

2008 -- H 7704

=====  
LC02306  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

—————  
A N A C T

RELATING TO ELECTIONS -- RANKED CHOICE VOTING

Introduced By: Representative David A. Segal

Date Introduced: February 26, 2008

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 29

4 RANKED CHOICE VOTING

5 **17-29-1. Local option.** – (a) Any city or town may conduct a local election using ranked  
6 voting in which voters rank the candidates for office in order of preference. Ranked voting  
7 elections may be used in single-winner elections, such as mayor or town manager, or for elections  
8 that elect multiple candidates to office, such as city council or school committee. Ranked voting  
9 elections are tabulated in rounds as specified in section 17-29-5 for single-winner elections and  
10 section 17-29-6 for multiple-winner elections. General provisions for both single-winner  
11 elections and multiple-winner elections are specified in this section.

12 **17-29-2. Definitions.** – (a) As used in this chapter, the following definitions shall apply:

13 (1) “Ranked voting” means an election method in which voters rank the candidates for  
14 office in order of preference, and the ballots are counted in rounds that, in the case of a single-  
15 winner election, simulate a series of runoffs until only two (2) candidates remain, with the one  
16 having the greater number of votes being declared the winner, or in the case of multiple-winner  
17 elections, until all seats to be elected have been filled.

18 (2) “Qualified candidate” means any candidate listed on the ballot for this election or any  
19 write-in candidate qualified for participation in this election.

1           (3) “Ranking” for a candidate on a voter’s ballot is the number assigned to that candidate  
2 by the voter to express their preference for that candidate, with the “highest ranking” being the  
3 one with the lowest numerical value for a qualified candidate, in which a first choice ranking  
4 indicates a greater preference for a candidate than a second choice ranking, and “highest  
5 continuing ranking” for a candidate on a voter’s ballot is the ranking with the lowest numerical  
6 value for a continuing candidate. The “highest ranking” and “highest continuing ranking” are  
7 those rankings already advanced past blank choices or marks for unqualified write-in candidates  
8 as specified in subsections 17.29-6 (f) and (g).

9           (4) (a) “Continuing ballot” means a ballot that counts towards some candidate.

10           (b) “Continuing candidate” means a qualified candidate that has not been elected or  
11 eliminated.

12           (c) “Majority of votes” means more than fifty percent (50%) of the votes coming from  
13 continuing ballots.

14           **17-29-3. Adopting ranked voting methods.** – (a) A voting method authorized by this  
15 section may be adopted by any of the following:

16           (1) By approval of a ballot measure submitted to the voters by the governing body of the  
17 city or town at an election pursuant to chapter 25.2 of the general laws of Rhode Island.

18           (2) By initiative ordinance or charter amendment adopted pursuant to article 13, section 8  
19 of the Rhode Island Constitution.

20           (b) Any city or town using a ranked voting method shall conduct a voter education and  
21 outreach campaign to familiarize voters with ranked voting in English and in every language that  
22 a ballot is required to be made available pursuant to this code and the Federal Voting Rights Act  
23 of 1965 (42 U.S.C. Section 1973aa-1).

24           **17-29-4. Ranked voting ballots and elections.** – (a) The ranked voting ballot shall allow  
25 voters to rank as many choices as there are candidates. In the event that the voting equipment  
26 cannot feasibly accommodate a number of rankings on the ballot equal to the number of  
27 candidates, the elections official may limit the number of choices a voter may rank to the  
28 maximum number allowed by the equipment. This limit shall never be less than three.

29           (b) The ballot shall not interfere with a voter’s ability to rank at least two write-in  
30 candidates. For the purposes of this section, a mark for an unqualified write-in candidate shall  
31 not be considered a mark for a candidate.

32           (c) In the first or any round, in the event that any ballot reaches a ranking with no  
33 candidate indicated, that ballot shall immediately be advanced to the next ranking. In the event of  
34 a mark for an unqualified write-in candidate as covered in subdivision (c) of section 17-29-4 that

1 ballot shall be advanced to the next ranking.

2 (d) In the event that two (2) or more candidates tie for the smallest number of votes, the  
3 candidate to eliminate shall be chosen by lot.

4 (e) After each round, any ballot that is not continuing is an undervote, overvote, or  
5 exhausted ballot, pursuant this subsection. Any ballot that has no candidates indicated at any  
6 ranking shall be declared an “undervote”. If any ballot reaches a ranking with more than one  
7 candidate indicated, that ballot shall immediately be declared an “overvote”. If any ballot cannot  
8 be advanced because no further candidates are ranked on that ballot, that ballot shall immediately  
9 be declared “exhausted”. Any ballot that has been declared an undervote, overvote, or exhausted  
10 ballot shall remain so and shall not count towards any candidate in that round or in subsequent  
11 rounds.

