

1 S.32

2 An act relating to ranked-choice voting for presidential primary elections

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

4 * * * Opt-in Ranked-Choice Voting System for Town, Cities,

5 and Villages * * *

6 Sec. 1. 17 V.S.A. chapter 55, subchapter 4 is added to read:

7 Subchapter 4. Ranked-Choice Voting

8 § 2691a. DEFINITIONS

9 As used in this subchapter:

10 (1) “Active candidate” means a candidate who has not been eliminated
11 and who is not a withdrawn candidate.

12 (2) “By lot” means a method, determined by the Secretary of State, for
13 randomly choosing between two or more active candidates.

14 (3) “Highest-ranked active candidate” means the active candidate
15 assigned a higher ranking than any other active candidate.

16 (4) “Inactive ballots” means ballots that do not count as votes for any
17 candidate due to one or more of the reasons listed in subdivision 2691d(c)(2)
18 of this title.

19 (5) “Overvote” means an instance in which a voter assigned the same
20 ranking to more than one candidate.

1 (6) “Ranking” means the number available to be assigned by a voter to a
2 candidate to express the voter’s choice for that candidate. The number “1” is
3 the highest ranking, followed by “2” and then “3” and so on.

4 (7) “Round” means an instance of the sequence of voting tabulation in
5 accordance with section 2691d of this title.

6 (8) “Skipped ranking” means a voter does not assign a certain available
7 ranking to any candidate but does assign a subsequent available ranking to a
8 candidate.

9 (9) “Undervote” means a ballot on which a voter does not assign any
10 ranking to any candidate in a particular contest.

11 (10) “Withdrawn candidate” means any candidate who has submitted a
12 declaration of withdrawal in writing to the presiding officer, the effectiveness
13 of which begins when filed with the presiding officer.

14 § 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

15 (a) Application. The provisions of the ranked-choice voting system
16 described in this subchapter shall only apply to the election of a candidate
17 running for an office in a town, city, or village if:

18 (1) a town, city, or village has voted to elect officers by the Australian
19 ballot system pursuant to section 2680 of this title and is using the Australian
20 ballot system in accordance with subsection 2680 of this title; and

1 (2) that town, city, or village has adopted the ranked-choice voting
2 system described in this subchapter by either:

3 (A) a vote of the town, city, or village, at its annual meeting or at a
4 special meeting called for that purpose; or

5 (B) a vote of the legislative body of that town, city, or village.

6 (b) Duration. Once a town, city, or village votes to adopt the ranked-choice
7 voting system described in this subchapter, this ranked-choice voting system
8 shall be used in that manner until:

9 (1) the town, city, or village votes to discontinue use of the system; or

10 (2) the legislative body of that town, city, or village votes to discontinue
11 use of the system, provided however, that the legislative body may not vote to
12 discontinue use of the system if that town, city, or village had adopted the
13 ranked-choice voting system by a vote of the town, city, or village.

14 § 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

15 Notwithstanding any contrary provisions in section 2681a of this title, a
16 ballot for an election using the ranked-choice system in a town, city, or village
17 shall allow voters to rank candidates in order of ordinal preference.

18 (1) The names of all candidates on the ballot shall be listed in
19 alphabetical order.

20 (2) The ballot shall allow voters to assign rankings to candidates that are
21 equal to the number of printed candidate names and blank write-in lines.

1 § 2691d. RANKED-CHOICE VOTING TABULATION

2 (a) Tabulation rounds. In any election of a candidate running for an office
3 in a town, city, or village, each ballot shall count as one vote for the highest-
4 ranked active candidate on that ballot. Tabulation shall proceed in rounds, as
5 follows:

6 (1) Elections with one winner.

7 (A) If there are two or fewer active candidates, then tabulation is
8 complete, and the candidate with the most votes is declared the winner of the
9 election.

10 (B) If there are more than two active candidates, the active candidate
11 with the fewest votes is eliminated, the votes for the eliminated candidate are
12 transferred to each ballot's next-ranked active candidate, and a new round
13 begins.

14 (2) Elections with multiple winners.

15 (A) If the number of active candidates is equal to the number of seats
16 available plus one, then tabulation is complete, and the candidates with the
17 most votes are declared the winners of the election.

