

JAN 21 2021

A BILL FOR AN ACT

RELATING TO RANKED CHOICE VOTING.

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

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

4 "§11- Ranked choice voting; application; procedure. (a)
5 Any federal election not held on the date of a regularly
6 scheduled primary election or general election and any special
7 election for a vacant seat on a county council shall be
8 conducted by ranked choice voting.

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

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

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



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

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

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

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

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

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

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

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



1 (e) The office of elections shall conduct voter education
2 on ranked choice voting before any election in which ranked
3 choice voting will be used. The office of elections may work
4 with community partners and non-profit entities to enhance
5 educational outreach.

6 (f) As used in this section:

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

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

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

14 "Inactive ballot" means a ballot that does not rank any
15 continuing candidate, contains an overvote at the highest
16 continuing ranking, or contains two or more sequential skipped
17 rankings before its highest continuing ranking.

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

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



- 1 (1) Cannot be elected because the candidate's vote total
2 in a round of the ranked-choice voting tabulation plus
3 all votes that could possibly be transferred to the
4 candidate in future rounds from candidates receiving
5 fewer votes or an equal number of votes would not be
6 enough to surpass the candidate receiving the next-
7 higher vote total in the round; or
8 (2) Has a lower vote total than a candidate described in
9 paragraph (1).

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

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 receiving
16 the 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 2. Section 11-91, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-91 Proclamation.** Not later than 4:30 p.m. on the
9 tenth day [~~prior to~~] before the close of filing in elections
10 involving state offices, or federal elections to be conducted by
11 ranked choice voting pursuant to section 11- , the chief
12 election officer shall issue an election proclamation. In
13 elections involving only county offices the clerk shall issue
14 the proclamation. In elections involving both state and county
15 offices the proclamation may be issued jointly.

16 The proclamation shall contain a statement of the time and
17 places where, and the purposes for which, the election is to be
18 held, and a designation of the offices and the terms thereof for
19 which candidates are to be nominated or elected. It may also
20 contain any other relevant matter, including an offer of
21 rewards, for the detection and conviction of offenders against



1 the election laws. If the election is to be conducted by ranked
2 choice voting pursuant to section 11- , the proclamation shall
3 state that votes shall be cast and tabulated using ranked choice
4 voting and shall provide an explanation of how ranked choice
5 votes are tabulated. The chief election officer or clerk shall
6 cause the election proclamation to be published at least once in
7 a newspaper of general circulation and not later than on the
8 tenth day [~~prior to~~] before the close of filing."

9 SECTION 3. Section 11-112, Hawaii Revised Statutes, is
10 amended to read as follows:

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



S.B. NO. 169

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

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

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

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

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

17 (g) The ballot may include information necessary to
18 conduct ranked choice voting pursuant to section 11- ."

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



1 "**§11-151** **Vote count.** [~~Each~~] Except for contests conducted
2 by ranked choice voting pursuant to section 11- , each contest
3 or question on a ballot shall be counted independently as
4 follows:

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

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

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

20 SECTION 5. Section 11-152, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§11-152 Method of counting.** (a) For votes cast using
2 the electronic voting system, the ballots shall be taken in the
3 sealed ballot containers to the counting center according to the
4 procedure and schedule adopted by the chief election officer to
5 promote the security of the ballots. For all votes cast in an
6 election, in the presence of official observers, counting center
7 employees may start to count the ballots before election day, as
8 specified in section 11-108.

9 (b) In an election conducted by ranked choice voting,
10 votes shall be counted pursuant to section 11- ."

11 SECTION 6. Section 11-155, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§11-155 Certification of results of election.** On receipt
14 of certified tabulations from the election officials concerned,
15 the chief election officer, or county clerk in a county
16 election, shall compile, certify, and release the election
17 results after the expiration of the time for bringing an
18 election contest. The certification shall be based on a
19 comparison and reconciliation of the following:

20 (1) The results of the canvass of ballots conducted
21 pursuant to chapter 16;



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

11 A certificate of election or a certificate of results declaring
12 the results of the election as of election day shall be issued
13 pursuant to section 11-156; provided that in the event of an
14 overage or underage, a list of all precincts in which an overage
15 or underage occurred shall be attached to the certificate. The
16 ~~number of~~ candidates to be elected ~~[receiving the highest~~
17 ~~number of]~~ who receive the most votes in any election district
18 shall be declared to be elected~~[=]~~; provided that candidates for
19 offices elected by ranked choice voting shall be declared to be
20 elected pursuant to section 11- . Unless otherwise provided,
21 the term of office shall begin or end as of the close of polls



1 on election day. The position on the question receiving the
2 appropriate majority of the votes cast shall be reflected in a
3 certificate of results issued pursuant to section 11-156."

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'C. Am', is written over a horizontal line.

S.B. NO. 169

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.

