in subparagraph (1) of this  
7 definition.

8 "Overvote" means a circumstance in which a voter has  
9 ranked more than one candidate at the same ranking.

10 "Round" means an instance of the sequence of voting  
11 tabulation steps established in subsection (b) of this  
12 Section.

13 "Skipped ranking" means a circumstance in which a voter  
14 has left a ranking blank and ranks a candidate at a subsequent  
15 ranking.

16 (b) Except as provided in subsections (c) and (d) of this  
17 Section, the following procedures are used to determine the  
18 winner in an election for an office elected by ranked-choice  
19 voting. Tallying must proceed in rounds. In each round, the  
20 number of votes for each continuing candidate must be counted.  
21 Each continuing ballot counts as one vote for its  
22 highest-ranked continuing candidate for that round. Exhausted  
23 ballots are not counted for any continuing candidate. The  
24 round then ends with one of the following 2 potential  
25 outcomes:

26 (1) If there are 2 or fewer continuing candidates, the

1 candidate with the most votes is declared the winner of  
2 the election.

3 (2) If there are more than 2 continuing candidates,  
4 the last-place candidate is defeated and a new round  
5 begins.

6 (c) A tie under this Section between candidates for the  
7 most votes in the final round or a tie between last-place  
8 candidates in any round must be decided by lot, and the  
9 candidate chosen by lot is defeated. The result of the tie  
10 resolution must be recorded and reused in the event of a  
11 recount. Election authorities may resolve prospective ties  
12 between candidates before the election.

13 (d) Modification of a ranked-choice voting ballot and  
14 tabulation is permitted in accordance with the following:

15 (1) The number of allowable rankings may be limited to  
16 no fewer than 6.

17 (2) Two or more candidates may be defeated  
18 simultaneously by batch elimination in any round of  
19 tabulation.

20 (e) For all statutory and constitutional provisions in the  
21 State pertaining to the rights of political parties, the  
22 number of votes cast for a party's candidate for an office  
23 elected by ranked-choice voting is the number of votes  
24 credited to that candidate after the initial counting in the  
25 first round described in subsection (b).

26 (f) The State Board of Elections may adopt rules to

1 implement the provisions of this Section.

2 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

3 Sec. 18-5. Any person desiring to vote and whose name is  
4 found upon the register of voters by the person having charge  
5 thereof, shall then be questioned by one of the judges as to  
6 his nativity, his term of residence at present address,  
7 precinct, State and United States, his age, whether  
8 naturalized and if so the date of naturalization papers and  
9 court from which secured, and he shall be asked to state his  
10 residence when last previously registered and the date of the  
11 election for which he then registered. The judges of elections  
12 shall check each application for ballot against the list of  
13 voters registered in that precinct to whom grace period, vote  
14 by mail, and early ballots have been issued for that election,  
15 which shall be provided by the election authority and which  
16 list shall be available for inspection by pollwatchers. A  
17 voter applying to vote in the precinct on election day whose  
18 name appears on the list as having been issued a grace period,  
19 vote by mail, or early ballot shall not be permitted to vote in  
20 the precinct, except that a voter to whom a vote by mail ballot  
21 was issued may vote in the precinct if the voter submits to the  
22 election judges that vote by mail ballot for cancellation. If  
23 the voter is unable to submit the vote by mail ballot, it shall  
24 be sufficient for the voter to submit to the election judges  
25 (i) a portion of the vote by mail ballot if the vote by mail



