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MODEL STATUTORY LANGUAGE

An Act Relating to the Election of Certain Offices through an Open and Nonpartisan Preliminary Election and a General Election Conducted by Ranked Choice Voting

Section 1: SCOPE

The procedures described in this Act shall apply to the election for 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: PRELIMINARY ELECTION

A preliminary election shall be held on the last Tuesday in September of even-numbered years to determine which candidates shall be entitled to representation on the ballot at the next ensuing general election. To be entitled to appear on the ballot for the preliminary election, a candidate must submit a petition for nomination with a number of signatures equal to no less than one-third of one percent of the total votes cast for the office sought in the last preceding general election at which such office was elected. The petition shall be substantially in the form prescribed by _____.

Section 3: PRELIMINARY ELECTION – FORM OF BALLOT

The preliminary election ballot shall allow every eligible voter to vote for any candidate irrespective of political party. It shall allow the voter to vote for a write-in candidate. The candidates shall appear in random order. For each candidate on the ballot, the ballot shall list:

- (1) the candidate's name;
- (2) the word "Registered" followed by the candidate's political party registration, if any, provided the candidate has had the same political party registration continuously for at least one year prior to the date the candidate filed; and
- (5) the names of all political parties, if any, that have publicly endorsed the candidate.

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Section 4: GENERAL ELECTION

The general election shall be held the first Tuesday in November of even-numbered years. To be entitled to appear on the ballot for the general election, a candidate must be one of the four candidates receiving the most votes in the preliminary election. The general election shall be conducted by ranked choice voting in accordance with Section 5 of this Act.

Section 5: RANKED CHOICE VOTING

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

1. "Ranked choice voting" means the method of casting and tabulating votes whereby voters rank candidates according to the order of their choice and counting proceeds in rounds in which candidates are defeated and every continuing ballot counts as one vote for its highest ranked continuing candidate.
2. "Continuing candidate" means a candidate who has not been defeated.
3. "Continuing ballot" means a ballot that is not an exhausted ballot.
4. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains two or more sequential skipped rankings before its highest continuing ranking.
5. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.

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(b) Ranked choice voting ballot: The ballot for any election conducted by ranked choice voting shall allow voters to rank candidates in order of preference. Additionally, it shall meet the following specifications:

1. The ballot must be simple and easy to understand.
2. The ballot shall allow voters to rank a write-in candidate. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.
3. If feasible, ballots must be designed so that a voter may mark a first choice in the same manner as that for offices not elected by ranked choice voting.
4. Instructions on the ballot must conform substantially to the following specifications, subject to usability testing and modification based on ballot design and voting system: "Vote by indicating your first-choice candidate and ranking additional candidates in order of preference. Indicate your first choice by marking the number "1" beside a candidate's name, your 2nd choice by marking the number "2" beside a candidate's name, your 3rd choice by marking the number "3" beside a candidate's name, and so on. Rank as many choices as you wish. Indicating 2nd and later preferences will not count against your first choice. Do not skip numbers, and do not mark the same number beside more than one candidate."

(c) Tabulation: Tabulation proceeds in rounds. In each round, each continuing ballot must be counted as one vote for its highest ranked continuing candidate. If more than two continuing candidates receive votes in a round, the candidate with the fewest votes is defeated, and a new round begins. If two or fewer continuing candidates receive votes in a round, the candidate with the most votes is elected. If, in any round, two or more candidates are tied and the tie must be resolved to determine which candidate to defeat or elect, the tie shall be broken by lot. The secretary of state may resolve prospective ties between candidates before the election.

(d) Modification: Where appropriate, two or more candidates may be defeated simultaneously by batch elimination. Batch elimination may only occur if, in any round, there is a candidate such that the candidate's vote total exceeds the combined vote totals of all candidates receiving fewer votes. Under those conditions, all the candidates with fewer votes than that candidate in the current round may be simultaneously defeated.

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(e) Effect on the 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 a candidate publicly endorsed by that political party after the initial round of counting.

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_____.