An Act to Elect Certain Offices by Ranked Choice Voting

Section 1: SCOPE
“Office elected by ranked choice voting” means any statewide office, the office of member of the United States House of Representatives, the office of member of the state senate, and the office of member of the state house of representatives.

Section 2: RANKED CHOICE VOTING DEFINED
“Ranked choice voting” means the method of casting and tabulating votes in which voters rank candidates in order of preference and tabulation proceeds in rounds as described in Section 4 for the election of a single office or Section 5 for the election of two or more offices.

Section 3: FORM OF BALLOT
In any contest conducted by ranked choice voting, the ballot shall allow voters to rank candidates in order of choice. Additionally, it shall meet the following specifications:
(a) The ballot shall be simple and easy to understand.
(b) If feasible, the ballot shall allow voters to rank every listed candidate in a contest and at least three write-in candidates. If it is not feasible to allow voters to rank that number of candidates, the number of allowable rankings may be limited to no fewer than 6.
(c) Instructions on the ballot shall conform substantially to the following specifications, subject to usability testing and modification based on ballot design and voting system: “Vote by indicating your 1st choice candidate and ranking additional candidates in order of choice. Indicate your 1st choice by marking the number “1” beside a candidate’s name, your 2nd choice by marking the number “2” beside a candidate’s name, your 3rd choice by marking the number “3” beside a candidate’s name, and so on. Rank as many choices as you wish. Marking a 2nd or later preference will not count against your 1st choice. Do not skip numbers, and do not mark the same number beside more than one candidate.”

Section 4: RANKED CHOICE VOTING
(a) SINGLE WINNER TABULATION.—In any contest for exactly one office conducted by ranked choice voting, each validly cast ballot shall be initially counted as one vote for the candidate at its highest continuing ranking or as an exhausted ballot. If a candidate has more than half of the total votes counting for candidates, that candidate is elected and the tabulation is complete. Otherwise, tabulation proceeds in rounds. Each round shall proceed sequentially as follows:
Ranked Choice Voting

MODEL STATUTORY LANGUAGE

1. If two or fewer continuing candidates remain, the candidate with the greatest number of votes is elected and the tabulation is complete. Otherwise, the tabulation continues to subsection (a)(2).

2. The candidate with the fewest votes is defeated. Votes for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot’s next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (a)(1).

(b) MULTI WINNER TABULATION.—In any contest for more than one office conducted by ranked choice voting, each validly cast ballot shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated. Tabulation shall then proceed sequentially as follows:

1. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation is complete. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation is complete. Otherwise, the tabulation continues to subsection (b)(2).

2. The number of surplus votes for any candidates whose vote totals are greater than the election threshold shall be calculated. Any continuing candidates who have vote totals that exceed the election threshold are elected. The surplus fraction for each such candidate shall be calculated. For any candidates with a surplus fraction greater than zero, the new transfer value of each vote cast for those candidates shall be calculated. Votes for those candidates shall be added, at their new transfer values, to the totals of each ballot’s highest-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(1). In all subsequent rounds, any candidates elected under this subsection shall have vote totals equal to the election threshold. If no candidate has a surplus fraction greater than zero, the tabulation continues to subparagraph (b)(3).

3. The candidate with the fewest votes is defeated. Then, if the number of continuing candidates is equal to the number of seats remaining to be filled, all continuing candidates are elected, votes for the defeated candidate are not added to the totals of any other candidates and the tabulation is complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate and shall be added, at their current transfer values, to the totals of each ballot’s next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(1).

(c) BATCH ELIMINATION.—The tabulation described in subsection (a) and (b) may optionally be augmented to include batch elimination. If batch elimination is included, then all candidates who can be mathematically eliminated, if any, shall be defeated by batch elimination and votes for the defeated
candidates shall cease counting for those candidates and be added, at their current transfer values, to the 
totals of each ballot’s highest-ranked continuing candidate or counted as exhausted ballots as follows:

1. For single winner contests, batch elimination shall occur immediately prior to any start of subsection 
   (a)(2). If no candidates are defeated by batch elimination in a round, the tabulation shall continue to 
   subsection (a)(2). Otherwise, a new round begins with subsection (a)(1).

