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

SECTION 1. The legislature finds that the current plurality voting method allows a candidate to win an election with less than a majority of votes when there are more than two candidates for the office. In elections with many candidates, the plurality method may result in winners who received small percentages of votes and who are not widely supported by voters. For these winners, this may raise concerns about a lack of public support and confidence and may therefore undermine the ability of those elected to govern effectively.

Ranked choice voting is an election method that allows voters the option to rank candidates as the voter's first, second, and subsequent choices. Tabulation begins with each voter's first choice vote. If no candidate receives a majority of votes, the candidate with the fewest votes is eliminated and the tabulation is repeated by using the second choice of voters whose first choice was eliminated and the first place vote of all other voters. If no candidate receives a majority in the
second tabulation, the process is repeated by eliminating the
candidate with the fewest votes and performing the tabulation
using the next highest choice of voters who had chosen that
candidate.

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

The legislature further finds that ranked choice voting has
been used effectively around the world, including in Ireland for
presidential elections, Australia for parliamentary elections,
and London for mayoral elections. Ranked choice voting has been
used by numerous state and local governments in the United
States including San Francisco, Oakland, and Berkeley,
California and Minneapolis and St. Paul, Minnesota. In 2010,
North Carolina used ranked choice voting for a statewide
judicial election as well as three county-level judicial
elections. Additionally, Memphis, Tennessee; Portland, Maine;
Springfield, Illinois (for overseas voting only); and Telluride, Colorado; have adopted ranked choice voting.

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

The purpose of this Act is to authorize the use of the ranked choice method of voting for all partisan primary elections, special elections, and nonpartisan general elections held in this State.

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

"§11-A Ranked choice method; applicability. (a) The ranked choice method shall be used in all of the following state or county election contests held in the State:

(1) Partisan primary elections;

(2) Special elections; and

(3) Nonpartisan general elections.

(b) The chief election officer shall adopt rules pursuant to chapter 91 to implement the use of mechanical, electronic, or other means devised for marking, sorting, and counting the
ballots and tabulating and transferring the votes in an election using the ranked choice method; provided that these rules shall be consistent with the intent and purpose of the ranked choice method.

§11-B Ranked choice method; ballots. (a) In addition to the requirements under sections 11-111 and 11-119, the ballots for an election using the ranked choice method shall allow a voter to rank no more than four candidates for an office in order of preference. If more than one seat is to be filled by the same ballot, the voter may be limited to voting for no more than twice the number of candidates as seats to be filled.

Instructions on the ballot shall include the following statement: "You may mark up to three alternate choices in order of preference. Marking a second choice cannot help defeat your first choice. Marking a subsequent choice cannot help defeat your higher-ranked choices."

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

(1) Posted near the entrance to the polling place where the information can be easily seen by voters prior to voting;
(2) Posted in or near a voting booth;
(3) Included in the instruction materials for absentee ballots;
(4) Posted on the website of the office of elections or county clerk, as applicable; and
(5) Included in any voter education materials distributed by the office of elections or county clerk in the case of a county election prior to the election using the ranked choice method.

(c) Prior to the printing of ballots for an election using the ranked choice method, the chief election officer or county clerk in the case of a county election shall make a sample ballot available on the website of the office of elections or county clerk, as applicable. The sample ballot shall be accessible on the applicable website for no less than fifteen calendar days prior to printing for public review and comment.
$11-C  Ranked choice method; method of counting. (a) To determine the winners in an election using the ranked choice method, election officials shall initially count the ballots according to the first choice marked on each ballot. If at the end of the initial count, one candidate receives a majority of the first-choice votes cast, then that candidate shall be declared the winner for the office for which the candidate seeks election.

(b) If at the end of the initial count, no candidate receives a majority of the first-choice votes cast, the chief election officer or county clerk, as applicable, shall declare that no candidate has received a majority of first-choice votes and that the candidate with the fewest first-choice votes is defeated. The chief election officer or county clerk, as applicable, shall recalculate the votes using the continuing candidate with the next highest ranking on each of the ballots for each voter who had selected a defeated candidate. If after the first round of recalculate votes, no candidate has received a majority of votes cast for the office, the process of eliminating candidates; recalculate the eliminated candidates' votes, including any previously recalculated votes, to
candidates who remain in the race; and tabulating results shall
continue until one candidate receives a majority of the votes
cast or the majority of the votes cast for the two remaining
candidates. Blank and spoiled votes shall not be tabulated.

