

JAN 18 2019

A BILL FOR AN ACT

RELATING TO RANKED CHOICE VOTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Ranked choice voting; application; procedure. (a)

5 Any federal election not held on the date of a regularly
6 scheduled primary or general election and any special election
7 for a vacant seat on a county council shall be conducted by
8 ranked choice voting. For any election conducted by ranked
9 choice voting, the election proclamation required pursuant to
10 section 11-91 shall state that votes shall be cast and tabulated
11 using ranked choice voting and provide an explanation of ranked
12 choice voting.

13 (b) Except as provided in subsections (c) and (d), the
14 following procedures shall be used to determine the winner of an
15 election conducted by ranked choice voting:

16 (1) Tabulation of votes shall proceed in rounds;



1 (2) In each round, the number of votes for each continuing
2 candidate shall be counted, with each continuing
3 ballot counting as one vote for its highest-ranked
4 continuing candidate for that round;

5 (3) Inactive ballots shall not be counted for any
6 continuing candidate; and

7 (4) The round shall end with one of two potential
8 outcomes:

9 (A) If there are two or fewer continuing candidates,
10 the candidate with the most votes is declared the
11 winner of the election; or

12 (B) If there are more than two continuing candidates,
13 the last-place candidate is defeated and a new
14 round begins.

15 (c) A tie under this section between candidates for the
16 most votes in the final round or a tie between last-place
17 candidates in any round shall be decided by lot, and the
18 candidate chosen by lot shall be defeated.

19 (d) Modification of a ranked-choice voting ballot and
20 tabulation shall be permitted; provided that:



1 (1) The number of allowable rankings may be limited to no
2 fewer than six; and

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

5 (e) For the purposes of this section:

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

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

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

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

17 "Last-place candidate" means the candidate with the fewest
18 votes in a round of ranked-choice voting tabulation.

19 "Mathematically impossible to be elected", with respect to
20 a candidate, means that:



- 1 (1) The candidate cannot be elected because the
2 candidate's vote total in a round of the ranked-choice
3 voting tabulation plus all votes that could possibly
4 be transferred to the candidate in future rounds from
5 candidates with fewer votes or an equal number of
6 votes would not be enough to surpass the candidate
7 with the next-higher vote total in the round; or
8 (2) The candidate has a lower vote total than a candidate
9 described in paragraph (1).

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

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

17 "Ranking" means the number assigned on a ballot by a voter
18 to a candidate to express the voter's preference for that
19 candidate, in which number one is the highest ranking, number
20 two is the next-highest ranking, and so on.



1 "Round" means an instance of the sequence of voting
2 tabulation steps established in subsection (b).

3 "Skipped ranking" means a circumstance in which a voter has
4 left a ranking blank and ranks a candidate at a subsequent
5 ranking."

6 SECTION 2. Section 11-112, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-112 Contents of ballot.** (a) The ballot shall
9 contain the names of the candidates, their party affiliation or
10 nonpartisanship in partisan election contests, the offices for
11 which they are running, and the district in which the election
12 is being held. In multimember races the ballot shall state that
13 the voter shall not vote for more than the number of seats
14 available or the number of candidates listed where [~~such~~] the
15 number of candidates is [~~less~~] fewer than the number of seats
16 available.

17 (b) The ballot may include questions concerning proposed
18 state constitutional amendments, proposed county charter
19 amendments, or proposed initiative or referendum issues.

20 (c) At the chief election officer's discretion, the ballot
21 may have a background design imprinted onto it.



1 (d) When the electronic voting system is used, the ballot
2 may have pre-punched codes and printed information which
3 identify the voting districts, precincts, and ballot sets to
4 facilitate the electronic data processing of these ballots.

5 (e) The name of the candidate may be printed with the
6 Hawaiian or English equivalent or nickname, if the candidate so
7 requests in writing at the time the candidate's nomination
8 papers are filed. Candidates' names, including the Hawaiian or
9 English equivalent or nickname, shall be set on one line.

10 (f) The ballot shall bear no word, motto, device, sign, or
11 symbol other than as allowed in this title.

12 (g) The ballot may include information necessary to use
13 ranked choice voting as described in section 11- ."

