

THE SENATE

S.B. NO.

560

THIRTY-FIRST LEGISLATURE, 2021

H.D. 2

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO RANKED CHOICE VOTING.

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

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

"§11- Ranked-choice voting; application; procedure. (a) Any federal election not held on the date of a regularly scheduled primary or general election and any special election for a vacant seat on a county council shall be conducted by ranked-choice voting. For any election conducted by ranked-choice voting, the election proclamation required pursuant to section 11-91 shall state that votes shall be cast and tabulated using ranked-choice voting and provide an explanation of ranked-choice voting.

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

(1) Tabulation of votes shall proceed in rounds;

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

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

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

(A) If there are two or fewer continuing candidates, the candidate with the most votes shall be declared the winner of the election; or

(B) If there are more than two continuing candidates, the last-place candidate shall be defeated and a new round shall begin.

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

(1) Declared the winner if the tie is between candidates for the most votes in the final round; or

(2) Defeated if the tie is between last-place candidates in any round.

(d) The office of elections may modify a ranked-choice voting ballot and tabulation; provided that:

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

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

(e) For the purposes of this section:

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

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

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

"Inactive 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.

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

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

(1) 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 transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or

(2) The candidate has a lower vote total than a candidate described in paragraph (1).

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

"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.

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

on.

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

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

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

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

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

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

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

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

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

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

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

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

(1) If the votes cast in a contest or on a question are equal to or less than the number to be elected or chosen for that contest or question, the votes for that contest or question shall be counted;

(2) If the votes cast in a contest or on a question exceed the number to be elected or chosen for that contest or question, the votes for that contest or question shall not be counted; and

(3) If a contest or question requires a majority of the votes for passage, any blank, spoiled, or invalid ballot shall not be tallied for passage or as votes cast except that [~~such~~] the ballots shall be counted as votes cast in ratification of a constitutional amendment or a question for a constitutional convention."

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

"§11-152 Method of counting. (a) For votes cast using the electronic voting system, the ballots shall be taken in the sealed ballot containers to the counting center according to the procedure and schedule adopted by the chief election officer to promote the security of the ballots. For all votes cast in an election, in the presence of official observers, counting center employees may start to count the ballots before election day, as specified in section 11-108.

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

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

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

- (1) The results of the canvass of ballots conducted pursuant to chapter 16;
- (2) The audit of pollbooks (and related record books) and resultant overage and underage report;
- (3) The audit results of the manual audit team;
- (4) The results of the absentee ballot reconciliation report compiled by the clerks;
- (5) The results of any mandatory recount of votes conducted pursuant to section 11-158; and
- (6) All logs, tally sheets, and other documents generated during the election and in the canvass of the election results.

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

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

SECTION 7. This Act shall take effect on July 1, 2112.

Report Title:

Elections; Ranked-Choice Voting

Description:

Establishes ranked-choice voting for special federal elections and special elections of vacant county council seats. Effective 7/1/2112. (HD2)

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