(c) The ranked choice method may be accelerated, at the
discretion of the chief election officer or county clerk, by
eliminating all candidates with fewer than one per cent of the
first-choice votes cast. In an accelerated process pursuant to
this subsection, the first-choice votes on ballots cast for
eliminated candidates shall be recalculated to the candidates
who remain in the race and received the voters' next highest
ranking on those ballots.

(d) Once a winner has been declared by using the ranked
choice method, a certificate of election declaring the results
shall be issued pursuant to section 11-156.

§11-D Ranked choice method; vote count. (a) Each voter's
ballot shall count for no more than one candidate per seat in
each round of tabulation. Once a ballot in an election using
the ranked choice method has no more available choices ranked on
it, the ballot shall be deemed exhausted.
(b) If a ballot in an election using the ranked choice method skips a ranking by leaving a ranking blank and then ranking a candidate at a subsequent ranking, the ballot shall be deemed exhausted. A ballot that gives two or more candidates the same ranking shall be deemed exhausted when that ranking is reached unless only one of the candidates so ranked is still in the race when the vote is due to be transferred pursuant to section 11-C(b).

(c) If a tie between candidates for last place, and thus elimination, occurs during any round of tabulation, the tie shall be resolved by eliminating the candidate who received the lowest number of combined first-choice votes and recalculated votes at the previous round of tabulation. In the case of a tie to which a previous round of tabulation does not apply, or where the previous round of tabulation was also a tie, the tie shall be resolved by drawing lots. However, if a tie occurs when there are only two candidates remaining, the tie shall be resolved as set forth in section 11-157."

SECTION 3. Section 11-1, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:
"Exhausted" means an occurrence during an election using the ranked choice method when a voter does not rank on the ballot any candidate that remains in the subsequent rounds, a ballot contains an overvote at the highest continuing ranking, or a ballot contains a skipped ranking before its highest continuing ranking.

"Ranked choice method" means a method of casting and tabulating votes that tabulates a single vote for each voter but simulates the ballot counts that would occur if all voters participated in a series of runoff elections, whereby voters are allowed to rank candidates according to the voter's preference and, if no candidate obtains a majority of first-choice votes, votes are transferred in sequential tabulations according to voters' preferences.

"Ranking" means the number assigned on a ballot by a voter to a candidate in an election using the ranked choice method to express the voter's preference for that candidate with the ranking of number one as the highest rank.

"Round" means an instance of the sequence of voting tabulation steps in an election using the ranked choice method."
SECTION 4. 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 number is less than the 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 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 language necessary to use the ranked choice method pursuant to sections 11-A to 11-D."

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

"§11-151 Vote count. [Haele] Except for contests in which the ranked choice method subject to sections 11-A to 11-D are used, each contest or question on a ballot shall be counted independently as follows:

(1) If the votes cast in a contest or 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 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 ballots shall be counted as votes cast in ratification of a constitutional amendment or a question for a constitutional convention."

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

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

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

(2) If the number of ballots corresponds with the number of persons recorded by the precinct officials as having voted, the precinct officials shall then proceed to count the vote cast for each candidate;
(3) If there are more ballots or less ballots than the record calls for the precinct officials shall proceed as directed in section 11-153.

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

(c) In an election using the ranked choice method of voting pursuant to sections 11-A to 11-D, votes shall be counted as provided in section 11-C."

SECTION 7. Section 11-155, Hawaii Revised Statutes, is amended to read as follows:
"§11-155 Certification of results of election. On receipt of certified tabulations from the election officials concerned, the chief election officer in state elections or county clerk in county elections 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 reports;
3. The audit results of the manual audit team;
4. The results of the absentee ballot reconciliation report compiled by the clerks; and
5. 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 votes in any election district shall be declared to be
elected[; provided that candidates in contests subject to the
ranked choice method pursuant to sections 11-A to 11-D shall be
declared to be elected pursuant to section 11-C. 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 8. In codifying the new sections added by section
2 of this Act, the revisor of statutes shall substitute
appropriate section numbers for the letters used in designating
the new sections in this Act.

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

SECTION 10. This Act shall take effect upon its approval;
provided that:
(1) This Act shall not apply to any election held prior to January 1, 2020; and

(2) No later than December 31, 2019, the chief election officer and each county clerk shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to effectuate the purposes of this Act.

INTRODUCED BY: 

[Signature]

[Signature]

[Signature]
Report Title:
Elections; Ranked Choice Method

Description:
Provides ranked choice method of voting for all partisan primary elections, special elections, and nonpartisan general elections held in this State on or after 1/1/2020.

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