

JAN 20 2022

A BILL FOR AN ACT

RELATING TO RANKED CHOICE VOTING.

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

1 SECTION 1. The legislature finds that the current
2 plurality voting method in special elections allows a candidate
3 to win an election without a majority of votes when there are
4 more than two candidates for the office. In elections with many
5 candidates, the plurality method may result in winners who
6 received small percentages of votes and who are not widely
7 supported by voters. For the winners, this may raise concerns
8 about a lack of public support and confidence that may undermine
9 the ability of the elected to govern effectively.

10 Ranked choice voting is an election method that provides
11 voters the ability to rank candidates in order of choice, as a
12 voter's first, second, and later choices. Tabulation begins
13 with each voter's first choice vote. If a candidate receives a
14 majority of votes, that candidate wins. If no candidate
15 receives a majority of votes, the candidate with the fewest
16 votes is eliminated and each vote counting for that candidate
17 counts for the voter's second choice in the subsequent round.



1 That process repeats by eliminating the candidate with the
2 fewest votes and counting each vote for the highest ranked
3 remaining candidate in the next round, until two candidates
4 remain, and the candidate with the most votes wins.

5 The legislature further finds that ranked choice voting has
6 been used effectively in the United States and around the world.
7 Notably, New York City implemented ranked choice voting for the
8 2021 primaries for the election of its mayor, an election
9 process that engaged several million voters. Maine has
10 successfully implemented ranked choice voting for two election
11 cycles; in 2018 for primary and general elections of state and
12 congressional offices and in 2020 for the U.S. presidential
13 election. Alaska voters also approved an initiative in 2020 to
14 implement ranked choice voting in the 2022 election cycle for
15 all federal and state races. Ranked choice voting has also been
16 implemented in other jurisdictions including Australia, Ireland,
17 Malta, New Zealand, Northern Ireland, and Scotland.

18 Furthermore, the legislature finds that the State's voting
19 systems, including optical scanners, can process ranked choice
20 voting with little or no difficulty.



1 The purpose of this Act is to implement the use of ranked
2 choice voting for special elections held for congressional races
3 in the State and vacant county council seats.

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

7 "§11- Ranked choice voting; application; procedure. (a)

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

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

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

20 (2) In each round, the number of votes for each continuing
21 candidate shall be counted, with each continuing



- 1 ballot counting as one vote for its highest-ranked
2 continuing candidate for that round;
- 3 (3) Inactive ballots shall not be counted for any
4 continuing candidate; and
- 5 (4) The round shall end with one of two potential
6 outcomes:
- 7 (A) If there are two or fewer continuing candidates,
8 the candidate with the most votes is declared the
9 winner of the election; or
- 10 (B) If there are more than two continuing candidates,
11 the last-place candidate is defeated and a new
12 round begins.
- 13 (c) A tie under this section between candidates for the
14 most votes in the final round or a tie between last-place
15 candidates in any round shall be decided by lot, and the
16 candidate chosen by lot shall be defeated.
- 17 (d) The office of elections may modify a ranked-choice
18 voting ballot and tabulation; provided that:
- 19 (1) The number of allowable rankings shall be limited to
20 no fewer than six; and



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

3 (e) For the purposes of this section:

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

7 "Continuing ballot" means a ballot that is not an inactive
8 ballot.

9 "Continuing candidate" means a candidate who has not been
10 defeated.

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 on a ballot.

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 3. 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 4. 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 question exceed the
4 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 5. Section 11-152, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-152 Method of counting.** (a) For votes cast using
17 the electronic voting system, the ballots shall be taken in the
18 sealed ballot containers to the counting center according to the
19 procedure and schedule adopted by the chief election officer to
20 promote the security of the ballots. For all votes cast in an
21 election, in the presence of official observers, counting center



1 employees may start to count the ballots before election day, as
2 specified in section 11-108.

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

5 SECTION 6. 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[7] in state elections, or county
10 clerk in a county election, shall compile, certify, and release
11 the election results by district and precinct after the
12 expiration of the time for bringing an election contest. The
13 certification shall be based on a comparison and reconciliation
14 of the following:

- 15 (1) The results of the canvass of ballots conducted
16 pursuant to chapter 16;
17 (2) The audit of records and resultant overage and
18 underage report;
19 (3) The audit results of the manual audit team;
20 (4) The results of any mandatory recount of votes
21 conducted pursuant to section 11-158; 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 voter
15 service centers on election day. The position on the question
16 receiving the appropriate majority of the votes cast shall be
17 reflected in a certificate of results issued pursuant to section
18 11-156."

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY: *Karl Rhoads*



S.B. NO. 2162

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.