18 (B) If the number of active candidates is more than the number of
19 seats available plus one, then the active candidate with the fewest votes is
20 eliminated, the votes for the eliminated candidate are transferred to each
21 ballot's next-ranked active candidate, and a new round begins.

1 (3) Ties.

2 (A) If there is a tie between two active candidates with the fewest
3 votes, the tie shall be resolved by lot to determine which candidate is defeated.
4 The result of the tie resolution must be recorded and reused in the event of a
5 recount.

6 (B) If there is a tie between the final active candidates, the presiding
7 officer shall notify each active candidate involved in the tie, or the candidate's
8 designee, to be present at the presiding officer's office or at the polling place at
9 a certain time. At that time, the presiding officer shall select the winner of the
10 tabulation by lot.

11 (b) Withdrawn candidates. Ranking orders containing withdrawn
12 candidates shall be treated the same as ranking orders containing candidates
13 who have been eliminated from tabulation.

14 (c) Inactive ballots and undervotes.

15 (1) In any round of tabulation, an inactive ballot does not count for any
16 candidate and is not considered a vote for the purposes of determining which
17 active candidate has the majority of the active votes in the final round of
18 tabulation pursuant to subsection (a) of this section.

19 (2) A ballot is an inactive ballot if any of the following is true:

20 (A) The ballot does not rank any active candidates and is not an
21 undervote.

1 (B) The ballot has reached an overvote.

2 (C) The ballot has reached two consecutive skipped rankings.

3 (3) An undervote does not count as either an active or inactive ballot in
4 any round of tabulation.

5 § 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

6 In addition to any other information required by law to be reported with
7 final results, the following shall be made public:

8 (1) the total number of votes each candidate received in each round of
9 the official tabulation, including votes for withdrawn candidates; and

10 (2) the total number of ballots that became inactive in each round
11 because they did not contain any active candidates, reached an overvote, or
12 reached two consecutive skipped rankings, reported as separate figures.

13 § 2691f. MUNICIPAL ORDINANCES

14 Municipalities shall have the power to adopt ordinances pursuant to
15 24 V.S.A. chapter 59 for the purpose of the proper and efficient administration
16 of the ranked-choice voting system in towns, cities, and villages, provided such
17 ordinances do not controvert the provisions of this subchapter.

18 Sec. 2. FIRST PERMISSIBLE ELECTION USING RANKED-CHOICE

19 VOTING SYSTEM

20 A town, city, or village may only use the ranked-choice voting system
21 described in 17 V.S.A. chapter 55, subchapter 4 beginning at the 2024 annual

1 meeting of that town, city, or village and then thereafter. A town, city, or
2 village may nevertheless adopt pursuant to 17 V.S.A. § 2691b(a) a ranked-
3 choice voting system in advance of the 2024 annual meeting.

4 * * * Voter and Presiding Officer Education * * *

5 Sec. 3. VOTER AND PRESIDING OFFICER EDUCATION; SECRETARY
6 OF STATE'S OFFICE

7 The Secretary of State shall make available to voters in a town, city, or
8 village that has adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b
9 information regarding the ranked-choice process and provide to presiding
10 officers in those towns, cities, and villages training in order to assist them in
11 implementing that process.

12 Sec. 4. [Deleted.]

13 * * * Ranked-Choice Voting Study Committee * * *

14 Sec. 5. RANKED-CHOICE VOTING; RANKED-CHOICE VOTING
15 STUDY COMMITTEE; REPORT

16 (a) Creation. There is created the Ranked-Choice Voting Study Committee
17 to examine issues in implementing ranked-choice voting in Vermont across all
18 elections for state and federal office.

19 (b) Membership. The Ranked-Choice Voting Study Committee shall be
20 composed of the following members:

1 (1) two current members of the House of Representatives, not from the
2 same political party, who shall be appointed by the Speaker of the House;

3 (2) two current members of the Senate, not from the same political
4 party, who shall be appointed by the Committee on Committees;

5 (3) one designee, appointed by the Secretary of State;

6 (4) three designees, appointed by the Vermont Municipal Clerks' and
7 Treasurers' Association, from different-sized towns, cities, and villages,
8 different regions, and at least one shall be from a town, city, or village that use
9 a hand count in elections;

10 (5) one designee, appointed by the Vermont League of Cities and
11 Towns;

12 (6) a member of an organization focused on the conduct of elections,
13 who shall be appointed by the Speaker of the House; and

14 (7) a member of a different organization focused on the conduct of
15 elections, who shall be appointed by the Senate Committee on Committees.

