

1 S.174

2 Introduced by Senators Pearson, Perchlik and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Elections; primary elections; general elections; ranked choice voting

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 use of ranked choice voting in all primary elections for U.S. Senator,
8 U.S. Representative, and State office and in general elections for U.S. Senator
9 and U.S. Representative.

10 An act relating to ranked choice voting

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 17 V.S.A. § 2351 is amended to read:

13 § 2351. PRIMARY ELECTION

14 (a) A primary election shall be held on the second Tuesday in August in
15 each even-numbered year for the nomination of candidates of major political
16 parties for all offices to be voted for at the succeeding general election, except
17 candidates for President and Vice President of the United States, their electors,
18 and justices of the peace.

19 (b)(1) Legislative candidates. The primary election for legislative
20 candidates shall be conducted in accordance with this chapter.

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2 § 2472. CONTENTS

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4 (b)(1) Each office to be voted upon shall be separately indicated and
5 preceded by the word “For,” as: “For ~~United States Senator~~ Governor.”

6 Beneath the office to be voted upon shall appear the instructions: “Vote for
7 not more than (the number of candidates to be elected).”

8 * * *

9 Subchapter 2A. Ranked Choice Voting

10 § 2485. DEFINITIONS

11 As used in this subchapter:

12 (1) “Batch elimination” means the simultaneous defeat of one or more
13 candidates for whom it is mathematically impossible to be elected.

14 (2) “Continuing vote” means a vote that is not an exhausted vote.

15 (3) “Continuing candidate” means a candidate who has not been
16 defeated.

17 (4) “Exhausted vote” means a vote for an election on a ballot that:

18 (A) does not rank any continuing candidate;

19 (B) contains an overvote at the highest continuing ranking; or

20 (C) contains two or more sequential skipped rankings before its
21 highest continuing ranking.

1 (5) “Highest continuing ranking” means a voter’s highest ranking for a
2 continuing candidate.

3 (6) “Last place candidate” means the candidate with the fewest votes in
4 a round of the ranked choice voting tabulation.

5 (7) “Mathematically impossible to be elected” means that a candidate:

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

11 (B) has a lower vote total than a candidate described in subdivision
12 (A) of this subdivision (7).

13 (8) “Overvote” means a circumstance in which a voter has ranked more
14 than one candidate at the same ranking in an election.

15 (9)(A) “Ranking” means the number assigned on a ballot by a voter to a
16 candidate to express the voter’s preference for that candidate.

17 (B) Ranking “1st choice” is the highest ranking; ranking
18 “2nd choice” is the second-highest ranking; and so on.

19 (10) “Round” means an instance of the sequence of voting tabulation
20 steps set forth in section 2488 of this subchapter.

1 (11) “Skipped ranking” means a circumstance in which a voter has left a
2 ranking blank and ranks a candidate at a subsequent ranking.

3 § 2486. RANKED CHOICE PRIMARY ELECTION BALLOTS; STATE
4 OFFICES

5 (a)(1) A separate, ranked choice ballot for State office candidates for each
6 major political party shall be printed and furnished to the towns by the
7 Secretary of State and shall contain the names of all State office candidates for
8 nomination by that party at the primary. Ballots shall be printed on index stock
9 and configured to be readable by vote tabulators.

10 (2) Ballots shall be printed in substantially the following form:

11 **OFFICIAL VERMONT RANKED CHOICE PRIMARY ELECTION**

12 **BALLOT FOR STATE OFFICE CANDIDATES**

13 **VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT**

14 **BOX OR VOTE TABULATOR**

15 **ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED**

16 **BALLOT BOX**

17 _____

18 **[MAJOR POLITICAL PARTY NAME]**

19 _____

20 Instructions to voters: Use black pen or pencil to fill in the ovals. Vote by
21 indicating your first choice candidate and ranking additional candidates in

1 order of choice. Indicate your first choice by marking the oval labeled
2 “1st choice” next to that candidate’s name; your second choice by marking the
3 oval labeled “2nd choice” next to that candidate’s name; your third choice by
4 marking the oval labeled “3rd choice” next to that candidate’s name; and so
5 on. Rank as many choices as you wish. Marking a second or later choice will
6 not count against your first choice. Do not skip numbers, and do not mark the
7 same ranked choice for more than one candidate. To vote for a person whose
8 name is printed on the ballot, fill in the oval with your chosen ranking for that
9 candidate to the right of the name of that person. To vote for a person whose
10 name is not printed on the ballot, write or stick his or her name in the blank
11 space provided and fill in the oval with your chosen ranking for that candidate
12 to the right of the write-in space. If you make a mistake, tear, or deface the
13 ballot, return it to an election official and obtain another ballot. Do not erase.

14 (b)(1) The ballot shall indicate how many persons are to be elected for each
15 office.

