

OVERVIEW OF RANKED CHOICE VOTING BILL DRAFT

General Summary

This bill draft would require ranked choice voting for all primary elections (except the presidential primary) and in general elections for the offices of U.S. Senator and U.S. House.

The overall purpose of ranked choice voting is to require the winning candidate to receive a majority of votes. Under a ranked choice voting system, voters choose their candidates in order of preference, by marking candidates as their first, second, third, and subsequent choices. If no candidate receives a majority of votes on the first round of counting, the votes are thereafter tabulated in rounds, with the lowest-ranked candidate eliminated in each round and the votes for that candidate transferred to the totals of each ballot's highest-ranked continuing candidate (if applicable) until one candidate receives a majority of votes. The process is the same for multi-seat districts, with a majority vote election threshold based on the number of seats in the district.

This bill draft is based on Maine's ranked choice voting statute – [21-A MRSA § 723-A](#) – as well as [FairVote's Model Statute](#). However, this bill draft would rely on the Secretary of State's Election Management System to tabulate ranked choice voting. The System would need to be updated to perform this tabulation. Due to that update and other necessary preparation, the bill sets an overall effective date of January 1, 2024, so that the bill's required ranked choice voting would start to be used at the 2024 General Election.

Section-by-Section Summary

* * * Primary Elections * * *

Sec.1 describes that the primary shall be conducted by ranked choice voting.

Sec. 2 amends the statute regarding the form of the primary ballot.

- Subdiv. (a)(2) describes the instructions to voters set forth on the ballot.

- Subdiv. (b)(1) would require the ballot to indicate how many persons are to be elected for each office, in order to replace current law language in subdiv. (a)(2) that directs voters not to vote for more than the number of candidates for the office.
- Subdiv. (b)(3) requires that voters be allowed to rank at least six candidates (or more if feasible).

Sec. 3 deletes all language regarding the manner of determining tie votes in the primary, and instead provides that they shall be decided pursuant to the new ranked choice voting subchapter set forth later in the bill.

- [*Under ranked choice voting, ties are decided by lot.*]

* * * General Elections; U.S. Senate and House * * *

Sec. 4 amends the chapter on the general conduct of elections.

- § 2471 is in regard to the form of the general election ballot. It would require there to be a separate ranked choice ballot for the two congressional offices.
- § 2472 amends the contents of the standard general election ballot to remove reference to U.S. Senator (since that office would be on the new ranked choice ballot).
- The bill would then add the new subchapter on ranked choice voting.
 - In § 2485, all definitions are based on the FairVote Model Statute.
 - § 2486 generally describes the new ranked choice ballot.
 - § 2487 provides how ranked choice votes are tabulated, based on the FairVote Model Statute.
 - Subsec. (a) establishes an “election threshold,” which is a term defined in § 2485 and is based on the number of seats in a district.
 - Subsec. (b) describes the first round of tabulation.
 - Subsec. (c) describes tabulation for any necessary sequential rounds.

- Subsec. (d) provides that, unless a candidate withdraws, a tie is decided by lot.
- § 2488 is Vermont-specific language.
 - Subsec. (a) requires the Secretary of State to ensure that:
 - the Election Management System and all vote tabulators and memory cards and related software are programmed to tabulate ranked choice voting, including programming to perform “batch elimination” and to not count “exhausted votes,” which are terms defined in § 2485; and
 - all tally and summary sheets and returns are designed to record ranked choice voting results.
 - Subsec. (b) describes the difference in hand count vs. vote tabulator towns:
 - In hand count towns – after using the reconfigured, ranked choice tally and summary sheets – town clerks would submit the results on the System, which would tabulate the final result.
 - In tabulator towns, the vote tabulators would perform the tabulation, and that result would be submitted on the System.
 - Subsec. (c) would require the Secretary of State to adopt rules to implement the provisions of the new ranked choice subchapter, to fill in any necessary details.

* * * Recount Ties * * *

Sec. 5 updates the recount tie statute to provide that ranked choice ties are handled by the ranked choice tie statute (ie., ties decided by lot).

* * * Transitional Provisions; Effective Dates * * *

Sec. 6 requires the Secretary of State to make available to voters info regarding the ranked choice voting process, and to provide to election officials training to assist them in implementing the process.

Sec. 7 provides a \$1.00 appropriation *as a placeholder* for the actual amount that would be necessary to upgrade the System and vote tabulators and their memory cards and related software so they can perform ranked choice voting.

Sec. 8 are the effective dates, with the bill overall taking effect on 1/1/24, but Sec. 6's voter and election official education taking effect on passage, and Sec. 7's appropriation taking effect on July 1, 2020.