16 (c) Powers and duties. The Ranked-Choice Voting Study Committee shall
17 study ranked-choice voting systems with the goals of having recommendations
18 implemented for all primary and general elections for state and federal office
19 occurring in 2026, including the following issues:

20 (1) education of voters;

21 (2) training of town clerks, presiding officers, and election staff;

- 1 (3) election integrity, security, and transportation of ballots;
- 2 (4) technological requirements in tabulators, hardware, and software;
- 3 (5) methodology of ranked-choice voting systems;
- 4 (6) canvassing of votes and roles of canvassing committees;
- 5 (7) post-election processes and reporting; and
- 6 (8) other items relating to the design and implementation of ranked-
- 7 choice voting systems.

8 (d) Assistance. The Ranked-Choice Voting Study Committee shall have
9 the administrative, technical, and legal assistance of the Vermont Office of
10 Legislative Counsel and the Vermont Legislative Joint Fiscal Office.

11 (e) Report. On or before January 15, 2024, the Ranked-Choice Voting
12 Study Committee shall report to the House Committee on Government
13 Operations and Military Affairs and the Senate Committee on Government
14 Operations with its findings and any recommendations for legislative action.

15 (f) Meetings.

16 (1) A member of the House of Representatives designated by the
17 Speaker of the House shall call the first meeting of the Ranked-Choice Voting
18 Study Committee to occur on or before July 1, 2023.

19 (2) The Ranked-Choice Voting Study Committee shall select a chair
20 from among its members at the first meeting.

1 (3) A majority of the members of the Ranked-Choice Voting Study
2 Committee shall constitute a quorum.

3 (4) The Ranked-Choice Voting Study Committee shall cease to exist on
4 November 1, 2024.

5 (g) Compensation and reimbursement.

6 (1) For attendance at meetings during adjournment of the General
7 Assembly, a legislative member of the Ranked-Choice Voting Study
8 Committee serving in the legislator's capacity as a legislator shall be entitled to
9 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
10 § 23 for not more than four meetings. These payments shall be made from
11 monies appropriated to the General Assembly.

12 (2) Other members of the Ranked-Choice Voting Study Committee who
13 are not paid for their services by the organization for which the member is
14 representing on the Ranked-Choice Voting Study Committee shall be entitled
15 to per diem compensation as permitted under 32 V.S.A. § 1010 for not more
16 than four meetings. These payments shall be made from monies appropriated
17 to the Office of the Secretary of State.

18 (h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of
19 the Secretary of State from the General Fund in fiscal year 2024 for per diem
20 compensation for members of the Committee.

1 * * * Ranked-Choice Voting for Presidential Primary Elections * * *

2 Sec. 6. REDESIGNATION

3 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

4 Sec. 7. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

5 Subchapter 1. Presidential Primary

6 § 2700. DEFINITIONS

7 As used in this subchapter:

8 (1) “Active candidate” means a candidate who has not been eliminated
9 and who is not a withdrawn candidate as set forth in subdivision (12) of this
10 section.

11 (2) “By lot” means a method, determined by the Secretary of State, for
12 randomly choosing between two or more active candidates.

13 (3) “Highest-ranked active candidate” means the active candidate
14 assigned a higher ranking than any other active candidate.

15 (4) “Inactive ballots” means ballots that do not count as votes for any
16 candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of
17 this title.

18 (5) “Major political party” has the same meaning as in subdivision
19 2103(23)(A) of this title.

20 (6) “Overvote” means an instance in which a voter assigned the same
21 ranking to more than one candidate.

1 (7) “Ranking” means the number available to be assigned by a voter to a
2 candidate to express the voter’s choice for that candidate. The number “1” is
3 the highest ranking, followed by “2,” and then “3,” and so on.

4 (8) “Round” means an instance of the sequence of voting tabulation in
5 accordance with section 2706 of this title.

6 (9) “Skipped ranking” means a voter does not assign a certain available
7 ranking to any candidate but does assign a subsequent available ranking to a
8 candidate.