16 (2) Following the names of candidates printed on the ballot after the
17 name of each State office to be filled shall be as many blank lines for write-in
18 candidates as there are persons to be elected to that office. If no primary
19 petition is filed for a State office or for a candidate belonging to a party, the
20 ballot shall contain the name of the State office and blank lines for write-in
21 candidates.

1 (3) If feasible, the ballot shall allow voters to rank a number of
2 candidates that is equal to the number of printed candidate names and blank
3 write-in lines. If it is not feasible to allow voters to rank that number of
4 candidates, the number of allowable rankings shall be limited to no fewer than
5 six.

6 § 2487. RANKED CHOICE GENERAL ELECTION BALLOT; OFFICES
7 OF U.S. HOUSE AND SENATE

8 A ranked choice ballot shall be used at the general election for the offices of
9 U.S. Senator and U.S. Representative. The ranked choice ballot shall conform
10 to the provisions of sections 2471 and 2472 of this chapter regarding general
11 election ballots for other offices, but shall provide ranked choice voting
12 instructions to voters and allow voters to rank candidates for these offices as
13 prescribed for primary ballots in section 2486 of this subchapter.

14 § 2488. RANKED CHOICE TABULATION PROCEDURE

15 (a) Applicability. In any primary or general election conducted by ranked
16 choice voting, ranked choice votes shall be tabulated according to the
17 procedure set forth in this section.

18 (b) First round.

19 (1) For each election for an office, each vote for that election on a ballot
20 shall initially be counted as one vote for its highest-ranked continuing
21 candidate or as an exhausted vote.

1 (2) If a candidate reaches a majority vote in the first round of tabulation,
2 that candidate is elected and tabulation is complete.

3 (c) Sequential rounds. If a candidate fails to reach a majority vote in the
4 first round, tabulation continues for that office as follows in sequential rounds
5 until a candidate reaches a majority vote:

6 (1)(A) The candidate with the fewest votes and any other candidate for
7 whom it is mathematically impossible to be elected are defeated.

8 (B) Votes for such defeated candidates shall cease to be counted for
9 those defeated candidates and shall be added to the totals of each ballot's
10 highest-ranked continuing candidate for the election or counted as exhausted
11 votes.

12 (2) Votes for each continuing candidate shall be counted, except that
13 exhausted votes for continuing candidates shall not be counted.

14 (d) Ties. Unless a tied candidate withdraws from the election in order to
15 resolve a tie, a tie under this section between candidates for the most votes in
16 the final round, between last-place candidates in any round, or between
17 candidates following any recount shall be decided by lot, and the candidate
18 chosen by lot is defeated.

1 § 2489. ELECTION MANAGEMENT SYSTEM; VOTE TABULATORS;
2 TALLY SHEETS, SUMMARY SHEETS, AND RETURNS; RULES

3 (a) The Secretary of State shall ensure that:

4 (1) the Secretary's Election Management System and all vote tabulators
5 and their memory cards and related software are programmed to tabulate
6 ranked choice voting in accordance with this subchapter, including
7 programming to perform batch elimination and to not count exhausted
8 votes; and

9 (2) all tally sheets, summary sheets, and returns described in section
10 2586 of this chapter are designed to record ranked choice voting results in
11 accordance with this subchapter.

12 (b) In filing returns in accordance with section 2588 of this chapter for a
13 ranked choice voting election:

14 (1) In towns that count ballots by hand, the town clerk shall report the
15 unofficial results of voters' ranked choices by electronically submitting those
16 choices on the Secretary's Election Management System, which shall tabulate
17 the final result.

18 (2) In towns that use vote tabulators, the vote tabulators shall be
19 programmed to tabulate voters' ranked choices and the town clerk shall report
20 the unofficial, final result of that tabulation by electronically submitting it on
21 the Secretary's Election Management System.

1 (c) The Secretary shall adopt rules to implement the provisions of this
2 subchapter.

3 Sec. 3. SECRETARY OF STATE; VOTER AND ELECTION OFFICIAL
4 EDUCATION

5 Prior to the effective date of this act, the Secretary of State shall make
6 available to voters information regarding the ranked choice process and
7 provide to election officials training in order to assist them in implementing
8 that process.

9 Sec. 4. APPROPRIATION; UPGRADE OF SECRETARY OF STATE
10 ELECTION MANAGEMENT SYSTEM AND VOTE
11 TABULATORS

12 There is appropriated to the Office of Secretary of State the amount of
13 \$1.00 for the upgrade of the Secretary's Election Management System and all
14 vote tabulators and their memory cards and related software so that they may
15 perform ranked choice voting as described in this act.

16 Sec. 5. EFFECTIVE DATES

17 This act shall take effect on January 1, 2024, except that:

18 (1) this section and Sec. 3 (Secretary of State; voter and election official
19 education) shall take effect on passage; and

20 (2) Sec. 4 (appropriation to Secretary of State) shall take effect on
21 July 1, 2020.