
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 allows a candidate to win an election
3 with less than a majority of votes when there are more than two
4 candidates for the office. In elections with many candidates,
5 the plurality method may result in winners who received small
6 percentages of votes or who are not the most favored among the
7 voters. Accordingly, winners under the plurality voting method
8 may possibly raise concerns about a lack of public support and
9 confidence and may therefore undermine the ability of those
10 elected to govern effectively.

11 Ranked choice voting is an election method that allows
12 voters the option to rank candidates as the voter's first,
13 second, and subsequent choices. Tabulation begins with each
14 voter's first choice vote. If no candidate receives a majority
15 of votes, the candidate with the fewest votes is eliminated and
16 the tabulation is repeated by using the second choice of voters
17 whose first choice was eliminated and the first place vote of



1 all other voters. If no candidate receives a majority in the
2 second tabulation, the process is repeated by eliminating the
3 candidate with the fewest votes and performing the tabulation
4 using the next highest choice of voters who had chosen that
5 candidate.

6 Ranked choice voting ensures that elected officials have
7 the support of a majority or near majority of voters because it
8 allows voters to indicate their preferences among more than one
9 candidate. Ranked choice voting allows all voters to vote for
10 their favorite candidate without fear of helping to elect their
11 least favorite candidate.

12 The legislature further finds that ranked choice voting has
13 been used effectively around the world, including in Ireland for
14 presidential elections, Australia for parliamentary elections,
15 and London for mayoral elections. Ranked choice voting is used
16 by numerous local governments in the United States, including
17 San Francisco, Oakland, and Berkeley, California; Telluride,
18 Colorado; Portland, Maine; Minneapolis and St. Paul, Minnesota;
19 and Memphis, Tennessee.



1 Finally, the legislature finds that Hawaii's voting
2 systems, including optical scanners, can process ranked choice
3 voting with little or no difficulty.

4 The purpose of this Act is to require the use of the ranked
5 choice voting method for elections for elective office.

6 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
7 by adding five new sections to part X to be appropriately
8 designated and to read as follows:

9 **"§11-A Ranked choice method; applicability.** The ranked
10 choice method shall be used in all contests for elected office.
11 If the ranked choice voting method is used in a special
12 election, the special election shall consist of only one
13 election contest and no subsequent separate runoff election
14 shall be held.

15 **§11-B Ranked choice method; ballots.** (a) In addition to
16 the requirements under sections 11-111 and 11-119, in any
17 contest conducted by ranked choice voting with three or more
18 qualified candidates, including qualified write-ins, the ballot
19 shall allow voters to rank candidates in order of preference.

20 (b) If more than one seat is to be filled by the contest,
21 the voter may be limited to ranking no more than twice the



1 number of candidates as seats to be filled. Instructions on the
2 ballot for contests with more than one seat to be filled shall
3 include the following statement:

4 "You may rank up to twice the number of candidates as seats
5 to be filled in order of preference. Marking a second
6 choice cannot help defeat your first choice. Marking a
7 subsequent choice cannot help defeat your higher-ranked
8 choices."

9 (c) The ballot shall not interfere with a voter's ability
10 to rank a write-in candidate.

11 (d) The chief election officer or county clerk in the case
12 of a county election shall print informational materials
13 containing a facsimile ballot that depicts the official ballot
14 to be used in the election and voting instructions and
15 procedures for the election using the ranked choice method. The
16 informational materials shall be:

17 (1) Posted near the entrance to the polling place where
18 the information can be easily seen by voters prior to
19 voting;

20 (2) Posted in or near a voting booth;



1 (3) Included in the instruction materials for absentee
2 ballots;

3 (4) Posted on the website of the office of elections or
4 county clerk, as applicable; and

5 (5) Included in any voter education materials distributed
6 by the office of elections or county clerk in the case
7 of a county election held prior to an election using
8 the ranked choice method.

9 (e) Prior to printing the ballots for an election using
10 the ranked choice method, the chief election officer or county
11 clerk in the case of a county election shall make a sample
12 ballot available on the website of the office of elections or
13 county clerk, as applicable. The sample ballot shall be
14 accessible on the applicable website for no less than fifteen
15 calendar days prior to printing for public review and comment.