9 (10) “Threshold for receiving delegates” means the number of votes
10 necessary for a candidate to receive delegates in a presidential primary election
11 conducted in accordance with subdivision 2705(a)(2) of this title.

12 (11) “Undervote” means a ballot on which a voter does not assign any
13 ranking to any candidate in a particular contest.

14 (12) “Withdrawn candidate” means any candidate who has submitted a
15 declaration of withdrawal in writing to the Secretary of State, the effectiveness
16 of which begins when filed with the Secretary of State.

17 § 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF
18 BALLOT

19 In presidential election years, a presidential primary for each major political
20 party shall be held in all municipalities on the first Tuesday in March. The
21 Secretary of State shall prepare and distribute for use at the primary an official

1 ranked-choice ballot for each party for which one or more candidates qualify
2 for the placing of their names on the ballot under section 2702 of this title.
3 Ballots shall be printed on index stock and configured to be readable by vote
4 tabulators.

5 * * *

6 § 2704. RANKED-CHOICE VOTING; BALLOTS

7 (a) A presidential primary election for a major political party shall be
8 conducted by ranked-choice voting.

9 (b) A person voting at the primary shall be required to ask for the ranked-
10 choice ballot of the party in which the voter wishes to vote, and an election
11 official shall record the voter's choice of ballot by marking the entrance
12 checklist with a letter code, as designated by the Secretary of State, to indicate
13 the voter's party choice.

14 (1) The ballot shall allow voters to rank candidates in order of choice.

15 The names of all candidates on the ballot shall be listed in alphabetical order.
16 ~~Each voter may vote for one candidate for the presidential nomination of one~~
17 ~~party, either by placing a mark opposite the printed name of a candidate as in~~
18 ~~other primaries, or by writing in the name of the candidate of the voter's~~
19 ~~choice.~~

20 (2) The ballot shall allow voters to assign rankings to candidates that are
21 equal to the number of printed candidate names and blank write-in lines,

1 except to the extent established by the Secretary pursuant to section 2709 of
2 this title.

3 § 2705. TYPE OF RANKED-CHOICE VOTING

4 (a) At least 150 days before the date of the presidential primary election,
5 the State committee of each major political party shall confirm in writing with
6 the Secretary of State whether the party will award delegates either:

7 (1) on a winner-take-all basis in accordance with subsection 2706(d) of
8 this title; or

9 (2) on a proportional basis in accordance with subsection 2706(e) of this
10 title, in which case the party shall also indicate the applicable threshold or
11 thresholds for receiving delegates.

12 (b) If a party fails to provide notice, or its notice does not specify how the
13 party will award its delegates, the presidential primary election for that party
14 shall be tabulated on a winner-take-all basis in accordance with subsection
15 2706(d) of this title.

16 (c) At least 120 days before the date of the presidential primary election,
17 the Secretary of State shall confirm with the State committee of each political
18 party that the State is capable of implementing the party's preferences as
19 declared under subsection (a) of this section or shall notify the State committee
20 of any feasibility constraints that could prevent the State from implementing
21 the party's preferences.

1 § 2706. RANKED-CHOICE VOTING TABULATION

2 (a) Tabulation rounds. In any presidential primary election for a major
3 political party, each ballot shall count as one vote for the highest-ranked active
4 candidate on that ballot. Tabulation shall proceed in rounds. Each round
5 proceeds sequentially as described in subsection (d) or (e) of this section, as
6 applicable.

7 (b) Withdrawn candidates. Ranking orders containing withdrawn
8 candidates shall be treated the same as ranking orders containing candidates
9 who have been eliminated from tabulation.

10 (c) Inactive ballots and undervotes.

11 (1) In any round of tabulation, an inactive ballot does not count for any
12 candidate and is not considered a vote for the purposes of determining either
13 which active candidate has majority of the active votes in the final round of
14 tabulation pursuant to subsection (d) of this section or which active candidates
15 possess a vote total above the threshold for receiving delegates pursuant to
16 subsection (e) of this section.

17 (2) A ballot is an inactive ballot if any of the following is true:

18 (A) The ballot does not rank any active candidates and is not an
19 undervote.

20 (B) The ballot has reached an overvote.

21 (C) The ballot has reached two consecutive skipped rankings.

1 (3) An undervote does not count as either an active or inactive ballot in
2 any round of tabulation.

