

Ranked Choice Ballots for Overseas and Military Voters



MODEL STATUTORY LANGUAGE

An Act Relating to the Use of Ranked Choice Ballots for Military and Overseas Voters in Runoff Elections

Section 1: SHORT TITLE

This Act shall be called the “Ranked Choice Ballots for Qualified Absentee Voters Act of 20XX.”

Section 2: PURPOSE

The purpose of this Act is to maximize the ability of overseas and military voters to participate in runoff elections.

Section 3: SCOPE

“Offices covered by this Act” means any nominations or offices for which there may be a potential second election, including in any primary election, an office that may result in a second primary election, or in any general election, an office that may result in a second runoff election.

Section 4: Absentee Ranked Choice Ballots

- (a) For any voters eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., and for any qualified electors covered by (state absentee/overseas voter provision), an absentee ranked choice ballot shall be sent to the elector with the absentee ballot sent under (state absentee ballot provision) for any elections including offices covered by this Act.
- (b) The absentee ranked choice ballots must be prepared by the authority charged with conducting the election.
- (c) The absentee ranked choice ballot shall permit the elector to vote by ranking candidates in order of preference for each office covered by this Act.
- (d) The absentee ranked choice ballot shall be clearly distinguishable from the regular absentee ballot.
- (e) The absentee ranked choice ballot shall include its own envelope, clearly distinguishable from the envelope for the regular absentee ballot, to ensure its secrecy until such time as it must be counted under Section 5 of this Act.
- (e) Instructions explaining the absentee ranked choice voting process must be provided with the ballot to the qualified elector.
- (f) The Secretary of State shall promulgate regulations necessary for implementation of this section.

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Section 5: TABULATION OF ABSENTEE RANKED CHOICE BALLOTS

- (a) In any elections including offices covered by this Act, no absentee ranked choice ballots may be removed from their envelopes unless the potential second election actually occurs.
- (b) When votes are tallied in any second election for any offices covered by this Act, each absentee ranked choice ballot shall be counted as one vote for the highest ranked candidate who is among the two candidates to be voted for in the second election.
- (c) The Secretary of State shall promulgate regulations necessary for implementation of this section.

Section 6: 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 7: EFFECTIVE DATE

This Act shall go into effect the _____ day of _____ 20____.