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# 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 in special elections allows a candidate  
3 to win an election without a majority of votes when there are  
4 more than two candidates for the office. In elections with many  
5 candidates, the plurality method may result in winners who  
6 received small percentages of votes and who are not widely  
7 supported by voters. For the winners, this may raise concerns  
8 about a lack of public support and confidence that may undermine  
9 the ability of the elected to govern effectively.

10           Ranked-choice voting is an election method that provides  
11 voters the ability to rank candidates in order of choice, as a  
12 voter's first, second, and later choices. Tabulation begins  
13 with each voter's first choice vote. If a candidate receives a  
14 majority of votes, that candidate wins. If no candidate  
15 receives a majority of votes, the candidate with the fewest  
16 votes is eliminated and each vote counting for that candidate  
17 counts for the voter's second choice in the subsequent round.



1 That process repeats by eliminating the candidate with the  
2 fewest votes and counting each vote for the highest-ranked  
3 remaining candidate in the next round, until two candidates  
4 remain, and the candidate with the most votes wins.

5 The legislature further finds that ranked-choice voting has  
6 been used effectively in the United States and around the world.  
7 Notably, New York City implemented ranked-choice voting for the  
8 2021 primaries for the election of its mayor, an election  
9 process that engaged several million voters. Maine has  
10 successfully implemented ranked-choice voting for two election  
11 cycles; in 2018 for primary and general elections of state and  
12 congressional offices and in 2020 for the United States  
13 presidential election. Alaska voters also approved an  
14 initiative in 2020 to implement ranked-choice voting in the 2022  
15 election cycle for all federal and state races. Ranked-choice  
16 voting has also been implemented in other jurisdictions,  
17 including Australia, Ireland, Malta, New Zealand, Northern  
18 Ireland, and Scotland.

19 Furthermore, the legislature finds that the State's voting  
20 systems, including optical scanners, can process ranked-choice  
21 voting with little or no difficulty.



1 The purpose of this Act is to implement the use of ranked-  
2 choice voting for special elections held for congressional races  
3 in the State and vacant county council seats.

4 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
5 by adding a new section to part VII to be appropriately  
6 designated and to read as follows:

7 "§11- \_\_\_\_\_ **Ranked-choice voting; application; procedure.**

8 (a) Any federal election not held on the date of a regularly  
9 scheduled primary or general election and any special election  
10 for a vacant seat on a county council shall be conducted by  
11 ranked-choice voting.

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

- 15 (1) Tabulation of votes shall proceed in rounds;
- 16 (2) In each round, the number of votes for each continuing  
17 candidate shall be counted, with each continuing  
18 ballot counting as one vote for its highest-ranked  
19 continuing candidate for that round;
- 20 (3) Inactive ballots shall not be counted for any  
21 continuing candidate; and



- 1        (4) The round shall end with one of two potential  
2        outcomes:
- 3        (A) If there are two or fewer continuing candidates,  
4        the candidate with the most votes shall be  
5        declared the winner of the election; or
- 6        (B) If there are more than two continuing candidates,  
7        the last-place candidate shall be defeated and a  
8        new round shall begin.
- 9        (c) A tie under this section between candidates for the  
10       most votes in the final round or a tie between last-place  
11       candidates in any round shall be decided by lot, and the  
12       candidate chosen by lot shall be:
- 13       (1) Declared the winner if the tie is between candidates  
14       for the most votes in the final round; or
- 15       (2) Defeated if the tie is between last-place candidates  
16       in any round.
- 17       (d) The office of elections may modify a ranked-choice  
18       voting ballot and tabulation; provided that:
- 19       (1) The number of allowable rankings shall be limited to  
20       no fewer than six candidates; and



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

3        (e) For the purposes of this section:

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

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

9        "Continuing candidate" means a candidate who has not been  
10 defeated.

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

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

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

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



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

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

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 with the  
16 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 the lowest number is the highest ranking,  
20 and the highest number is the lowest ranking.



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 3. Section 11-91, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "**§11-91 Proclamation.** (a) No later than 4:30 p.m. on the  
9 tenth day before the close of filing in elections involving  
10 state offices, the chief election officer shall issue an  
11 election proclamation. In elections involving only county  
12 offices the clerk shall issue the proclamation. In elections  
13 involving both state and county offices the proclamation may be  
14 issued jointly.

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



1 to be published at least once in a newspaper of general  
2 circulation and no later than on the tenth day before the close  
3 of filing.

4 (c) For any election conducted by ranked-choice voting  
5 pursuant to section 11- , the election proclamation shall  
6 include a statement that votes shall be cast and tabulated using  
7 ranked-choice voting and shall provide an explanation of ranked-  
8 choice voting."

9 SECTION 4. 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.





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~~] that  
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 use  
18 ranked-choice voting as described in section 11- ."

19 SECTION 5. 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 question exceed the  
10 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 6. 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 as provided in section 11- ."

11           SECTION 7. 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~~[7]~~ in a state election, or county  
16 clerk in a county election, shall compile, certify, and release  
17 the election results by district and precinct after the  
18 expiration of the time for bringing an election contest. The  
19 certification shall be based on a comparison and reconciliation  
20 of the following:



- 1 (1) The results of the canvass of ballots conducted  
2 pursuant to chapter 16;
- 3 (2) The audit of records and resultant overage and  
4 underage report;
- 5 (3) The audit results of the manual audit team;
- 6 (4) The results of any mandatory recount of votes  
7 conducted pursuant to section 11-158; and
- 8 (5) 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 voter



1 service centers on election day. The position on the question  
2 receiving the appropriate majority of the votes cast shall be  
3 reflected in a certificate of results issued pursuant to section  
4 11-156."

5 SECTION 8. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect on January 1, 2222.



S.B. NO. 2162  
S.D. 1  
H.D. 1

**Report Title:**

Elections; Ranked-Choice Voting

**Description:**

Establishes ranked-choice voting for special federal elections and special elections of vacant county council seats. Effective 1/1/2222. (HD1)

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

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