16 **§11-C Ranked choice voting tabulation.** (a) Single winner
17 tabulation. In any contest for exactly one office conducted by
18 ranked choice voting, tabulation shall proceed in rounds. Each
19 round shall proceed sequentially as follows:

20 (1) To determine the winner in an election using the
21 ranked choice method, election officials shall



1 initially count the ballots according to the highest-
2 ranked candidate marked on each ballot. If at the end
3 of the initial count, one candidate receives a
4 majority of the first-choice votes cast, then that
5 candidate shall be deemed to have received the
6 greatest number of votes and tabulation shall be
7 declared complete; and

8 (2) If at the end of the initial count, no candidate
9 receives a majority of the first-choice votes cast,
10 the chief election officer or county clerk, as
11 applicable, shall declare that no candidate has
12 received a majority of first-choice votes and that the
13 candidate with the fewest first-choice votes shall be
14 declared defeated. The chief election officer or
15 county clerk, as applicable, shall recalculate the
16 votes using the continuing candidate with the next
17 highest ranking on each of the ballots for each voter
18 who had selected a defeated candidate. If after the
19 first round of recalculating votes, no candidate has
20 received a majority of votes cast for the office, the
21 process of eliminating candidates, recalculating the



1 eliminated candidates' votes (including any previously
2 recalculated votes), to candidates who remain in the
3 race, and tabulating results shall continue until one
4 candidate receives a majority of the votes cast or the
5 majority of the votes cast for the two remaining
6 candidates. Blank and spoiled votes shall not be
7 tabulated.

8 (b) Multi-winner tabulation. In any contest for more than
9 one office conducted by ranked choice voting, tabulation shall
10 proceed in rounds. If, in the initial tabulation, the number of
11 continuing candidates is less than or equal to the number of
12 offices to be elected, then all continuing candidates shall be
13 declared elected and tabulation shall be declared complete.
14 Otherwise, each round shall proceed sequentially, until
15 tabulation is complete, as follows:

16 (1) Each ballot shall count, at its current transfer
17 value, for the highest-ranked continuing candidate on
18 that ballot. If the sum of the number of elected
19 candidates and the number of continuing candidates is
20 equal to the sum of one and the number of offices to
21 be elected, then the candidate with the fewest votes



1 shall be declared defeated, all other continuing
2 candidates shall be declared elected, and tabulation
3 shall be declared complete;

4 (2) If at least one continuing candidate has more votes
5 than the election threshold for the contest, then each
6 of those candidates shall be declared elected. Each
7 ballot counting for an elected candidate shall be
8 assigned a new transfer value by multiplying the
9 ballot's current transfer value by the surplus
10 fraction for the elected candidate, rounded down to
11 four decimal places and ignoring any remainder. Each
12 candidate elected under this subsection shall be
13 deemed to have a number of votes equal to the election
14 threshold for the contest in all future rounds. A new
15 round shall begin with paragraph (1); and

16 (3) If no candidate is elected under paragraph (2), then
17 the continuing candidate with the fewest votes shall
18 be declared defeated, and a new round shall begin with
19 paragraph (1).

20 (c) Inactive ballots. In any round of tabulation in a
21 contest conducted by ranked choice voting, a ballot that does



1 not contain a highest-ranked continuing candidate shall not
2 count for any candidate. Instead, it shall be counted as an
3 overvote, abstention, or exhausted ballot.

4 **§11-D Ranked choice method; vote count.** (a) Each voter's
5 ballot shall count for no more than one candidate per contest in
6 each round of tabulation. Once a ballot in a contest using the
7 ranked choice method has no more available choices ranked on it,
8 the ballot shall be deemed exhausted for that contest.

9 (b) If a ballot in a contest using the ranked choice
10 method skips a ranking by leaving a ranking blank and then
11 ranking a candidate at a subsequent ranking, the ballot for that
12 contest shall be deemed exhausted. A ballot that gives two or
13 more candidates the same ranking in a single contest shall be
14 deemed exhausted when that ranking is reached, unless only one
15 of the candidates so ranked is still in the race when the vote
16 is due to be transferred pursuant to section 11-C(b).

17 (c) If a tie between candidates for last place, and thus
18 elimination, occurs during any round of tabulation, the tie
19 shall be resolved by eliminating the candidate who received the
20 fewest number of combined first-choice votes and recalculated
21 votes at the previous round of tabulation. In the case of a tie



1 to which a previous round of tabulation does not apply, or where
2 the previous round of tabulation was also a tie, the tie shall
3 be resolved by drawing lots; provided that if a tie occurs when
4 there are only two candidates remaining, the tie shall be
5 resolved as set forth in section 11-157.

