
A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1 SECTION 1. Section 17-2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§17-2 United States representative.** (a) When a vacancy
4 occurs in the representation of this State in the United States
5 House of Representatives, the chief election officer shall issue
6 a proclamation, not later than fourteen days after the vacancy
7 occurs, for an election to fill the vacancy[-] by special
8 election to be conducted by ranked choice voting. The
9 proclamation shall be issued not later than on the sixtieth day
10 prior to the election to fill the vacancy and shall contain the
11 date, time, and places where the special election is to be held,
12 the time within which nomination papers shall be filed, the time
13 for transmitting to county clerks the notice designating the
14 offices for which candidates are to be elected, the time for
15 transmitting to county clerks lists of candidates to be voted
16 for at the special election, a statement that votes shall be
17 cast and tabulated using ranked choice voting and include an



1 explanation of ranked choice voting, and [~~such~~] any other matter
2 as provided for in section 11-91 [~~and which~~] that are not
3 inconsistent with this section. The special election shall be
4 conducted and the results ascertained so far as practicable, in
5 accordance with this title.

6 (b) The following procedures shall be used to determine
7 the winner of the special election conducted by ranked choice
8 voting:

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

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

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

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

18 (A) If there are two or fewer continuing candidates,
19 the candidate with the most votes is declared the
20 winner of the election; or



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

4 A tie under this section between candidates for the most votes
5 in the final round or a tie between last-place candidates in any
6 round shall be decided by lot, and the candidate chosen by lot
7 shall be defeated. The office of elections may modify a ranked-
8 choice voting ballot and tabulation; provided that the number of
9 allowable rankings may be limited to no fewer than six and two
10 or more candidates may be defeated simultaneously by batch
11 elimination in any round of tabulation.

12 (c) For the purposes of this section:

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

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

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

20 "Inactive ballot" means a ballot that does not rank any
21 continuing candidate, contains an overvote at the highest



1 continuing ranking, or contains two or more sequential skipped
2 rankings before its highest continuing ranking.

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

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

7 (1) The candidate cannot be elected because the
8 candidate's vote total in a round of the ranked-choice
9 voting tabulation plus all votes that could possibly
10 be transferred to the candidate in future rounds from
11 candidates with fewer votes or an equal number of
12 votes would not be enough to surpass the candidate
13 with the next-higher vote total in the round; or

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

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

18 "Ranked choice voting" means the method of casting and
19 tabulating votes in which voters rank candidates in order of
20 preference, tabulation proceeds in sequential rounds in which



1 last-place candidates are defeated, and the candidate with the
2 most votes in the final round is elected.

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

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

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

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Elections; Vacancies; United States Representatives; Ranked
Choice Voting

Description:

Requires vacancies in the office of United States Representative
to be filled by special election that is conducted using ranked
choice voting. (SD2)

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not legislation or evidence of legislative intent.*