1 ballot was torn or mutilated or (ii) an affidavit executed  
2 before the election judges specifying that (A) the voter never  
3 received a vote by mail ballot or (B) the voter completed and  
4 returned a vote by mail ballot and was informed that the  
5 election authority did not receive that vote by mail ballot.  
6 If such person so registered shall be challenged as  
7 disqualified, the party challenging shall assign his reasons  
8 therefor, and thereupon one of the judges shall administer to  
9 him an oath to answer questions, and if he shall take the oath  
10 he shall then be questioned by the judge or judges touching  
11 such cause of challenge, and touching any other cause of  
12 disqualification. And he may also be questioned by the person  
13 challenging him in regard to his qualifications and identity.  
14 But if a majority of the judges are of the opinion that he is  
15 the person so registered and a qualified voter, his vote shall  
16 then be received accordingly. But if his vote be rejected by  
17 such judges, such person may afterward produce and deliver an  
18 affidavit to such judges, subscribed and sworn to by him  
19 before one of the judges, in which it shall be stated how long  
20 he has resided in such precinct, and state; that he is a  
21 citizen of the United States, and is a duly qualified voter in  
22 such precinct, and that he is the identical person so  
23 registered. In addition to such an affidavit, the person so  
24 challenged shall provide to the judges of election proof of  
25 residence by producing 2 forms of identification showing the  
26 person's current residence address, provided that such

1 identification may include a lease or contract for a residence  
2 and not more than one piece of mail addressed to the person at  
3 his current residence address and postmarked not earlier than  
4 30 days prior to the date of the election, or the person shall  
5 procure a witness personally known to the judges of election,  
6 and resident in the precinct (or district), or who shall be  
7 proved by some legal voter of such precinct or district, known  
8 to the judges to be such, who shall take the oath following,  
9 viz:

10 I do solemnly swear (or affirm) that I am a resident of  
11 this election precinct (or district), and entitled to vote at  
12 this election, and that I have been a resident of this State  
13 for 30 days last past, and am well acquainted with the person  
14 whose vote is now offered; that he is an actual and bona fide  
15 resident of this election precinct (or district), and has  
16 resided herein 30 days, and as I verily believe, in this State,  
17 30 days next preceding this election.

18 The oath in each case may be administered by one of the  
19 judges of election, or by any officer, resident in the  
20 precinct or district, authorized by law to administer oaths.  
21 Also supported by an affidavit by a registered voter residing  
22 in such precinct, stating his own residence, and that he knows  
23 such person; and that he does reside at the place mentioned and  
24 has resided in such precinct and state for the length of time  
25 as stated by such person, which shall be subscribed and sworn  
26 to in the same way. For purposes of this Section, the

1 submission of a photo identification issued by a college or  
2 university, accompanied by either (i) a copy of the  
3 applicant's contract or lease for a residence or (ii) one  
4 piece of mail addressed to the person at his or her current  
5 residence address and postmarked not earlier than 30 days  
6 prior to the date of the election, shall be sufficient to  
7 establish proof of residence. Whereupon the vote of such  
8 person shall be received, and entered as other votes. But such  
9 judges, having charge of such registers, shall state in their  
10 respective books the facts in such case, and the affidavits,  
11 so delivered to the judges, shall be preserved and returned to  
12 the office of the commissioners of election. Blank affidavits  
13 of the character aforesaid shall be sent out to the judges of  
14 all the precincts, and the judges of election shall furnish  
15 the same on demand and administer the oaths without criticism.  
16 Such oaths, if administered by any other officer than such  
17 judge of election, shall not be received. Whenever a proposal  
18 for a constitutional amendment or for the calling of a  
19 constitutional convention is to be voted upon at the election,  
20 the separate blue ballot or ballots pertaining thereto shall  
21 be placed on top of the other ballots to be voted at the  
22 election in such manner that the legend appearing on the back  
23 thereof, as prescribed in Section 16-6 of this Act, shall be  
24 plainly visible to the voter, and in this fashion the ballots  
25 shall be handed to the voter by the judge.

