
A BILL FOR AN ACT

RELATING TO VACANCIES.

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

1 SECTION 1. Section 17-2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§17-2 United States representative.** (a) When a vacancy
4 occurs in the representation of this State in the United States
5 House of Representatives, the chief election officer shall issue
6 a proclamation, not later than fourteen days after the vacancy
7 occurs, for an election to fill the vacancy[-] by special
8 election to be conducted by ranked choice voting. The
9 proclamation shall be issued not later than on the sixtieth day
10 prior to the election to fill the vacancy and shall contain the
11 date, time, and places where the special election is to be held,
12 the time within which nomination papers shall be filed, the time
13 for transmitting to county clerks the notice designating the
14 offices for which candidates are to be elected, the time for
15 transmitting to county clerks lists of candidates to be voted
16 for at the special election, a statement that votes shall be
17 cast and tabulated using ranked choice voting and include an



1 explanation of ranked choice voting, and [~~such~~] any other matter
2 as provided for in section 11-91 [~~and which~~] that are not
3 inconsistent with this section. The special election shall be
4 conducted and the results ascertained so far as practicable, in
5 accordance with this title.

6 (b) The following procedures shall be used to determine
7 the winner of the special election conducted by ranked choice
8 voting:

9 (1) Tabulation of votes shall proceed in rounds;

10 (2) In each round, the number of votes for each continuing
11 candidate shall be counted, with each continuing
12 ballot counting as one vote for its highest-ranked
13 continuing candidate for that round;

14 (3) Inactive ballots shall not be counted for any
15 continuing candidate; and

16 (4) The round shall end with one of two potential
17 outcomes:

18 (A) If there are two or fewer continuing candidates,
19 the candidate with the most votes is declared the
20 winner of the election; or



1 (B) If there are more than two continuing candidates,
2 the last-place candidate is defeated and a new
3 round begins.

4 A tie under this section between candidates for the most votes
5 in the final round or a tie between last-place candidates in any
6 round shall be decided by lot, and the candidate chosen by lot
7 shall be defeated. The office of elections may modify a ranked-
8 choice voting ballot and tabulation; provided that the number of
9 allowable rankings may be limited to no fewer than six and two
10 or more candidates may be defeated simultaneously by batch
11 elimination in any round of tabulation.

12 (c) Pending the special election, the governor shall make
13 a temporary appointment to fill the vacancy by selecting a
14 person from a list of three prospective appointees submitted by
15 the same political party as the prior incumbent. The appointee
16 shall serve until the special election and qualification of the
17 person duly elected to fill the vacancy and shall be, at the
18 time of appointment, and shall have been, for at least six
19 months immediately prior to the appointment, a member of the
20 same political party as the prior incumbent. The appointee
21 shall be a resident of the State. If the prior incumbent was



1 not a member of any political party, the governor shall appoint
2 a person who is not and has not been, for at least six months
3 immediately prior to the appointment, a member of any political
4 party.

5 (d) For the purposes of this section:

6 "Batch elimination" means the simultaneous defeat of
7 multiple candidates for whom it is mathematically impossible to
8 be elected.

9 "Continuing ballot" means a ballot that is not an inactive
10 ballot.

11 "Highest continuing ranking" means the highest ranking on a
12 voter's ballot for a continuing candidate.

13 "Inactive ballot" means a ballot that does not rank any
14 continuing candidate, contains an overvote at the highest
15 continuing ranking, or contains two or more sequential skipped
16 rankings before its highest continuing ranking.

17 "Last-place candidate" means the candidate with the fewest
18 votes in a round of ranked-choice voting tabulation.

19 "Mathematically impossible to be elected", with respect to
20 a candidate, means that:



- 1 (1) The candidate cannot be elected because the
2 candidate's vote total in a round of the ranked-choice
3 voting tabulation plus all votes that could possibly
4 be transferred to the candidate in future rounds from
5 candidates with fewer votes or an equal number of
6 votes would not be enough to surpass the candidate
7 with the next-higher vote total in the round; or
8 (2) The candidate has a lower vote total than a candidate
9 described in paragraph (1).

10 "Overvote" means a circumstance in which a voter has ranked
11 more than one candidate at the same ranking.

12 "Ranked choice voting" means the method of casting and
13 tabulating votes in which voters rank candidates in order of
14 preference, tabulation proceeds in sequential rounds in which
15 last-place candidates are defeated, and the candidate with the
16 most votes in the final round is elected.

17 "Ranking" means the number assigned on a ballot by a voter
18 to a candidate to express the voter's preference for that
19 candidate, in which number one is the highest ranking, number
20 two is the next-highest ranking, and so on.



1 "Round" means an instance of the sequence of voting
2 tabulation steps established in subsection (b).

3 "Skipped ranking" means a circumstance in which a voter has
4 left a ranking blank and ranks a candidate at a subsequent
5 ranking."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

11 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Elections; Vacancies; United States Representatives; Ranked
Choice Voting

Description:

Requires vacancies in the office of United States Representative to be filled by special election that is conducted using ranked choice voting. Requires the governor to make a temporary appointment to the office of United States Representative pending the special election. (SD1)

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