6 (d) Batch elimination. In any contest conducted by ranked
7 choice voting, the chief election official may modify the
8 tabulation to include batch elimination. If the tabulation
9 includes batch elimination, then at any time the continuing
10 candidate with the fewest votes would be declared defeated, each
11 continuing candidate in the elimination batch shall be declared
12 simultaneously defeated instead. A continuing candidate shall
13 be in the elimination batch if the number of elected and
14 continuing candidates with more votes than that candidate is
15 greater than the number of offices to be elected, and it is
16 deemed mathematically impossible for that candidate to be
17 elected for any of the following reasons:

- 18 (1) The candidate has fewer votes than any other
19 continuing candidate;
20 (2) The candidate's current vote total plus all votes that
21 could possibly be transferred to the candidate in



1 future rounds would not be deemed to be enough to
2 equal or surpass the continuing candidate with the
3 next higher current vote total;

4 (3) The candidate has a lower current vote total than the
5 continuing candidate who is described under paragraph
6 (2); or

7 (4) The number of ballots with any highest-ranked
8 continuing candidate, on which that candidate is
9 ranked at any ranking order, is fewer than the
10 following:

11 (A) For contests for exactly one office, the current
12 vote total of the continuing candidate with the
13 greatest number of votes; or

14 (B) For contests for more than one office, the
15 current vote total of any of the top "x"
16 continuing candidates with the highest current
17 vote totals, where "x" is the number of offices
18 to be elected.

19 **§11-E Rulemaking authority.** (a) The chief election
20 officer shall adopt rules pursuant to chapter 91 to implement
21 the use of mechanical, electronic, or other means devised for



1 marking, sorting, and counting the ballots and tabulating and
2 transferring the votes in an election using the ranked choice
3 method.

4 (b) The chief election official may make any changes to
5 the ranked choice voting ballot and tabulation process necessary
6 to preserve the secrecy of the ballot and ensure the integrity
7 and smooth functioning of the election; provided that ranked
8 choice voting shall still be used and the smallest number of
9 changes made to achieve its purposes."

10 SECTION 3. Section 11-1, Hawaii Revised Statutes, is
11 amended by adding twelve new definitions to be appropriately
12 inserted and to read as follows:

13 "Abstention" means a ballot that does not contain a
14 highest-ranked continuing candidate and either more than one
15 ranking order contains the same candidate or one or more ranking
16 orders did not contain any candidate.

17 "Continuing candidate" means any candidate that has not
18 been declared defeated or elected.

19 "Election threshold" means the number of votes sufficient
20 for a candidate to be elected in a multi-winner contest. The
21 election threshold is calculated by dividing the total number of



1 votes counting for continuing candidates in the first round by
2 the sum of one plus the number of offices to be filled, rounding
3 up to four decimal places.

4 "Exhausted ballot" means a ballot that does not contain a
5 highest-ranked continuing candidate and is not an abstention or
6 an overvote.

7 "Highest-ranked continuing candidate" means the candidate
8 assigned to the highest ranking order that is not a skipped
9 ranking, does not follow two consecutive skipped rankings, and
10 does not contain a candidate who is declared elected or
11 defeated.

12 "Inactive ballot" means a ballot that does not contain a
13 highest-ranked continuing candidate, including abstentions,
14 overvotes, and exhausted ballots.

15 "Overvote" means a ballot that does not contain a highest-
16 ranked continuing candidate because the highest ranking order
17 contains more than one candidate, is not a skipped ranking, and
18 does not contain a candidate who is declared elected or
19 defeated.

20 "Ranking order" means the number available to be assigned
21 by a voter to a candidate to express the voter's choice for that



1 candidate. The number "1" is the highest ranking order,
2 followed by "2", and then "3", and so on.

3 "Round" means an instance of the sequence of voting
4 tabulation whether for single winner contests or multi-winner
5 contests.

6 "Skipped ranking" means a voter has left a ranking order
7 unassigned but ranks a candidate at a subsequent ranking order.

8 "Surplus fraction" means a number equal to the quotient of
9 the difference between an elected candidate's vote total and the
10 election threshold, divided by the candidate's vote total,
11 rounded down to four decimal places, ignoring any remainder.

12 "Transfer value" means the proportion of a vote that a
13 ballot will contribute to its highest-ranked continuing
14 candidate. Each ballot begins with a transfer value of 1. If a
15 ballot contributes to the election of a candidate under the
16 multi-winner tabulation, it receives a new transfer value."

17 SECTION 4. Section 11-112, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§11-112 Contents of ballot.** (a) The ballot shall
20 contain the names of the candidates, their party affiliation or
21 nonpartisanship in partisan election contests, the offices for



1 which they are running, and the district in which the election
2 is being held. In multimember races the ballot shall state that
3 the voter shall not vote for more than the number of seats
4 available or the number of candidates listed where [~~such~~] the
5 number is less than the number of seats available.

