
A BILL FOR AN ACT

RELATING TO INSTANT RUNOFF 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 two or more
4 candidates for the office. In elections with many candidates,
5 the plurality method may result in winners receiving small
6 percentages of votes, as well as the election of candidates who
7 are not the most favored among the voters. Such instances may
8 raise concerns of the lack of public support and confidence, and
9 may undermine the ability of those elected to govern
10 effectively.

11 Instant runoff voting is an election reform that allows
12 voters, at their option, to rank candidates as their first
13 choice, second choice, and subsequent choices. If no candidate
14 receives a majority of votes, the candidate with the least
15 number of votes is eliminated. Voters who chose the eliminated
16 candidate have their vote transferred to their second choice
17 candidate just as if they were voting in a traditional election
18 runoff.



1 Instant runoff voting assures that elected officials have
2 the support of a majority of voters because it allows voters to
3 indicate their preferences among other candidates in addition to
4 their favored candidate. Instant runoff voting allows all
5 voters to vote for their favorite candidate without fear of
6 helping to elect their least favorite candidate.

7 The legislature further finds that instant runoff voting
8 has been used effectively around the world, including Ireland in
9 presidential elections and Australia in parliamentary elections.
10 Instant runoff voting was used in Fiji for recent parliamentary
11 elections, in London's May 2000 election for mayor, and was
12 approved for use in recent San Francisco elections.

13 The legislature supports using the instant runoff method,
14 instead of plurality method, in county elections that are held
15 without primary elections. Using instant runoff in these
16 elections would help to increase voter confidence and public
17 support for the winners of the elections. In order to simplify
18 this complex voting method, the number of runoff votes is
19 limited to a maximum of four, after which a majority vote would
20 not be required.



1 The legislature further finds that Hawaii voting systems,
2 including optical scanning, can handle instant runoff voting
3 with little or no difficulty.

4 The purpose of this Act is to allow for the instant runoff
5 method of voting for county elections in which no primary
6 election is held, provided that in these elections a majority
7 vote is required unless no candidate achieves a majority after
8 the fourth run-off vote in which case the candidate with the
9 highest vote count wins.

10 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
11 amended by adding a new definition to be appropriately inserted
12 and to read as follows:

13 "Instant runoff method" a method of casting and tabulating
14 votes that simulates the ballot counts that would occur if all
15 voters participated in a series of runoff elections, whereby the
16 voters are allowed to rank candidates according to their
17 preference and, if no candidate obtains a majority of
18 first-choice votes, votes are transferred in sequential
19 tabulations according to voters' preferences, in the manner set
20 forth in sections 11-A to 11-C. Each voter shall have only one
21 vote for each office but that vote may be transferred according



1 to each voter's indicated preferences and in the manner provided
2 by section 11-C."

3 SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended
4 by adding three new sections to part X to be appropriately
5 designated and to read as follows:

6 "§11-A Instant runoff method; procedure for counting
7 votes. (a) To determine the winners in elections conducted by
8 the instant runoff method, ballots shall be counted initially by
9 the election officials according to the first choice marked on
10 each ballot. If one candidate receives a majority of the votes
11 cast, that candidate shall be declared the winner for that
12 office.

13 (b) If at the end of the initial count, no candidate
14 receives a majority of the first-choice votes cast, the chief
15 election officer shall declare that no candidate has received a
16 majority of first-choice votes, declaring the candidate with the
17 fewest first-choice votes defeated and transferring that
18 candidate's first-choice votes to the candidates who received
19 the next highest ranking on each ballot containing votes to be
20 transferred. If after the first round of transferring votes, no
21 candidate receives a majority of votes cast for the office, this
22 process of eliminating candidates, transferring first-choice and



1 previously transferred votes to candidates still in the race and
2 tabulating results, shall continue until one candidate receives
3 a majority of the votes cast, excluding blank and spoiled votes,
4 or there is only one candidate remaining; provided that if no
5 candidate has received a majority of the votes cast after the
6 fourth round of tabulation, then the candidate with the most
7 first-choice votes following the fourth round of tabulation
8 shall be declared the winner regardless of whether than
9 candidate receives a majority of votes cast.

10 (c) If at any point a candidate receives a majority, a
11 certificate of election or certificate of results declaring the
12 results shall be issued pursuant to section 11-156.

13 **§11-B Instant runoff method; generally.** (a) At the
14 outset, the instant runoff method may be accelerated, at the
15 choice of the county, by eliminating all candidates with fewer
16 than one per cent of the first-choice votes cast for the office.
17 Under this provision, the first-choice vote on ballots cast for
18 eliminated candidates shall be transferred to the candidates who
19 are still in the race, who received the voters' next highest
20 ranking on those ballots.

21 (b) If a ballot has no more available choices ranked on
22 it, the ballot shall be deemed exhausted.



1 (c) If a ballot skips a ranking, the ballot shall be
2 considered exhausted. A ballot that gives two or more
3 candidates the same ranking shall be deemed exhausted when that
4 ranking is reached unless only one of the candidates so ranked
5 is still in the race when the vote is due to be transferred.

6 (d) In the case of a tie between candidates for last
7 place, and thus elimination, occurring at any stage in the
8 tabulation, the tie shall be resolved so as to eliminate the
9 candidate who received the least number of first choices and
10 transferred votes combined at the previous stage of tabulation.
11 In the case of a tie to which a previous stage does not apply,
12 or that previous stage was also a tie, the tie shall be resolved
13 by drawing lots. However, if the tie occurs when there are only
14 two candidates remaining, the tie shall be resolved as set forth
15 in section 11-157.

