

Bill Overview

Senate Bill 32:

“An act relating to ranked-choice voting for presidential primary elections”¹

This bill proposes three main items:

1. to enable towns, cities, and villages to opt-in to a ranked-choice voting (“RCV”) system for the election of a candidate running for an office in a town, city, or village, e.g. select board member or mayor, but *not* a school board member (Secs. 1-4);
2. to create a “Ranked-Choice Voting Study Committee to examine issues in implementing ranked-choice voting in Vermont across all elections for state and federal office;
3. to require the use of RCV for U.S. presidential primary elections for each major political party.²

The form or methodology of RCV this bill will implement in both local elections and presidential primaries is Instant-Runoff Voting (“IRV”). This overview will first outline the bill and statutory structure and then describe the mechanics of IRV in more detail.

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

Sec. 1 amends 17 V.S.A. chapter 55 to add a new subchapter 4 titled “Ranked-Choice Voting.”

This new subchapter will add six new statutory sections:

- § 2691a adds definitions of relevant terms.
- § 2691b permits towns, cities, and villages to opt-in to using a ranked-choice voting system by either a town vote or by a vote of the legislative body. A town, city, or village must have already voted to elect officers by the Australian ballot system. Once opted-in, a town, city, or village may discontinue the use of RCV at any time, similarly, by town vote or vote by the legislative body. However, the legislative body may not vote to discontinue the use of RCV if RCV had originally been adopted by town vote.
- § 2691c describes how ballots must be formatted.
- § 2691d described the process of RCV tabulation. In essence, if there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot’s next-ranked active candidate, and a new round of tabulation begins until there are two or fewer active candidates and the candidate with the most votes is declared the winner of the election. This process is described in more detail below.
- § 2691e describes the results reporting requirements, which will include vote data in each round of tabulation in addition to final results.
- § 2691f enables towns, cities, and villages to enact additional ordinances for the proper and efficient administration of the RCV system at the local level.

¹ The bill’s title is now somewhat of a misnomer because the bill now also entails implementing ranked-choice voting systems in elections for offices in towns, city, or village, where adopted.

² “A ‘major political party’ is a political party whose candidate for any State office in the most recent general election polled at least five percent of the vote cast for that office.” [17 VSA § 2103\(23\)\(A\)](#).

Sec. 2 states that a town, city, or village may only use the ranked-choice voting system beginning at the 2024 annual meeting. Nevertheless, a town, city, or village may vote to adopt RCV before then, but may not use RCV until the 2024 annual meeting.

*** Voter and Presiding Officer Education ***

Sec. 3 requires the Secretary of State to provide training and information regarding RCV processes to presiding officers in those towns, cities, and villages that have adopted RCV.

[Note: Sec. 4, which was removed by the Senate Appropriations Committee, had appropriated funds to train and implement of RCV in towns, cities, and villages.]

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

Sec. 5 establishes a “Ranked-Choice Voting Study Committee.”

The Committee members will be two current members of the House of Representatives, two current members of the Senate, one designee appointed by the Secretary of State, three designees appointed by the Vermont Municipal Clerks’ and Treasurers’ Association (from different-sized towns, cities, and villages, different regions, and at least one shall be from a town, city, or village that use a hand count in elections), one designee appointed by the Vermont League of Cities and Towns, a member each from two different organizations focused on the conduct of elections.

The Committee shall study ranked-choice voting systems with the goal of having recommendations implemented for all primary and general elections for state and federal office occurring in 2026, including the following issues:

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

The Committee shall report on the above by January 15, 2024. The Committee shall sunset on November 1, 2024.

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

Note: The relevant statutes in this part of the bill are located in [Title 17 \(Elections\), Chapter 57 \(Presidential Elections\), Subchapter 1 \(Presidential Primary\)](#).

Sec. 6 redesignates § 2705 (checklist) and § 2706 (provisions applicable), moving them ‘back’ in Chapter 57, Subchapter 1 (presidential primary) to ‘make room’ for new rank-choice voting statutory sections.

