

JAN 23 2009

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 that erode public support and confidence, and may
9 undermine the ability of those elected to govern effectively.

10 Instant runoff voting is an election method that allows
11 voters, at their option, to rank candidates as their first
12 choice, second choice, and subsequent choices. If no candidate
13 receives a majority of votes, the candidate with the least
14 number of votes is eliminated. Voters who chose the eliminated
15 candidate have their vote transferred to their second choice
16 candidate just as if they were voting in a traditional election
17 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 the
9 presidential elections in Ireland and parliamentary elections in
10 Australia. Instant runoff voting was used in Fiji for
11 parliamentary elections, London's 2000 election for mayor, and
12 in three recent San Francisco elections. The cities of Oakland
13 and Davis in California and Minneapolis, Minnesota, as well as
14 Pierce County, Washington also recently approved instant runoff
15 voting systems.

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



1 limited to a maximum of four, after which a majority vote would
2 not be 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. Chapter 11, Hawaii Revised Statutes, is amended
13 by adding three new sections to part X to be appropriately
14 designated and to read as follows:

15 "§11-A Instant runoff method; procedure for counting
16 votes. (a) To determine the winners in elections conducted by
17 the instant runoff method, ballots shall be counted initially by
18 the election officials according to the first choice marked on
19 each ballot. If one candidate receives a majority of the votes
20 cast, that candidate shall be declared the winner for that
21 office.



1 (b) If no candidate receives a majority of the first-
2 choice votes cast after the initial count, the chief election
3 officer shall:

4 (1) Declare that no candidate has received a majority of
5 first-choice votes;

6 (2) Declare the candidate with the fewest first-choice
7 votes defeated; and

8 (3) Transfer the first-choice votes of the candidate who
9 was declared defeated in paragraph (2) to the
10 candidates who received the next highest ranking on
11 each ballot containing votes to be transferred under
12 this subsection. If after the first round of
13 transferring votes, no candidate receives a majority
14 of votes cast for the office, the instant runoff
15 method for eliminating candidates by transferring
16 first-choice and previously transferred votes to
17 candidates still in the race and tabulating results,
18 shall continue until one candidate receives a majority
19 of the votes cast, excluding blank and spoiled votes,
20 or there is only one candidate remaining; provided
21 that if no candidate has received a majority of the
22 votes cast after the fourth round of tabulation, then



1 the candidate with the most first-choice votes
2 following the fourth round of tabulation shall be
3 declared the winner regardless of whether that
4 candidate receives a majority of the votes cast.

5 (c) Upon determining the candidate who has received a
6 majority of the votes pursuant to the instant runoff method, a
7 certificate of election or certificate of results declaring the
8 results shall be issued pursuant to section 11-156.

9 §11-B Instant runoff method; accelerated; generally. (a)
10 The instant runoff method may be accelerated, at the choice of
11 the chief election officer, by eliminating all candidates with
12 fewer than one per cent of the first-choice votes cast for the
13 office. Under this method, the first-choice vote on ballots
14 cast for eliminated candidates shall be transferred to the
15 candidates who are still in the race, who received the voters'
16 next highest ranking on those ballots.

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

19 (c) If a ballot skips a ranking, the ballot shall be
20 considered exhausted. A ballot that gives two or more
21 candidates the same ranking shall be deemed exhausted when that



1 ranking is reached unless only one of the candidates so ranked
2 is still in the race when the vote is due to be transferred.

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

13 §11-C Instant runoff voting method; application. (a) The
14 instant runoff method shall be used only in all contests for
15 offices in which no primary election is held.

16 (b) For purposes of this section, the chief election
17 officer shall adopt rules under chapter 91, to provide for the
18 use of mechanical, electronic, or other means devised for
19 marking, sorting, and counting the ballots and tabulating and
20 transferring of votes; provided that no change shall be made
21 that will alter the intent or principles embodied in the instant
22 runoff method.



