

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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 without 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 who received small
6 percentages of votes and who are not widely supported by voters.
7 For the winners, this may raise concerns about a lack of public
8 support and confidence that may undermine the ability of the
9 elected to govern effectively.

10 Ranked choice voting is an election method that provides
11 voters the ability to rank candidates in order of choice, as a
12 voter's first, second, and later choices. Tabulation begins
13 with each voter's first choice vote. If a candidate receives a
14 majority of votes, that candidate wins. If no candidate
15 receives a majority of votes, the candidate with the fewest
16 votes is eliminated and each vote counting for that candidate
17 counts for the voter's second choice in the subsequent round.



1 That process repeats by eliminating the candidate with the
2 fewest votes and counting each vote for the highest-ranked
3 remaining candidate in the next round, until two candidates
4 remain, and the candidate with the most votes wins.

5 The legislature further finds that ranked-choice voting has
6 been used effectively in the United States and around the world.
7 Notably, New York City implemented ranked-choice voting for the
8 2021 primaries for the election of its mayor, an election
9 process that engaged several million voters. Maine has
10 successfully implemented ranked-choice voting for two election
11 cycles; in 2018 for primary and general elections of state and
12 congressional offices and in 2020 for the United States
13 presidential election. Alaska voters also approved an
14 initiative in 2020 to implement ranked-choice voting in the 2022
15 election cycle for all federal and state races. Ranked-choice
16 voting has also been implemented in other jurisdictions,
17 including Australia, Ireland, Malta, New Zealand, Northern
18 Ireland, and Scotland.

19 Furthermore, the legislature finds that the State's voting
20 systems, including optical scanners, can process ranked-choice
21 voting with little or no difficulty.



1 Accordingly, the purpose of this Act is to implement the
 2 use of ranked-choice voting for all partisan primary elections,
 3 special elections, and nonpartisan general elections with more
 4 than two candidates, in addition to federal elections not held
 5 on the date of a regularly scheduled primary or general election
 6 as required pursuant to section 11-100, Hawaii Revised Statutes.

7 SECTION 2. Section 11-100, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 " ~~[]~~ §11-100 ~~[]~~ **Ranked-choice voting; application;**
 10 **procedure.** (a) Any partisan primary election, special
 11 election, or nonpartisan general election with more than two
 12 candidates, federal election not held on the date of a regularly
 13 scheduled primary or general election, and any special election
 14 for a vacant seat on a county council shall be conducted by
 15 ranked-choice voting.

16 (b) The chief election officer shall adopt rules pursuant
 17 to chapter 91 to implement the use of mechanical, electronic, or
 18 other means devised for marking, sorting, and counting the
 19 ballots and tabulating and transferring the votes in an election
 20 using ranked-choice voting; provided that these rules shall be
 21 consistent with the intent and purpose of ranked-choice voting.



1 (c) In addition to the requirements under sections 11-111
2 and 11-119, the ballots for an election using ranked-choice
3 voting shall allow a voter to rank no more than four candidates
4 for an office in order of preference. If more than one seat is
5 to be filled by the same ballot, the voter may be limited to
6 voting for no more than twice the number of candidates as seats
7 to be filled. Instructions on the ballot shall include the
8 following statement: "You may mark up to three alternate
9 choices in order of preference. Marking a second choice cannot
10 help defeat your first choice. Marking a subsequent choice
11 cannot help defeat your higher-ranked choices".

12 (d) The chief election officer or county clerk in the case
13 of a county election shall print informational materials
14 containing a facsimile ballot that depicts the official ballot
15 to be used in the election and voting instructions and
16 procedures for the election using ranked-choice voting. The
17 informational materials shall be:

- 18 (1) Posted near the entrance to the polling place where
19 the information can be easily seen by voters prior to
20 voting;
21 (2) Posted in or near a voting booth;



- 1 (3) Included in the instruction materials for absentee
- 2 ballots;
- 3 (4) Posted on the website of the office of elections or
- 4 county clerk, as applicable; and
- 5 (5) Included in any voter education materials distributed
- 6 by the office of elections or county clerk in the case
- 7 of a county election prior to the election using
- 8 ranked-choice voting.

