



Agenda Item Summary

File #: MOT 22-101, **Version:** 1

Submitted By

Kevin J. Jackson, Village Manager and Paul L. Stephanides, Village Attorney

Reviewed By

A.M. Zayyad

Agenda Item Title

A Motion to Direct Staff on Whether to Present for the Village Board's Future Consideration an Ordinance Placing a Referendum Proposition on the April 4, 2023 Consolidated Election Ballot Regarding the Adoption of Ranked Choice Voting for the Election of Village of Oak Park Officers

Overview

Per the direction of the Board, the motion seeks Village Board direction on whether staff should draft an ordinance to be presented to the Board at a future meeting to place a referendum proposition on the April 4, 2023 Consolidated Election ballot regarding the adoption of ranked choice voting for the election of Village of Oak Park officers.

Recommendation

Provide direction to staff on whether to draft a referendum ordinance for future consideration by the Village Board.

Fiscal Impact

N/A

Background

Voters of the City of Evanston passed a referendum on the November 8, 2022 election ballot that adopted ranked choice voting for the election of Evanston's mayor, clerk and alderpersons beginning with the April 2025 Consolidated Election. Evanston has nine wards, and one alderperson is elected for each ward. The language of Evanston's referendum question posed to the voters is as follows:

Do you want Evanston voters to use ranked choice voting (also known as instant runoff voting) to elect the City's offices of Mayor, Clerk and City Council members beginning with the April 2025 Consolidated Election? 1) If approved, this proposal would allow voters to rank candidates in order of preference in elections for Mayor, Clerk and City Council members. 2) If voters still want to choose just one candidate, they can. 3) A candidate who receives a majority of first choices would win. 4) If there is no majority winner, the last place candidate would be eliminated. 5) Any voter who had that candidate as their top choice would have their vote transferred to their next choice. 6) This process would repeat until a candidate receives a majority of votes in a round of counting, making them the winner. 7) This proposal would

eliminate the separate primary election for Mayor, Clerk and City Council members.

Because the Village elects its trustees by an at large system, Evanston's referendum language does not fit the Village's election system for trustees. Thus, a different formula from the one above would have to be reached in order to elect trustees through a ranked choice voting system.

Any decided upon formula must be on the ballot in specific, understandable language pursuant to Illinois Supreme Court precedents. The referendum submitted to the voters must be "self-executing." And there can be no vagueness or ambiguities contained in the referendum question. *Leck v. Michaelson*, 111 Ill.2d 523 (1986).

If the Village Board were to decide to place a referendum proposition on the April 4, 2023 ballot, the ordinance placing the proposition on the ballot must be adopted on or before January 17, 2023 pursuant to Section 28-2 of the Illinois Election Code, 10 ILCS 5/28-2, and be filed with the Cook County Clerk 68 days before the election per Section 28-5 of the Election Code, 10 ILCS 5/28-5.

The Board can adopt an ordinance to be placed on a future election ballot other than for the April 4, 2023 election if the Board so chooses pursuant to Section 28-1 of the Illinois Election Code which provides as follows:

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

10 ILCS 5/28-1.

Alternatives

The Village Board can provide alternative direction.

Previous Board Action

N/A

Citizen Advisory Commission Action

N/A

Anticipated Future Actions/Commitments

N/A

Intergovernmental Cooperation Opportunities

N/A