
A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding three new sections to part X to be appropriately
3 designated and to read as follows:

4 "§11-A Instant runoff voting method; procedure for
5 counting votes. (a) To determine the winners in an election
6 conducted by the instant runoff voting method, election
7 officials shall initially count the ballots according to the
8 first choice marked on each ballot. If at the end of the
9 initial count, one candidate receives a majority of the votes
10 cast, that candidate shall be declared the winner for that
11 office.

12 (b) If at the end of the initial count, no candidate
13 receives a majority of the first-choice votes cast, the chief
14 election officer or county clerk, as appropriate, shall declare
15 that no candidate has received a majority of first choice votes
16 and that the candidate with the fewest first choice votes and



1 candidates receiving fewer than one per cent of the first choice
2 votes, if any, are deemed defeated.

3 The chief election officer or county clerk shall transfer
4 the first choice votes for the defeated candidate or candidates
5 to the candidates who received the next highest ranking on each
6 ballot containing first choice votes for the defeated candidate
7 or candidates. If after the first round of transferring votes
8 no candidate has received a majority of votes cast for the
9 office, the process of eliminating candidates, transferring
10 votes, including previously transferred votes, to candidates
11 still in the race, and tabulating results shall continue until
12 one candidate receives a majority of the votes cast. If after
13 the fourth round of tabulation no candidate has received a
14 majority of the votes cast, then the candidate with the most
15 first choice votes following the fourth round of tabulation
16 shall be declared the winner, regardless of whether that
17 candidate has received a majority of the votes cast. Blank and
18 spoiled votes shall not be tabulated.

19 (c) Once a winner has been declared pursuant to subsection
20 (b), a certificate of election declaring the results shall be
21 issued pursuant to section 11-156.



1 §11-B Instant runoff voting method; generally. (a) Once
2 a ballot in an election using the instant runoff voting method
3 has no more available choices ranked on it, the ballot shall be
4 deemed exhausted.

5 (b) If a ballot in an election using the instant runoff
6 voting method skips a ranked choice, the ballot shall be deemed
7 exhausted. A ballot that gives two or more candidates the same
8 ranking shall be deemed exhausted when that ranking is reached
9 unless only one of the candidates so ranked is still in the race
10 when the vote is due to be transferred to that ranked choice.

11 (c) If a tie between candidates occurs at any stage in the
12 tabulation, the tie shall be resolved against the candidate who
13 received the least number of combined first choice votes and
14 transferred votes at the previous stage of tabulation. In the
15 case of a tie to which a previous stage does not apply, or where
16 the previous stage was also a tie, the tie shall be resolved by
17 drawing lots. However, if a tie occurs when there are only two
18 candidates remaining, the tie shall be resolved as set forth in
19 section 11-157.

20 §11-C Instant runoff voting method; application. (a) The
21 instant runoff voting method shall be used in all contests for
22 office:



- 1 (1) In which no primary election was held; and
2 (2) In majority election contests for a special election
3 that would normally require a runoff election if no
4 candidate receives a majority of the votes cast in the
5 special election.

6 If the instant runoff voting method is used in a special
7 election, the special election shall only consist of one
8 election contest and no subsequent separate runoff election
9 shall be held.

10 (b) The election proclamation required pursuant to section
11 11-91 shall state that votes will be cast and tabulated using
12 the instant runoff voting method and provide an explanation of
13 the procedures for instant runoff voting.

14 (c) For purposes of this section, the chief election
15 officer shall adopt rules under chapter 91, to provide for the
16 use of mechanical, electronic, or other means devised for
17 marking, sorting, and counting the ballots and tabulating and
18 transferring the votes in an election using the instant runoff
19 voting method; provided that no rule shall alter the intent or
20 principles embodied in the instant runoff voting method
21 described in this part.



1 (d) 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. Prior to finalization and printing, sample ballots
5 shall be made available for at least seven days on the
6 applicable office of elections' website and at the office of
7 elections for public review and comment.

8 Instructions on the ballot shall include the following
9 statement: "You may mark as many or as few alternate choices as
10 you wish. Marking a second choice cannot help defeat your first
11 choice. Marking a subsequent choice cannot help defeat your
12 higher-ranked choices."

13 Sample ballots illustrating the procedures for instant
14 runoff voting shall be posted in or near the voting booth,
15 included in the instruction materials for absentee ballots, and
16 posted on the office of elections' website. The office of
17 elections shall distribute educational materials explaining
18 instant runoff voting prior to the election."