Sec. 7 adds and modifies statutory sections to enable the RCV in presidential primary elections. These amendments include:

- creating a new § 2700 for definitions (these are very similar to the definitions in Sec. 1 adding § 2691a and definitions for towns, cities, and villages to opt-in to a RCV system);
- modifying ballot requirements in existing §§ 2701 and 2704 and to explicitly require that a presidential primary election for a major political party be conducted using RCV;
- the type of RCV methodology to be used in a new § 2705, and permitting the party to award delegates either on a winner-take-all or proportional basis;
- Tabulation of ballots in a new § 2706, with direction on how to award delegates depending on whether the party opts to award delegates either on a winner-take-all or proportional basis;
- Results reporting in § 2707 and information from canvassing committees in § 2708.

Sec. 8 directs the Office of the Secretary of State to adopt rules to address various aspects of administration and implementation of RCV.

Sec. 9 requires the Secretary of State to ensure that canvassing forms including tally sheets, summary sheets, and returns are all designed to accommodate ranked-choice voting.

Sec. 10 sets different effective dates for portions of the bill.

- Sections 1-5 will take place upon passage. These sections pertain to the RCV opt-in for towns, cities, and villages, as well as the creation of the Ranked-Choice Voting Study Committee.
- Secs. 6 and 7 shall take effect on January 1, 2027. These sections pertain to the substantive statutory law being created and amended to enable RCV for presidential primary voters.
- Secs. 8 (rulemaking) and 9 (tally sheets; summary sheets; returns) shall take effect on January 1, 2025, providing the Secretary of State additional time to prepare in advance for the implementation of RCV for presidential primaries.

Mechanics of Instant Runoff Voting (“IRV”), the selected methodology of Ranked Choice Voting (“RCV”):

IRV in Presidential Primaries, as Proposed in This Bill:

To lay a foundation, a political party’s presidential nominee is selected by a candidate amassing a certain number of delegates from across the country. The major parties have different internal rules about how delegates are awarded to primary candidates, how they are selected, and how they must vote.

As a first step---and we now return to § 2705---the major political parties confirm with the Secretary of State if it wants to award delegates either on a winner-take-all basis or on a proportional basis. If that party does not, the default is winner-take-all.

Moving to the mechanics of the chosen methodology of RCV, Instant Runoff Voting, which is described in the new § 2706, a voter will receive a ballot that allows the voter to assign rankings candidates in order of choice. (§2704(b)). Tabulation shall proceed in rounds, eliminating the candidates that received the fewest votes each round, and stopping when a candidate or candidates surpass certain thresholds, which depend on whether the major party awards delegates either on a winner-take-all basis or on a proportional basis.

Reading 2706(d):

If a major political party awards all of the State’s delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

- (1) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.
- (2) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot’s next-ranked active candidate, and a new round begins.

Contrast this with 2706(e):

If a major political party awards the State’s delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

- (1) If the vote total of *every* active candidate is above the *threshold* for receiving delegates as confirmed by the major political party . . . then tabulation is complete.
- (2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot’s next-ranked active candidate, and a new round begins.

Essentially, tabulation rounds stop when the only remaining candidates all have reached the indicated threshold, at which point delegates are awarded proportionally among those remaining candidates. There are also other considerations for how to deal with withdrawn candidates, inactive ballots and undervotes. Ties are determined by lot. The results of each round are recorded, certified, and reported.

IRV in Towns, Cities, and Towns Elections for Local Office, as Proposed in this Bill:

As proposed by this bill IRV will also be used for an election of an office in that town, city, or village that has opted-in to a RCV system. The procedures are largely the same as in the presidential primaries, except all elections are determined on a winner-take-all basis. That being said, some local elections have more than one winner (e.g. Burlington's City Council Districts have two representatives each), in which case active candidates with the fewest votes are eliminated round by round until the number of active candidates is equal to the number of seats available plus one and the candidates with the most votes are declared the winners of the election.