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S.32

Introduced by Senators Ram Hinsdale, Hardy, Perchlik, Vyhovsky, Watson  
and White

Referred to Committee on

Date:

Subject: Elections; presidential elections; primary elections; ranked-choice  
voting

Statement of purpose of bill as introduced: This bill proposes to require the  
use of ranked-choice voting for U.S. presidential primary elections for each  
major political party.

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

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

\* \* \* Redesignation \* \* \*

Sec. 1. REDESIGNATION

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



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14           (12) “Withdrawn candidate” means any candidate who has submitted a  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 and unofficial  
5       preliminary cast vote records shall be released as soon as feasible after the  
6       polls close and at regular intervals thereafter until the counting of ballots is  
7       complete.

8               (1) Unofficial preliminary round-by-round results shall be clearly  
9       labeled as preliminary and, to the extent feasible, shall include the percent of  
10       ballots counted to date.

11               (2) Unofficial preliminary cast vote records shall be:

12                       (A) clearly labeled as preliminary and, to the extent feasible, shall  
13       include the percent of ballots counted to date;

14                       (B) published online in a publicly accessible, electronic format; and

15                       (C) published in a manner consistent with the need to maintain voter  
16       privacy.

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

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20       of the official tabulation, including votes for withdrawn candidates;

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

4           (3) the cast vote records in a publicly accessible, electronic format  
5           and by district, published in a manner consistent with the need to maintain  
6           voter privacy.

7           (c) If a major political party allocates delegates by geographical unit or  
8           district, round-by-round results by geographical unit or district shall be made  
9           public in addition to statewide results.

10           § 2708. CANVASSING COMMITTEE CERTIFICATES

11           When the canvassing committee provided for in section 2592 of this title  
12           prepares its certificate of election for a presidential primary election for a  
13           major political party, the canvass shall state the number of final round votes  
14           received by each candidate who has received votes in the final round of  
15           tabulation.

16                   \* \* \* Voter and Election Official Education \* \* \*

17           Sec. 3. VOTER AND ELECTION OFFICIAL EDUCATION; SECRETARY  
18           OF STATE'S OFFICE

19           The Secretary of State shall make available to voters information regarding  
20           the ranked-choice process and provide to election officials training in order to  
21           assist them in implementing that process.

1                                   \* \* \* Vote Tabulators; Returns \* \* \*

2       Sec. 4. TALLY SHEETS; SUMMARY SHEETS; RETURNS

3                   The Secretary of State shall ensure that on or before January 1, 2025,  
4       all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are  
5       designed to record ranked-choice voting results in accordance with this act.

6                   \* \* \* Rulemaking Authority; Office of the Secretary of State \* \* \*

7       Sec. 5. 17 V.S.A. § 2709 is added to read:

8                   § 2709. RULEMAKING

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

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\* \* \* Appropriation \* \* \*

Sec. 6. APPROPRIATION; UPGRADE OF SECRETARY OF STATE  
ELECTION MANAGEMENT SYSTEM AND VOTE  
TABULATORS

The sum of \$2,000,000.00 is appropriated from the General Fund to the Office of the Secretary of State in fiscal year 2024 for the purpose of upgrading the election management system and all vote tabulators and their memory cards and related software so that they may perform ranked-choice voting as described in this act.

\* \* \* Effective Dates \* \* \*

Sec. 7. EFFECTIVE DATES

This act shall take effect on January 1, 2024, except that Secs. 4–6 shall take effect on July 1, 2023.