26 Immediately after voting, the voter shall be instructed

1 whether the voting equipment, if used, accepted or rejected  
2 the ballot or identified the ballot as under-voted. A voter  
3 whose ballot is identified as under-voted for an office  
4 elected by ranked-choice voting ~~a statewide constitutional~~  
5 ~~office~~ may return to the voting booth and complete the voting  
6 of that ballot. A voter whose ballot is not accepted by the  
7 voting equipment may, upon surrendering the ballot, request  
8 and vote another ballot. If a ballot for an office elected by  
9 ranked-choice voting is considered under-voted because the  
10 ballot has crosses (X) for 2 or more candidates, the voter may,  
11 upon surrendering the ballot, request and vote upon another  
12 ballot. The voter's surrendered ballot shall be initialed by  
13 the election judge and handled as provided in the appropriate  
14 Article governing that voting equipment.

15 The voter shall, upon quitting the voting booth, deliver  
16 to one of the judges of election all of the ballots, properly  
17 folded, which he received. The judge of election to whom the  
18 voter delivers his ballots shall not accept the same unless  
19 all of the ballots given to the voter are returned by him. If a  
20 voter delivers less than all of the ballots given to him, the  
21 judge to whom the same are offered shall advise him in a voice  
22 clearly audible to the other judges of election that the voter  
23 must return the remainder of the ballots. The statement of the  
24 judge to the voter shall clearly express the fact that the  
25 voter is not required to vote such remaining ballots but that  
26 whether or not he votes them he must fold and deliver them to

1 the judge. In making such statement the judge of election  
2 shall not indicate by word, gesture or intonation of voice  
3 that the unreturned ballots shall be voted in any particular  
4 manner. No new voter shall be permitted to enter the voting  
5 booth of a voter who has failed to deliver the total number of  
6 ballots received by him until such voter has returned to the  
7 voting booth pursuant to the judge's request and again quit  
8 the booth with all of the ballots required to be returned by  
9 him. Upon receipt of all such ballots the judges of election  
10 shall enter the name of the voter, and his number, as above  
11 provided in this Section, and the judge to whom the ballots are  
12 delivered shall immediately put the ballots into the ballot  
13 box. If any voter who has failed to deliver all the ballots  
14 received by him refuses to return to the voting booth after  
15 being advised by the judge of election as herein provided, the  
16 judge shall inform the other judges of such refusal, and  
17 thereupon the ballot or ballots returned to the judge shall be  
18 deposited in the ballot box, the voter shall be permitted to  
19 depart from the polling place, and a new voter shall be  
20 permitted to enter the voting booth.

21 The judge of election who receives the ballot or ballots  
22 from the voter shall announce the residence and name of such  
23 voter in a loud voice. The judge shall put the ballot or  
24 ballots received from the voter into the ballot box in the  
25 presence of the voter and the judges of election, and in plain  
26 view of the public. The judges having charge of such registers

1 shall then, in a column prepared thereon, in the same line of,  
2 the name of the voter, mark "Voted" or the letter "V".

3 No judge of election shall accept from any voter less than  
4 the full number of ballots received by such voter without  
5 first advising the voter in the manner above provided of the  
6 necessity of returning all of the ballots, nor shall any such  
7 judge advise such voter in a manner contrary to that which is  
8 herein permitted, or in any other manner violate the  
9 provisions of this Section; provided, that the acceptance by a  
10 judge of election of less than the full number of ballots  
11 delivered to a voter who refuses to return to the voting booth  
12 after being properly advised by such judge shall not be a  
13 violation of this Section.

14 Where ranked-choice ballot tallying is used for an office  
15 elected by ranked-choice voting, the voter may rank his or her  
16 preferences for the candidates for that office. A voter shall  
17 not be required to rank all candidates for that office. A cross  
18 (X) for only one candidate shall be interpreted as a vote of  
19 rank 1 for that particular candidate, with no other candidate  
20 being ranked. Crosses (X) for 2 or more candidates shall not  
21 count as votes for any candidate, and shall cause the ballot to  
22 be identified as under-voted, shall be subject to the  
23 provisions for under-voted ballots in this Section.

24 (Source: P.A. 98-1171, eff. 6-1-15.)