19 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
20 amended by adding two new definitions to be appropriately
21 inserted and to read as follows:



1 "Instant runoff voting method" means a method of casting
2 and tabulating votes that tabulates a single vote for each voter
3 but simulates the ballot counts that would occur if all voters
4 participated in a series of runoff elections, whereby voters are
5 allowed to rank candidates according to the voter's preference
6 and, if no candidate obtains a majority of first choice votes,
7 votes are transferred in sequential tabulations according to
8 voters' preferences.

9 "Majority election contest" means an election contest in
10 which a candidate is required by law to receive a majority of
11 votes cast for the office to be elected outright."

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

14 "§11-112 Contents of ballot. (a) The ballot shall
15 contain the names of the candidates, their party affiliation or
16 nonpartisanship in partisan election contests, the offices for
17 which they are running, and the district in which the election
18 is being held. In multimember races the ballot shall state that
19 the voter shall not vote for more than the number of seats
20 available or the number of candidates listed where [~~such~~] the
21 number of candidates is less than the number of seats 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
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 language necessary to use the
18 instant runoff voting method in sections 11-A, 11-B, and 11-C."

19 SECTION 4. Section 11-151, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§11-151 Vote count. [~~Each~~] Except for contests where the
2 instant runoff voting method is used, each contest or question
3 on a ballot shall be counted independently as follows:

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

19 SECTION 5. Section 11-152, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§11-152 Method of counting. (a) In an election using
22 the paper ballot voting system, immediately after the close of



1 the polls, the chairperson of the precinct officials shall open
2 the ballot box. The precinct officials at the precinct shall
3 proceed to count the votes as follows:

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

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

12 (3) If there are more ballots or [~~less~~] fewer ballots than
13 the record calls for the precinct officials shall
14 proceed as directed in section 11-153.

15 (b) In those precincts using the electronic voting system,
16 the ballots shall be taken in the sealed ballot boxes to the
17 counting center according to the procedure and schedule
18 promulgated by the chief election officer to promote the
19 security of the ballots. In the presence of official observers,
20 counting center employees may start to count the ballots prior
21 to the closing of the polls; provided that there shall be no
22 printout by the computer or other disclosure of the number of



1 votes cast for a candidate or on a question prior to the closing
2 of the polls. For the purposes of this section, the closing of
3 the polls is that time identified in section 11-131 as the
4 closing hour of voting.

5 (c) In an election that uses the instant runoff voting
6 method, votes shall be counted as provided in sections 11-A and
7 11-B."

8 SECTION 6. Section 11-155, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§11-155 Certification of results of election. On receipt
11 of certified tabulations from the election officials concerned,
12 the chief election officer in state elections or county clerk in
13 county elections shall compile, certify, and release the
14 election results after the expiration of the time for bringing
15 an election contest. The certification shall be based on a
16 comparison and reconciliation of the following:

- 17 (1) The results of the canvass of ballots conducted
18 pursuant to chapter 16;
- 19 (2) The audit of pollbooks (and related record books) and
20 resultant overage and underage report;
- 21 (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~~]
12 greatest number of votes in any election district shall be
13 declared to be elected[~~-~~]; provided that candidates for office
14 subject to the instant runoff voting method shall be declared to
15 be elected pursuant to section 11-A. Unless otherwise provided,
16 the term of office shall begin or end as of the close of polls
17 on election day. The position on the question receiving the
18 appropriate majority of the votes cast shall be reflected in a
19 certificate of results issued pursuant to section 11-156."

20 SECTION 7. In codifying the new sections added by section
21 1 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 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect upon its approval;
6 provided that this Act shall not apply to any election held
7 prior to January 1, 2017; and provided further that, no later
8 than December 31, 2016, the chief election officer and each
9 county clerk shall adopt rules pursuant to chapter 91, Hawaii
10 Revised Statutes, to effectuate the purposes of this Act.
11

INTRODUCED BY:

Sean
Richardson

Mark Apai
Niola E. Lowan
Cindy Evans
Kal Rhoad
Tirdedehingame
Sean
[Signature]
[Signature]
Dr.
Guthrie Huelen
M. S. S. S.
R. M. S. S.



H.B. NO. 2019

Report Title:

Elections; Special Elections; Run-Off Voting

Description:

Establishes instant runoff voting procedures for elections in which no primary election is held and for special elections.

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

