



Statutory Language for Jurisdictions With a Plurality Requirement

Title: An Act Relating to the Election of Candidates by the Method of Instant Runoff Voting

Summary

This bill implements the instant runoff voting method of determining winners in elections. The method simulates the ballot counts that would occur if all voters participated in a series of runoff elections with the weakest candidate eliminated after each round of counting. Each time a candidate is eliminated, all ballots are recounted, and each ballot counts as one vote for the voter's highest-ranked candidate who has not been eliminated. Rounds proceed until there are two candidates remaining, and the candidate with the most votes is declared the winner.

Section 1: BALLOT SPECIFICATIONS AND DIRECTIONS TO VOTERS

Ballots approved under this section shall be simple and easy to understand, and shall allow a voter to rank candidates for an office in order of choice. The voter may include no more than one write-in candidate among his or her ranked choices for each office. If feasible, ballots shall be designed such that voters may mark their first choices in the same manner as that for offices not elected by instant runoff voting. Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be included in the instruction packet of absentee ballots.

Directions provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting machine:

"Vote for candidates by indicating your first-choice candidate, your second-choice candidate and so on. Indicate your first choice by marking the number "1" beside a candidate's name, your second choice by marking the number "2" by that candidate's name, your third choice by marking the number "3," and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers."

Section 2: BALLOT COUNTING

The first choice marked on each ballot shall be counted initially by election officials.

If more than two candidates have received votes after the initial round of counting, the Secretary of State shall conduct the instant runoff consisting of additional rounds of ballot counting.

In every round of counting, each ballot is counted as one vote for that ballot's highest ranked advancing candidate. "Advancing candidate" means a candidate for that office who has not been eliminated.

In each additional round, the Secretary shall eliminate the candidate with the fewest votes and recount all ballots as one vote for each voter's highest ranked advancing candidate. This process of counting votes and eliminating the candidate with the fewest votes shall continue until two candidates remain.

The candidate with the most votes then shall be declared the winner.



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If a ballot has no more available choices ranked on it, that ballot shall be declared “exhausted” and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one number will be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

Section 3: DETERMINATIONS IN THE CASE OF A TIE

Any ties that could affect the outcome of the election shall be resolved in accordance with the general election laws of the state of _____.

Section 4: PROVISION FOR CHANGE OF VOTING METHOD

The legislative body or election authorities may provide for the use of mechanical, electronic or other devices for marking, sorting and counting the ballots and tabulating the results, and may modify the form of the ballots, the directions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining of ballots, and the tabulating and recounting of votes, provided that no change shall be made which will alter the intent or principles embodied in this law.

Section 5: PROVISION TO MODIFY THE INSTANT RUNOFF VOTING BALLOT AND COUNT.

A) If the Secretary of State determines that the number of candidates for a particular office exceeds the practical space requirements for ranking all candidates on the ballot, the number of allowable rankings can be limited to no fewer than five candidates or the total number of candidates.

B) To facilitate ballot counting in any round, the Secretary of State may simultaneously eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and any candidate with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.

Section 6: EFFECTS ON RIGHTS OF POLITICAL PARTIES.

For all statutory and constitutional provisions in the state of _____ pertaining to the rights of political parties, the number of votes cast for a party's candidate for a particular office shall be defined as the number of votes credited to that candidate after the initial round of counting.