2. For multi winner contests, batch elimination shall occur immediately prior to any start of subsection 
   (b)(3). If no candidates are defeated by batch elimination in a round, the tabulation shall continue to 
   subsection (b)(3). Otherwise, if the number of continuing candidates is equal to the number of seats 
   remaining to be filled, all continuing candidates are elected, votes for the defeated candidates are not 
   added to the totals of any other candidates and the tabulation is complete. Otherwise, a new round 
   begins with subsection (b)(1).

(d) TIES.—Election officials shall resolve prospective ties between candidates before the election by 
publicly determining a randomized ordering of the alphabet. If a tie to determine which candidate has the 
greatest number of votes or the fewest votes occurs at any point in the tabulation procedure described in 
subsections (a) or (b), and tabulation cannot proceed until the tie is resolved, then the tied candidate who is 
considered to have the greater number of votes shall be the candidate whose name appears earliest on the 
list of candidate names arranged, last name first, in accordance with this randomized alphabet.

(e) DEFINITIONS.—For the purposes of this section, the following terms have the following meanings:

1. “Batch elimination” means a simultaneous defeat of one or more continuing candidates that can be 
   mathematically eliminated.

2. “Can be mathematically eliminated” means a candidate is part of a group of candidates such that:
   (A) if a candidate is in the group, then every continuing candidate with equal or fewer votes is also 
   in the group;
   (B) the total votes for all candidates in the group is less than the number of votes for any continuing 
   candidate not in the group;
   (C) for a single winner contest, there are at least two continuing candidates not in the group.
   (D) for a multi winner contest, the total votes for all candidates in the group is less than the election 
   threshold;
   (E) for a multi winner contest, there are at least as many continuing candidates not in the group as 
   there are seats remaining to be filled.

3. “Continuing candidate” means any candidate that has not been defeated or elected.

4. “Election threshold” means the number of votes sufficient for a candidate to be elected in a multi 
   winner contest. The election threshold is calculated by dividing the total number of votes counting for
continuing candidates in the first round by the sum of one plus the number of offices to be filled, rounding up to four decimal places.

5. “Exhausted ballot” means a ballot that is not counted for any continuing candidate for one or more of the following reasons:
   (A) It does not rank any continuing candidates;
   (B) its highest continuing ranking contains an overvote; or
   (C) it includes two or more consecutive skipped rankings prior to its highest continuing ranking.

6. “Highest continuing ranking” means the highest ranking for any continuing candidate.

7. “Overvote” means a voter has ranked more than one candidate at the same ranking.

8. “Ranking” means the number assigned by a voter to a candidate to express the voter’s choice for that candidate. A ranking of “1” is the highest ranking followed by “2” and then “3” and so on.

9. “Round” means an instance of the sequence of voting tabulation beginning with subsection (a)(1) of this section for single winner contests or (b)(1) of this section for multi winner contests.

10. “Skipped ranking” means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

11. “Surplus” means a positive difference between a candidate’s vote total and the election threshold.

12. “Surplus fraction” means the number equal to a candidate’s surplus divided by that candidate’s vote total, calculated to four decimal places, ignoring any remainder.

13. “Transfer value” means the proportion of a vote that a ballot will contribute to its highest continuing ranking. Each ballot begins with a transfer value of 1. If a ballot transfers from an elected candidate with a surplus, it receives a new transfer value. The new transfer value of such a ballot is calculated by multiplying the surplus fraction of the elected candidate by the ballot’s current transfer value, calculated to four decimal places, ignoring any remainder.

Section 5: SEVERABILITY CLAUSE

If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

Section 6: EFFECTIVE DATE

This Act shall go into effect the _____ day of ____________ 20___.

FairVote | www.FairVote.org | (301) 270-4616 | info@fairvote.org