9 (e) Prior to the printing of ballots for an election using
10 ranked-choice voting, the chief election officer or county clerk
11 in the case of a county election shall make a sample ballot
12 available on the website of the office of elections or county
13 clerk, as applicable. The sample ballot shall be accessible on
14 the applicable website for not less than fifteen calendar days
15 prior to printing for public review and comment.

16 [~~(b)~~] (f) Except as provided in subsections [~~(e)~~] (g) and
17 [~~(d)~~], (h), the following procedures shall be used to determine
18 the winner of an election conducted by ranked-choice voting:

- 19 (1) Tabulation of votes shall proceed in rounds;
- 20 (2) In each round, the number of votes for each continuing
- 21 candidate shall be counted, with each continuing



- .1 ballot counting as one vote for its highest-ranked
2 continuing candidate for that round;
- 3 (3) Inactive ballots shall not be counted for any
4 continuing candidate; and
- 5 (4) The round shall end with one of two potential
6 outcomes:
- 7 (A) If there are two or fewer continuing candidates,
8 the candidate with the most votes shall be
9 declared the winner of the election; or
- 10 (B) If there are more than two continuing candidates,
11 the last-place candidate shall be defeated and a
12 new round shall begin.
- 13 [~~e~~] (g) A tie under this section between candidates for
14 the most votes in the final round or a tie between last-place
15 candidates in any round shall be decided by lot, and the
16 candidate chosen by lot shall be:
- 17 (1) Declared the winner if the tie is between candidates
18 for the most votes in the final round; or
- 19 (2) Defeated if the tie is between last-place candidates
20 in any round.



1 [~~d~~] (h) The office of elections may modify a ranked-
2 choice voting ballot and tabulation; provided that:

3 (1) The number of allowable rankings shall be limited to
4 no fewer than six candidates; and

5 (2) Two or more candidates may be defeated simultaneously
6 by batch elimination in any round of tabulation.

7 [~~e~~] (i) For the purposes of this section:

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

11 "Continuing ballot" means a ballot that is not an inactive
12 ballot.

13 "Continuing candidate" means a candidate who has not been
14 defeated.

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

17 "Inactive ballot" means a ballot that does not rank any
18 continuing candidate, contains an overvote at the highest
19 continuing ranking, or contains two or more sequential skipped
20 rankings before its highest continuing ranking.



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

3 "Mathematically impossible to be elected", with respect to
4 a candidate, means that:

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

12 (2) The candidate has a lower vote total than a candidate
13 described in paragraph (1).

14 "Overvote" means a circumstance in which a voter has ranked
15 more than one candidate at the same ranking on a ballot.

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



1 "Ranking" means the number assigned on a ballot by a voter
2 to a candidate to express the voter's preference for that
3 candidate, in which the lowest number is the highest ranking,
4 and the highest number is the lowest ranking.

5 "Round" means an instance of the sequence of voting
6 tabulation steps established in subsection (f).

7 "Skipped ranking" means a circumstance in which a voter has
8 left a ranking blank and ranks a candidate at a subsequent
9 ranking."

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

12 "§11-112 Contents of ballot. (a) The ballot shall
13 contain the names of the candidates, their party affiliation or
14 nonpartisanship in partisan election contests, the offices for
15 which they are running, and the district in which the election
16 is being held. [~~In multimember races the ballot shall state
17 that the voter shall not vote for more than the number of seats
18 available or the number of candidates listed where the number of
19 candidates is fewer 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 that identify
8 the voting districts, precincts, and ballot sets to facilitate
9 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 information necessary to use
18 ranked-choice voting as described in section 11-100."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

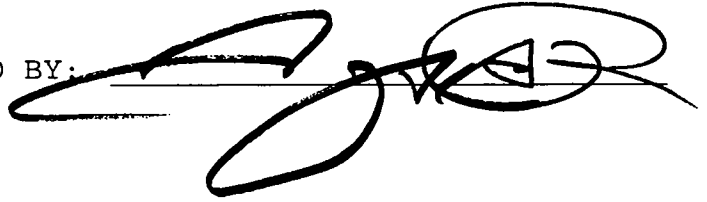


S.B. NO. 401

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

2

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but it appears to contain the letters 'S', 'B', and '401'.

S.B. NO. 401

Report Title:

Elections; Ranked-Choice Voting

Description:

Authorizes the use of ranked-choice voting for all partisan primary elections, special elections, and nonpartisan general elections with more than two candidates held in this State.

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