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

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

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

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

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



1 (g) The ballot may include language necessary to use the
2 ranked choice method pursuant to sections 11-A to 11-E."

3 SECTION 5. Section 11-151, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-151 Vote count.** [~~Each~~] Except for contests in which
6 the ranked choice voting method is used, each contest or
7 question on a ballot shall be counted independently as follows:

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

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

16 (3) If a contest or question requires a majority of the
17 votes for passage, any blank, spoiled, or invalid
18 ballot shall not be tallied for passage or as votes
19 cast except that such ballots shall be counted as
20 votes cast in ratification of a constitutional



1 amendment or a question for a constitutional
2 convention."

3 SECTION 6. Section 11-152, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-152 Method of counting.** (a) In an election using
6 the paper ballot voting system, immediately after the close of
7 the polls, the chairperson of the precinct officials shall open
8 the ballot box. The precinct officials at the precinct shall
9 proceed to count the votes as follows:

10 (1) The whole number of ballots shall first be counted to
11 see if their number corresponds with the number of
12 ballots cast as recorded by the precinct officials;

13 (2) If the number of ballots corresponds with the number
14 of persons recorded by the precinct officials as
15 having voted, the precinct officials shall then
16 proceed to count the [~~vote~~] votes cast for each
17 candidate;

18 (3) If there are more ballots or [~~less~~] fewer ballots than
19 the record calls for the precinct officials shall
20 proceed as directed in section 11-153.



1 (b) In those precincts using the electronic voting system,
2 the ballots shall be taken in the sealed ballot boxes to the
3 counting center according to the procedure and schedule
4 promulgated by the chief election officer to promote the
5 security of the ballots. In the presence of official observers,
6 counting center employees may start to count the ballots prior
7 to the closing of the polls; provided that there shall be no
8 printout by the computer or other disclosure of the number of
9 votes cast for a candidate or on a question prior to the closing
10 of the polls. For the purposes of this section, the closing of
11 the polls is that time identified in section 11-131 as the
12 closing hour of voting.

13 (c) In an election that uses the ranked choice voting
14 method, the votes shall be counted as provided under sections
15 11-A to 11-E."

16 SECTION 7. Section 11-155, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§11-155 Certification of results of election.** On receipt
19 of certified tabulations from the election officials concerned,
20 the chief election officer in state elections or county clerk in
21 county elections shall compile, certify, and release the



1 election results after the expiration of the time for bringing
2 an election contest. The certification shall be based on a
3 comparison and reconciliation of the following:

- 4 (1) The results of the canvass of ballots conducted
5 pursuant to chapter 16;
- 6 (2) The audit of pollbooks [+]and related record books[+] and resultant overage and underage report;
- 7 (3) The audit results of the manual audit team;
- 8 (4) The results of the absentee ballot reconciliation
9 report compiled by the clerks; and
- 10 (5) All logs, tally sheets, and other documents generated
11 during the election and in the canvass of the election
12 results.
13

14 A certificate of election or a certificate of results declaring
15 the results of the election as of election day shall be issued
16 pursuant to section 11-156; provided that in the event of an
17 overage or underage, a list of all precincts in which an overage
18 or underage occurred shall be attached to the certificate. The
19 number of candidates to be elected receiving the [~~highest~~]
20 greatest number of votes in any election district shall be
21 declared to be elected[~~-~~]; provided that candidates for an



1 office that is subject to the ranked choice voting method shall
2 be declared elected pursuant to sections 11-A to 11-E. Unless
3 otherwise provided, the term of office shall begin or end as of
4 the close of polls on election day. The position on the
5 question receiving the appropriate majority of the votes cast
6 shall be reflected in a certificate of results issued pursuant
7 to section 11-156."

8 SECTION 8. In codifying the new sections added by section
9 2 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 9. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 10. This Act shall take effect on July 1, 2020;
15 provided that this Act shall not apply to any election to be
16 held prior to July 1, 2020; and provided further that the chief
17 election officer and each county clerk shall commence rulemaking
18 pursuant to chapter 91, Hawaii Revised Statutes, to effectuate



H.B. NO. 1580

1 the purposes of this Act immediately upon the effective date of
2 this Act.
3

INTRODUCED BY: Tim Winkler
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JAN 24 2019



H.B. NO. 1580

Report Title:

Elections; Ranked Choice Voting

Description:

Establishes the ranked choice voting method of tabulation for all elections for elected office to ensure that elected officials received the majority of votes cast by the electorate.

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