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

11 SECTION 3. Section 11-1, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

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



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

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

5 "§11-112 Contents of ballot. (a) The ballot shall
6 contain the names of the candidates, their party affiliation or
7 nonpartisanship in partisan election contests, the offices for
8 which they are running, and the district in which the election
9 is being held. In multimember races the ballot shall state that
10 the voter shall not vote for more than the number of seats
11 available or the number of candidates listed where such number
12 is less than the seats available.

13 (b) The ballot may include questions concerning proposed
14 state constitutional amendments, proposed county charter
15 amendments, or proposed initiative or referendum issues.

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

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



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

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

8 (g) The ballot may include language necessary to use the
9 instant runoff method pursuant to section 11-C."

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

12 "§11-151 Vote count. [~~Each~~] Except for contests where the
13 instant runoff method is applied, each contest or question on a
14 ballot shall be counted independently as follows:

15 (1) If the votes cast in a contest or question are equal
16 to or less than the number to be elected or chosen for
17 that contest or question, the votes for that contest
18 or question shall be counted;

19 (2) If the votes cast in a contest or question exceed the
20 number to be elected or chosen for that contest or
21 question, the votes for that contest or question shall
22 not be counted; and



1 (3) If a contest or question requires a majority of the
2 votes for passage, any blank, spoiled, or invalid
3 ballot shall not be tallied for passage or as votes
4 cast except that such ballots shall be counted as
5 votes cast in ratification of a constitutional
6 amendment or a question for a constitutional
7 convention."

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

10 "§11-152 Method of counting. (a) In an election using
11 the paper ballot voting system, immediately after the close of
12 the polls, the chairperson of the precinct officials shall open
13 the ballot box. The precinct officials at the precinct shall
14 proceed to count the votes as follows:

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

18 (2) If the number of ballots corresponds with the number
19 of persons recorded by the precinct officials as
20 having voted, the precinct officials shall then
21 proceed to count the [~~vote~~] votes cast for each
22 candidate;



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

4 (b) In those precincts using the electronic voting system,
5 the ballots shall be taken in the sealed ballot boxes to the
6 counting center according to the procedure and schedule
7 promulgated by the chief election officer to promote the
8 security of the ballots. In the presence of official observers,
9 counting center employees may start to count the ballots prior
10 to the closing of the polls provided there shall be no printout
11 by the computer or other disclosure of the number of votes cast
12 for a candidate or on a question prior to the closing of the
13 polls. For the purposes of this section, the closing of the
14 polls is that time identified in section 11-131 as the closing
15 hour of voting.

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

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

20 "§11-155 Certification of results of election. On receipt
21 of certified tabulations from the election officials concerned,
22 the chief election officer or county clerk in county elections



1 shall compile, certify, and release the election results after
2 the expiration of the time for bringing an election contest.

3 The certification shall be based on a comparison and
4 reconciliation of the following:

- 5 (1) The results of the canvass of ballots conducted
6 pursuant to chapter 16;
- 7 (2) The audit of pollbooks (and related record books) and
8 resultant overage and underage report;
- 9 (3) The audit results of the manual audit team;
- 10 (4) The results of the absentee ballot reconciliation
11 report compiled by the clerks; and
- 12 (5) All logs, tally sheets, and other documents generated
13 during the election and in the canvass of the election
14 results.

15 A certificate of election or a certificate of results declaring
16 the results of the election as of election day shall be issued
17 pursuant to section 11-156; provided that in the event of an
18 overage or underage, a list of all precincts in which an overage
19 or underage occurred shall be attached to the certificate. The
20 number of candidates to be elected receiving the highest number
21 of votes in any election district, except candidates for offices
22 subject to the instant runoff voting method and certified



1 pursuant to section 11-A, shall be declared to be elected.
2 Unless otherwise provided, the term of office shall begin or end
3 as of the close of polls on election day. The position on the
4 question receiving the appropriate majority of the votes cast
5 shall be reflected in a certificate of results issued pursuant
6 to section 11-156."

7 SECTION 8. In codifying the new sections added by section
8 2 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

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.