12 (f) A city or town may not conduct a local election using ranked voting unless that  
13 election is conducted on a voting system that is capable of conducting the election using ranked  
14 voting and that has been approved by the secretary of state, or by another procedure that has been  
15 approved by the secretary of state, which, at least, includes detailed specifications for counting,  
16 auditing, and reporting of results.

17 **17-29-5 A voting method.** – Enacting pursuant to section 17-19-1 for an election to elect  
18 a single candidate to office shall be known as “instant runoff voting” and shall be conducted in  
19 the following manner:

20 (a) The ballots shall be counted in rounds pursuant to all of the following order:

21 (1) In the first round, every ballot shall cont as a vote towards the candidate indicated by  
22 the highest continuing ranking on that ballot.

23 (2) After every round, if a candidate receives a majority of votes from the continuing  
24 ballots, that candidate shall be declared elected.

25 (3) If no candidate receives a majority, the candidate receiving the smallest number of  
26 votes shall be eliminated and every ballot counting towards that candidate shall be advanced to  
27 the next-ranked continuing candidate on the ballot. If there is a tie between two (2) or more  
28 candidates for the smallest number of votes, the tie shall be resolved by lot. All the ballots shall  
29 be counted again in a new round.

30 (4) If there are only two (2) candidates remaining, and those two candidates have the  
31 same number of votes from the continuing ballots, the tie shall be resolved by lot.

32 (b) During the elimination stage of any round, in the event that any candidate has more  
33 vote than the combined vote total of all candidates with fewer votes, but less than a majority of  
34 vote, all the candidates with fewer votes than this candidate shall be eliminated simultaneously,

1 and those ballots advanced to the next-ranked continuing candidate.

2 **17-29-6. Choice voting.** – A voting method enacted pursuant to section 17-29-1 for an  
3 election to elect two (2) or more candidates to office shall be know as “choice voting” and shall  
4 be conducted in the following manner:

5 (a) The minimum threshold of votes necessary to be elected shall be determined by  
6 dividing the total number of votes cast for that office by one more than the number of offices to  
7 be filled and then adding one vote, and then ignoring any fraction, as shown in the following  
8 formula:

9 The total number of votes cast, divided by the sum of one plus the number of offices to  
10 be filled, plus one, ignoring any fraction, equals the minimum threshold of votes necessary to be  
11 elected.

12 (b) All ballots are counted and each ballot is allocated as a vote to the candidate receiving  
13 the highest ranking.

14 (c) Each candidate that receives the minimum threshold of votes necessary to be elected  
15 shall be declared elected.

16 (d) If a candidate on the first count has a number of highest ranking votes exactly equal to  
17 the minimum number of votes needed to be elected, then that candidate is declared elected and  
18 the counted ballots indicating that candidate as a highest ranking are put aside and the other  
19 rankings recorded on the ballots are not examined.

20 (e) If a candidate on the first count gains more than the minimum number of votes needed  
21 to be elected, the candidate is declared elected, and the number of votes in excess of the number  
22 of votes needed to be elected (the surplus) is recorded. All of the elected candidate’s ballots are  
23 then reexamined and assigned to candidates not yet elected according to the highest continuing  
24 ranking on the ballots of those who gave a first preference vote to the elected candidate. These  
25 votes are allocated according to a “transfer value”. The formula for the transfer value is:

26 Surplus votes cast for the elected candidate, divided by total number of votes received by  
27 the elected candidate, calculated out to four decimal places using “rounding to nearest” equals the  
28 transfer value.

29 (f) If two or more candidates on the first count gain more than the minimum number of  
30 votes needed to be elected, all of those candidates are declared elected. Each of the ballots of the  
31 candidate with the largest number of highest ranking votes will be reexamined first and assigned  
32 (at the transfer value) to candidates not yet elected according to the next highest continuing  
33 ranking marked on that ballot. The ballots of the other elected candidates will then be  
34 reexamined and their surpluses distributed in order according to the number of highest ranking

1 votes each candidate received.

2 (g)(1) If a candidate reaches more than the minimum number of votes needed to be  
3 elected as the consequence of a transfer of votes from an elected candidate, the number of votes  
4 in excess of the number of votes needed to be elected shall be transferred to other candidates.  
5 This transfer will be to the next highest continuing ranking shown on each of this candidate's  
6 ballots. These ballots now include (A) ballots indicating this candidate as the highest ranking,  
7 and (B) the ballots transferred to the candidate from one or more elected candidates. The transfer  
8 value for the ballots on which the candidate was indicated by the highest ranking is the same as  
9 the transfer value defined in subsection (e).

10 (2) The transfer value for each ballot transferred to the candidate from one or more  
11 previously elected candidates shall be the surplus votes cast for the elected candidate divided by  
12 the total number of votes received by the elected candidate multiplied by the previous transfer  
13 value of the ballot received by that candidate, as shown in the following formula:

14 (3) The surplus votes cast for the elected candidate, divided by the total number of votes  
15 received by the elected candidate, multiplied by the previous transfer value of the ballot received  
16 by that candidate, calculated out to four decimal places using the "rounding to nearest".

