

JAN 19 2007

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 more than two
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 method 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



1 candidate just as if they were voting in a traditional election
2 runoff.

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

9 The legislature further finds that instant runoff voting
10 has been used effectively around the world, including Ireland in
11 presidential elections and Australia in parliamentary elections.
12 Instant runoff voting was used in Fiji for parliamentary
13 elections, London's 2000 election for mayor, and in three recent
14 San Francisco elections. Oakland, California, Davis,
15 California, Minneapolis, Minnesota, and Pierce County,
16 Washington also recently approved instant runoff voting systems.

17 The legislature supports using the instant runoff method,
18 instead of plurality method, in elections that are held without
19 primary elections. Using instant runoff in these elections
20 would help to increase voter confidence and public support for
21 the winners of the elections. In order to simplify this complex
22 voting method, the number of runoff votes is limited to a



1 maximum of four, after which a majority vote would not be
2 required.

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

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

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

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



1 vote for each office but that vote may be transferred according
2 to each voter's indicated preferences and in the manner provided
3 by section 11-C."

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

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

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



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

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

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



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

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

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

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

21 (b) For purposes of this section, the chief election
22 officer shall adopt rules under chapter 91, to provide for the



1 use of mechanical, electronic, or other means devised for
2 marking, sorting, and counting the ballots and tabulating and
3 transferring of votes; provided that no change shall be made
4 that will alter the intent or principles embodied in the instant
5 runoff method.

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

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

18 "§11-112 Contents of ballot. (a) The ballot shall
19 contain the names of the candidates, their party affiliation or
20 nonpartisanship in partisan election contests, the offices for
21 which they are running, and the district in which the election
22 is being held. In multimember races the ballot shall state that



1 the voter shall not vote for more than the number of seats
2 available or the number of candidates listed where such number
3 is less than the seats available.

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

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

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

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

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

20 (g) The ballot may include language necessary to use the
21 instant runoff method pursuant to section 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 offices
13 subject to the instant runoff voting method and certified
14 pursuant to section 11-A, shall be declared to be elected.

15 Unless otherwise provided, the term of office shall begin or end
16 as of the close of polls on election day. The position on the
17 question receiving the appropriate majority of the votes cast
18 shall be reflected in a certificate of results issued pursuant
19 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



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.

6

INTRODUCED BY:





Report Title:

Instant Runoff Voting; Elections

Description:

Provides for instant runoff voting for all 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.

