An Act to Elect Certain Offices by Ranked Choice Voting

Section 1: SCOPE

“Office elected by ranked choice voting” means any statewide office, the office of member of the United States House of Representatives, the office of member of the state senate, and the office of member of the state house of representatives.

Section 2: RANKED CHOICE VOTING DEFINED

“Ranked choice voting” means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

Section 3: FORM OF BALLOT

For offices elected by ranked choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates in order of preference any time a voter has three or more choices. A voter may include no more than one write-in candidate among that voter’s ranked choices for each office. The number of allowable rankings may be limited to no fewer than 6.

Section 4: RANKED CHOICE VOTING

(a) Definitions: As used in this section, the following terms have the following meanings:

1. “Batch elimination” means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
2. “Continuing ballot” means a ballot that is not an exhausted ballot.
3. “Exhausted ballot” means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking.
4. “Highest continuing ranking” means the highest ranking of a voter’s ballot for a continuing candidate.
5. “Last-place candidate” means the candidate with the fewest votes in a round of the ranked choice voting tabulation.

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6. “Mathematically impossible to be elected,” with respect to a candidate, means either:
   (i) The candidate cannot be elected because the candidate’s vote total in a round of the ranked choice voting tabulation plus all votes that could possibly be counted for that candidate in future rounds that currently count for candidates with fewer or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
   (ii) The candidate has a lower vote total than a candidate described in subparagraph (1).
7. “Overvote” means a circumstance in which a voter has ranked more than one candidate at the same ranking.
8. “Ranking” means the number assigned on a ballot by a voter to a candidate to express the voter’s preference for that candidate. Ranking number 1 is the highest ranking, ranking number 2 is the next-highest ranking and so on.
9. “Round” means an instance of the sequence of voting tabulation steps established in subsection (b).
10. “Skipped ranking” means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.
(b) Procedures: Except as provided in subsections (c) and (d), the following procedures are used to determine the winner in an election for an office elected by ranked choice voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes:
   1. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
   2. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.
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(c) Ties: A tie under this section between candidates for the highest number of votes in the final round or a tie between last-place candidates in any other round must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

(d) Modification of ranked choice voting tabulation: Modification of a ranked choice voting tabulation is permitted in accordance with the following:

1. Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.
2. If in the first round of tabulation, the candidate with the second-highest number of votes is mathematically impossible to be elected, then the candidate with the most votes may be declared the winner of the election and no further rounds of tabulation must be conducted.

(e) Effect on rights of political parties: For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party’s candidate for an office elected by ranked choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection (b).

Section 5: SEVERABILITY CLAUSE
If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

Section 6: EFFECTIVE DATE
This Act shall go into effect the _____ day of ______________ 20__.