14 SECTION 3. Section 11-151, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-151 Vote count.** [~~Each~~] Except for contests conducted
17 by ranked choice voting pursuant to section 11- , each contest
18 or question on a ballot shall be counted independently as
19 follows:

20 (1) If the votes cast in a contest or on a question are
21 equal to or less than the number to be elected or



1 chosen for that contest or question, the votes for
2 that contest or question shall be counted;
3 (2) If the votes cast in a contest or on a question exceed
4 the number to be elected or chosen for that contest or
5 question, the votes for that contest or question shall
6 not be counted; and
7 (3) If a contest or question requires a majority of the
8 votes for passage, any blank, spoiled, or invalid
9 ballot shall not be tallied for passage or as votes
10 cast except that such ballots shall be counted as
11 votes cast in ratification of a constitutional
12 amendment or a question for a constitutional
13 convention."

14 SECTION 4. Section 11-152, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-152 Method of counting.** (a) In an election using
17 the paper ballot voting system, immediately after the close of
18 the polls, the chairperson of the precinct officials shall open
19 the ballot box. The precinct officials at the precinct shall
20 proceed to count the votes as follows:



- 1 (1) The whole number of ballots shall first be counted to
2 see if their number corresponds with the number of
3 ballots cast as recorded by the precinct officials;
- 4 (2) If the number of ballots corresponds with the number
5 of persons recorded by the precinct officials as
6 having voted, the precinct officials shall then
7 proceed to count the [~~vote~~] votes cast for each
8 candidate; and
- 9 (3) If there are more ballots or less ballots than the
10 record calls for the precinct officials shall proceed
11 as directed in section 11-153.
- 12 (b) In those precincts using the electronic voting system,
13 the ballots shall be taken in the sealed ballot boxes to the
14 counting center according to the procedure and schedule
15 promulgated by the chief election officer to promote the
16 security of the ballots. In the presence of official observers,
17 counting center employees may start to count the ballots prior
18 to the closing of the polls provided there shall be no printout
19 by the computer or other disclosure of the number of votes cast
20 for a candidate or on a question prior to the closing of the
21 polls. For the purposes of this section, the closing of the



1 polls is that time identified in section 11-131 as the closing
2 hour of voting.

3 (c) In an election conducted by ranked choice voting,
4 votes shall be counted as provided in section 11- ."

5 SECTION 5. Section 11-155, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§11-155 Certification of results of election. On receipt
8 of certified tabulations from the election officials concerned,
9 the chief election officer in state elections or county clerk in
10 county elections shall compile, certify, and release the
11 election results after the expiration of the time for bringing
12 an election contest. The certification shall be based on a
13 comparison and reconciliation of the following:

- 14 (1) The results of the canvass of ballots conducted
15 pursuant to chapter 16;
- 16 (2) The audit of pollbooks (and related record books) and
17 resultant overage and underage report;
- 18 (3) The audit results of the manual audit team;
- 19 (4) The results of the absentee ballot reconciliation
20 report compiled by the clerks; and



1 (5) All logs, tally sheets, and other documents generated
2 during the election and in the canvass of the election
3 results.

4 A certificate of election or a certificate of results declaring
5 the results of the election as of election day shall be issued
6 pursuant to section 11-156; provided that in the event of an
7 overage or underage, a list of all precincts in which an overage
8 or underage occurred shall be attached to the certificate. The
9 ~~[number of]~~ candidates to be elected ~~[receiving the highest~~
10 ~~number of]~~ who receive the most votes in any election district
11 shall be declared to be elected~~[-]~~; provided that candidates for
12 offices elected by ranked choice voting shall be declared to be
13 elected pursuant to section 11- . Unless otherwise provided,
14 the term of office shall begin or end as of the close of polls
15 on election day. The position on the question receiving the
16 appropriate majority of the votes cast shall be reflected in a
17 certificate of results issued pursuant to section 11-156."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



S.B. NO. 427

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY: Kal Rhoads



S.B. NO. 427

Report Title:

Elections; Ranked Choice Voting

Description:

Establishes ranked choice voting for special federal elections and special elections of vacant county council seats.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