16 **§11-C Instant runoff voting method; application.** (a) The
17 instant runoff method shall be used in all contests for county
18 offices in which no primary election is held.

19 (b) For purposes of this section, the chief election
20 officer shall adopt rules under chapter 91, to provide for the
21 use of mechanical, electronic, or other means devised for
22 marking, sorting, and counting the ballots and tabulating and



1 transferring of votes; provided that no change shall be made
2 that will alter the intent or principles embodied in the instant
3 runoff method.

4 (c) Ballots approved under this section shall be simple
5 and easy to understand and shall allow a voter to rank each
6 candidate for an office in order of preference, up to four
7 places. Instructions on the ballot shall include the following
8 statement: "You may mark as many or as few alternate choices as
9 you wish. Marking a second choice cannot help defeat your first
10 choice. Marking a subsequent choice cannot help defeat your
11 higher ranked choices." Sample ballots illustrating voting
12 procedures shall be posted in or near the voting booth and p
13 included in the instruction materials for absentee ballots."

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

16 **"§11-112 Contents of ballot.** (a) The ballot shall
17 contain the names of the candidates, their party affiliation or
18 nonpartisanship in partisan election contests, the offices for
19 which they are running, and the district in which the election
20 is being held. In multimember races the ballot shall state that
21 the voter shall not vote for more than the number of seats



1 available or the number of candidates listed where such number
2 is less than the seats available.

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

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

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

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

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

19 (g) In county elections, the ballot may include language
20 necessary to use the instant runoff method pursuant to section
21 11-C."



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

3 "§11-151 **Vote count.** [~~Each~~] Except for contests where the
4 instant runoff method is applied, each contest or question on a
5 ballot shall be counted independently as follows:

- 6 (1) If the votes cast in a contest or question are equal
7 to or less than the number to be elected or chosen for
8 that contest or question, the votes for that contest
9 or question shall be counted;
- 10 (2) If the votes cast in a contest or question exceed the
11 number to be elected or chosen for that contest or
12 question, the votes for that contest or question shall
13 not be counted; and
- 14 (3) If a contest or question requires a majority of the
15 votes for passage, any blank, spoiled, or invalid
16 ballot shall not be tallied for passage or as votes
17 cast except that such ballots shall be counted as
18 votes cast in ratification of a constitutional
19 amendment or a question for a constitutional
20 convention."

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



1 "**§11-152 Method of counting.** (a) In an election using
2 the paper ballot voting system, immediately after the close of
3 the polls, the chairperson of the precinct officials shall open
4 the ballot box. The precinct officials at the precinct shall
5 proceed to count the votes as follows:

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

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

14 (3) If there are more ballots or less ballots than the
15 record calls for the precinct officials shall proceed
16 as directed in section 11-153.

17 (b) In those precincts using the electronic voting system,
18 the ballots shall be taken in the sealed ballot boxes to the
19 counting center according to the procedure and schedule
20 promulgated by the chief election officer to promote the
21 security of the ballots. In the presence of official observers,
22 counting center employees may start to count the ballots prior



1 to the closing of the polls provided there shall be no printout
2 by the computer or other disclosure of the number of votes cast
3 for a candidate or on a question prior to the closing of the
4 polls. For the purposes of this section, the closing of the
5 polls is that time identified in section 11-131 as the closing
6 hour of voting.

7 (c) In the instant runoff method of voting, vote counting
8 shall be as provided in section 11-A."

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

11 "**§11-155 Certification of results of election.** On receipt
12 of certified tabulations from the election officials concerned,
13 the chief election officer or county clerk in county elections
14 shall compile, certify, and release the election results after
15 the expiration of the time for bringing an election contest.

16 The certification shall be based on a comparison and
17 reconciliation of the following:

- 18 (1) The results of the canvass of ballots conducted
19 pursuant to chapter 16;
- 20 (2) The audit of pollbooks (and related record books) and
21 resultant overage and underage report;
- 22 (3) The audit results of the manual audit team;



- 1 (4) The results of the absentee ballot reconciliation
2 report compiled by the clerks; and
- 3 (5) All logs, tally sheets, and other documents generated
4 during the election and in the canvass of the election
5 results.

6 A certificate of election or a certificate of results declaring
7 the results of the election as of election day shall be issued
8 pursuant to section 11-156; provided that in the event of an
9 overage or underage, a list of all precincts in which an overage
10 or underage occurred shall be attached to the certificate. The
11 number of candidates to be elected receiving the highest number
12 of votes in any election district, except candidates for county
13 offices subject to the instant runoff voting method and
14 certified pursuant to section 11-A, shall be declared to be
15 elected. Unless otherwise provided, the term of office shall
16 begin or end as of the close of polls on election day. The
17 position on the question receiving the appropriate majority of
18 the votes cast shall be reflected in a certificate of results
19 issued pursuant to section 11-156."

20 SECTION 8. In codifying the new sections added by section
21 3 of this Act, the revisor of statutes shall substitute



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1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

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

5 SECTION 10. This Act shall take effect upon its approval.

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JAN 25 2006

HB 2955

Report Title:

Instant Runoff Voting; County Elections

Description:

Provides for instant runoff voting for all county elections in which no primary election is held. Defines "instant runoff method". Provides for method of voting, counting votes, and certifying results using the instant runoff method.