25 (10 ILCS 5/18-9) (from Ch. 46, par. 18-9)

1           Sec. 18-9. The judges of election shall first count the  
2 whole number of ballots in the box. If the ballots shall be  
3 found to exceed the number of applications for ballot, they  
4 shall reject the ballots, if any, found folded inside of a  
5 ballot. And if the ballots and the applications for ballot  
6 still do not agree after such rejection, the ballots shall be  
7 replaced in the box and the box closed and well shaken, and  
8 again opened; and one of the judges shall publicly draw out so  
9 many ballots unopened as shall be equal to such excess. Such  
10 excess ballots shall be marked "Excess-Not Counted" and signed  
11 by a majority of judges and shall be placed in the "After 6:00  
12 p.m. Defective Ballots Envelope". The number of excess ballots  
13 shall be noted in the remarks section of the Certificate of  
14 Results. "Excess" ballots shall not be counted in the total of  
15 "defective" ballots. And the ballots and applications for  
16 ballot being made to agree in this way, the judges shall  
17 proceed to count the votes in the following manner: The judges  
18 shall open the ballots and place those which contain the same  
19 names together, so that the several kinds shall be in separate  
20 piles or on separate files. Each of the judges shall examine  
21 the separate files which are, or are supposed to be, alike, and  
22 exclude from such files any which may have a name or an  
23 erasure, or in any manner shall be different from the others of  
24 such file. One of the judges shall then take one file of the  
25 kind of ballots which contain the same names, and count them by  
26 tens, carefully examining each name on each of the ballots.

1 Such judge shall then pass the ten ballots aforesaid to the  
2 judge sitting next to him, who shall count them in the same  
3 manner, who shall then pass them to a third judge, who shall  
4 also count them in the same manner. Then the third judge shall  
5 call the names of the persons named in the ten ballots, and the  
6 offices for which they are designated, and 2 of the judges, who  
7 did not assist in the counting shall tally ten votes for each  
8 of such persons, except as herein otherwise provided. When the  
9 judges shall have gone through such file of ballots,  
10 containing the same names, and shall count them by tens in the  
11 same way, and shall call the names of the persons named in the  
12 ballots and the office for which they are designated, the  
13 tally judges shall tally the votes by tens for each of such  
14 persons in the same manner as in the first instance. When the  
15 counting of each file of ballots which contain the same names  
16 shall be completed, the tally judges shall compare their  
17 tallies together and ascertain the total number of ballots of  
18 that kind so canvassed; and when they agree upon the number,  
19 one of them shall announce it in a loud voice to the other  
20 judges. The judges shall then canvass the other kinds of  
21 ballots which do not correspond, those containing names partly  
22 from one kind of ballots and partly from another, being those  
23 from which the name of the person proper to be voted for on  
24 such ballots has been omitted or erased, usually called  
25 "scratched tickets". They shall be canvassed separately by one  
26 of the judges sitting between 2 other judges, which judge



1 shall call each name to the tally judges and the office for  
2 which it is designated, and the other judges looking at the  
3 ballot at the same time, and the tally judges making tally of  
4 the same. When all the ballots have been canvassed in this  
5 manner, the tally judges shall compare their tallies together,  
6 and ascertain the total number of votes received by each  
7 candidate and when they agree upon the numbers one of them  
8 shall announce in a loud voice to the judges the number of  
9 votes received by each candidate on each of the kinds of  
10 ballots containing his name, the number received by him on  
11 scratch tickets, and the total number of votes received by  
12 him.

13 The votes for the offices of Governor and Lieutenant  
14 Governor shall be counted and tallied jointly.

15 Where voting machines or electronic voting systems are  
16 used, the provisions of this section may be modified as  
17 required or authorized by Article 24 or Article 24A, whichever  
18 is applicable.

19 Where ranked-choice ballot tallying is used for an office  
20 elected by ranked-choice voting, the provisions of this  
21 Section may be modified as required or authorized by Section  
22 16-4.2 of this Code and the judges shall abide by Section  
23 17-18.2 of this Code, as applicable.

24 (Source: P.A. 89-700, eff. 1-17-97.)