17 (h) If no candidate has a number of votes equal to or greater than the minimum number of  
18 votes needed to be elected, either on the first count or as a consequence of a redistribution of  
19 surplus votes from a previously elected candidate, the candidate with the smallest number of  
20 votes is eliminated. All of eliminated candidate's ballots, both ballots indicating that candidate as  
21 the highest ranking and any ballots transferred from other candidates, are transferred to the next  
22 highest continuing ranking on the eliminated candidate's ballots.

23 The ballots in which the eliminated candidate was indicated by the highest ranking are  
24 transferred to the candidate indicated by next highest continuing ranking on that ballot at full  
25 value. Ballots received from previously elected or previously eliminated candidates are  
26 transferred at the transfer value at which the ballots were received.

27 (i) Tabulation of votes shall continue in the following sequence:

28 (1) The surplus votes of elected candidates shall be redistributed until no more candidates  
29 receive the minimum threshold of votes necessary to be elected. The surplus votes of the newly  
30 elected candidate with the greatest surplus will be distributed first, and the surpluses of the other  
31 newly elected candidates will then be distributed in order according to the number of surplus  
32 votes of each elected candidate awaiting transfer of surplus votes.

33 (2) Candidates are eliminated as specified in subsection (h) and the votes of eliminated  
34 candidates are redistributed until another candidate receives the minimum threshold of votes

1 necessary to be elected.

2 (3) When the number of elected and continuing candidates is equal to the number of  
3 candidates to be elected, all of the continuing candidates are declared elected even though they  
4 may not have reached the minimum threshold of votes necessary to be elected.

5 (j) A tie between two (2) or more candidates for fewest votes, as specified in subsection  
6 (h), shall be resolved by lot and that candidate chosen by lot shall be eliminated. A tie between  
7 two (2) or more candidates for the number of highest ranking votes received, as specified in  
8 subsection (f), or the most surplus votes, as specified in paragraph (1) of subsection (i), shall be  
9 resolved by lot and the candidate chosen by lot shall be the first to have his or her surplus votes  
10 transferred.

11 **17-29-7. Instructions to voters.** – The instructions to the voters for an election that uses  
12 ranked voting shall read substantially as follows: “To vote in this election, indicate by selecting or  
13 marking a ‘1’ in the voting square to the right of your first choice, a ‘2’ in the voting square to the  
14 right of your second choice, a ‘3’ in the voting square to the right of your third choice, and so on.  
15 Do not give the same number to more than one candidate. You may rank as many or as few of  
16 the candidates as you choose, up to the limit specified, if any. Your second choice will not hurt  
17 your first choice, your third choice will not hurt your first two (2) choices, and so on.

18 You may include one or more qualified write-in candidates in your rankings by writing  
19 each person’s name in one of the blank spaces provided for that purpose after the names of the  
20 other candidates for the same office, and then writing or marking the desired ranking in the voting  
21 square to the right of the name.”

22 The instructions may be modified as appropriate for the specific voting equipment used,  
23 as long as the intent is preserved.

24 **17-29-8. Summary, ballot image, and comprehensive reports.** – Summary, ballot  
25 image, and comprehensive reports shall be made available after each ranked voting election, as  
26 follows:

27 (a) The “summary report” for a race means a report that lists the candidate vote totals in  
28 each round, along with the cumulative numbers of undervotes, overvotes, and exhausted ballots in  
29 each round.

30 (b) The “ballot image report” for a race means a report that lists, for each ballot, the  
31 candidate or candidates indicated at each ranking, the precinct of the ballot, and whether the  
32 ballot was cast absentee. In the report, the ballots shall be listed in an order that does not permit  
33 the order in which they were cast in each precinct to be reconstructed.

34 (c) The “comprehensive report” for a race means a report that breaks the numbers in the

1 summary report down by precinct. The report shall list, for each round, the number of ballots cast  
2 in each precinct that count as votes for each candidate in that round, that have been declared  
3 undervotes, that have been declared overvotes up to that point, and that have been declared  
4 exhausted up to that point.

5 (d) Mode and manner of release. Preliminary versions of the summary report and ballot  
6 image report shall be made as soon as possible. The summary report, ballot image reports,  
7 comprehensive report, and preliminary versions of the summary report and ballot image report  
8 shall be made available to the public via the Internet and by other means. The ballot image report  
9 and preliminary versions of the ballot image report shall be made available in a plain text  
10 electronic format.

11 SECTION 2. This act shall take effect upon passage.

=====  
LC02306  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- RANKED CHOICE VOTING

\*\*\*

1           This act would allow communities to use instant run-off voting or choice voting if special  
2 conditions are met in local elections for both a single-candidate election and a multiple-candidate  
3 election.

4           This act would take effect upon passage.

=====  
LC02306  
=====