3 (d) Award of delegates on winner-take-all basis. If a major political party
4 awards all of the State's delegates to a single candidate on a winner-take-all
5 basis, tabulation shall proceed as follows:

6 (1) If there are two or fewer active candidates, then tabulation is
7 complete and the candidate with the most votes is declared the winner of the
8 election.

9 (2) If there are more than two active candidates, the active candidate
10 with the fewest votes is eliminated, the votes for the eliminated candidate are
11 transferred to each ballot's next-ranked active candidate, and a new round
12 begins.

13 (3) If there is a tie between two active candidates with the fewest votes,
14 the tie shall be resolved by lot to determine which candidate is defeated. The
15 result of the tie resolution must be recorded and reused in the event of a
16 recount.

17 (4) If there is a tie between the final two active candidates, the Secretary
18 of State shall notify each active candidate involved in the tie, or the candidate's
19 designee, to be present at the Secretary of State's office at a certain time. At
20 that time, the Secretary of State shall select the winner of the tabulation by lot.

1 (e) Award of delegates on proportional basis. If a major political party
2 awards the State's delegates to multiple candidates on a proportional basis,
3 tabulation shall proceed as follows:

4 (1) If the vote total of every active candidate is above the threshold for
5 receiving delegates as confirmed by the major political party pursuant to
6 subdivision 2705(a)(2) of this title, then tabulation is complete.

7 (2) If any active candidate is below the threshold for receiving
8 delegates, then the active candidate with the fewest votes is eliminated, votes
9 for the eliminated candidate are transferred to each ballot's next-ranked active
10 candidate, and a new round begins.

11 (3) If there is a tie between two active candidates with the fewest votes
12 and tabulation is not yet complete, the tie shall be resolved by lot to determine
13 which candidate is defeated. The result of the tie resolution must be recorded
14 and reused in the event of a recount.

15 (f) Certification of tabulation rounds. The Secretary of State shall certify
16 the results of each round tabulated pursuant to subsection (d) or (e) of this
17 section, as applicable, along with any other information required under section
18 2707 of this title, to the State chairperson and the national committee of each
19 political party that had at least one candidate on the State-administered
20 presidential primary election ballot to allocate national delegate votes in
21 accordance with the party's State and national rules.

1 (g) Nothing in this act shall be construed to preclude a political party from
2 allocating delegates according to its own rules for allocating such delegates.

3 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

4 (a) Unofficial preliminary round-by-round results shall be released as soon
5 as feasible after the polls close and at regular intervals thereafter until the
6 counting of ballots is complete. Unofficial preliminary round-by-round results
7 shall be clearly labeled as preliminary and, to the extent feasible, shall include
8 the percent of ballots counted to date.

9 (b) In addition to any other information required by law to be reported with
10 final results, the following shall be made public:

11 (1) the total number of votes each candidate received in each round
12 of the official tabulation, including votes for withdrawn candidates; and

13 (2) the total number of ballots that became inactive in each round
14 because they did not contain any active candidates, reached an overvote, or
15 reached two consecutive skipped rankings, reported as separate figures.

16 (c) If a major political party allocates delegates by geographical unit or
17 district, round-by-round results by geographical unit or district shall be made
18 public in addition to state-wide results.

19 § 2708. CANVASSING COMMITTEE CERTIFICATES

20 When the canvassing committee provided for in section 2592 of this title
21 prepares its certificate of election for a presidential primary election for a

1 major political party, the canvass shall state the number of final round votes
2 received by each candidate who has received votes in the final round of
3 tabulation.

4 Sec. 8. 17 V.S.A. § 2709 is added to read:

5 § 2709. RULEMAKING

6 The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for
7 the proper and efficient administration of presidential primary elections,
8 including procedures for ensuring that voting tabulators, voting tabulator
9 memory cards, and related software are able to tabulate rank-choice voting
10 when necessary; procedures for ensuring that the number of rankings allowed
11 to voters be uniform across the State for any given contest, that the number of
12 rankings allowed in any given contest be the maximum number allowed by the
13 equipment, and that the number of rankings allowed be not fewer than three in
14 any event; procedures for the release of round-by-round results; procedures for
15 requesting and conducting recounts of the results of presidential primary
16 elections for major candidates; and procedures for filing returns in accordance
17 with section 2588 of this title.

