2022 -- S 2255

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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RELATING TO ELECTIONS -- PRIMARY ELECTIONS -- GENERAL ASSEMBLY OFFICES -- RANKED CHOICE VOTING

It is enacted by the General Assembly as follows:

1   SECTION 1. Chapter 17-15 of the General Laws entitled "Primary Elections" is hereby

2   amended by adding thereto the following section:

3   **17-15-4.1. Applicability.**

4   This chapter shall apply for all party primary elections, except for general assembly offices.

5   For the offices of state representative and state senator, when there are three (3) or more candidates,

6   in a primary election, such election shall be governed by chapter 15.1 of title 17, that established

7   ranked choice voting, restricted to general assembly primary elections.

8   SECTION 2. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by

9   adding thereto the following chapter:

10   CHAPTER 15.1

11   GENERAL ASSEMBLY PRIMARY ELECTION - RANKED CHOICE VOTING

12   **17-15.1-1. Applicability.**

13   This chapter shall only apply to party primary elections for general assembly offices when

14   there are three (3) or more candidates.

15   **17-15.1-2. Definitions.**

16   For the purposes of this chapter, the following terms have the following meanings:

17   (1) "Active candidate" means any candidate who has not been defeated.

18   (2) "Highest-ranked active candidate" means the active candidate assigned a higher ranking

than any other active candidates.

(3) "Inactive ballots" means ballots that do not count for any candidate for any of the reasons set forth in this chapter.

(4) "Overvote" means an instance in which a voter has ranked more than one candidate at the same ranking.

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

(6) "Round" means an instance of the sequence of voting tabulation beginning with §17-15.1-4.

(7) "Skipped ranking" means a voter has left a ranking unassigned but ranks a candidate at a subsequent ranking.

(8) "Undervote" means a ballot that does not contain any candidates at any ranking in a particular contest.

17-15.1-3. Ranked choice voting ballot.

(a) In any contest conducted by ranked choice voting, the ballot shall allow voters to rank candidates in order of choice.

(b) The ballot shall allow voters to rank as many choices as there are candidates, except as provided in this section. In the event that the voting equipment cannot accommodate a number of rankings on the ballot equal to the number of qualified candidates, the board of elections may limit the number of choices a voter may rank on a ballot to the maximum number allowed by the equipment.

(c) Instructions on the ballot must conform substantially to the following specifications, subject to usability testing and modification based on ballot design and the voting system: "Vote by indicating your first-choice candidate and ranking additional candidates in order of preference. Indicate your first choice by marking the number "1" beside a candidate's name, your second choice by marking the number "2" beside a different candidate's name, your third choice by marking the number "3" beside another different candidate's name, and so on. Rank as many choices as you wish. Indicating second and later preferences will not count against your first choice. Do not skip numbers, and do not mark the same number beside more than one candidate."

17-15.1-4. Ranked choice voting tabulation.

(a) Each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, with each round proceeding sequentially as follows:

(1) If a candidate is highest ranked on more than one-half (1/2) of the active ballots, then

1   that candidate is elected and the tabulation is complete.

2   (2) If two (2) or fewer active candidates remain, the candidate with the greatest number of

3   votes is elected and tabulation is complete.

4   (3) If more than two (2) active candidates remain, the active candidate with the fewest votes

5   is defeated, votes for the defeated candidate are transferred to each ballot's next-ranked active

6   candidate, and a new round begins.

7   (b) Inactive ballots and undervotes.

8   (1) In any round of tabulation in a contest conducted by ranked choice voting, an inactive

9   ballot does not count for any candidate. A ballot is inactive if any of the following is true:

10   (i) It does not contain any active candidates and is not an undervote.

11   (ii) It has reached an overvote.

12   (iii) It has reached two (2) consecutive skipped rankings.

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

14   (3) A candidate ranked more than once on a ballot can only have the highest ranking

15   counted. If the candidate is defeated, all lower rankings of that candidate on the ballot will be

16   skipped over and the vote transferred to the next-ranked active candidate. Giving a candidate more

17   than one ranking will not, by itself, cause a ballot to be inactive.

18   (c) Ties.

19   If two (2) or more candidates are tied with the fewest votes, and tabulation cannot continue

20   until the candidate with the fewest votes is defeated, then the candidate to be defeated shall be

21   determined by lot. Election officials may resolve prospective ties between candidates prior to

22   tabulation after all votes are cast.

23   **17-15.1-5. Results reporting.**

24   (a) In addition to any other information required by law to be reported with final results,

25   the board of elections shall report the total number of ballots that became inactive in each round

26   due to any of the following reasons:

27   (1) Because they did not contain any active candidates; or

28   (2) Had reached an overvote, or reached two (2) consecutive skipped rankings as separate

29   totals.

30   (b) If feasible, the board of elections shall also publish final results data by precinct.

31   **17-15.1-6. Rulemaking authority.**

32   The state board of elections shall promulgate rules, regulations, and procedures necessary

33   to implement this chapter.

1   SECTION 3. This act shall take effect on January 1, 2023.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO ELECTIONS -- PRIMARY ELECTIONS -- GENERAL ASSEMBLY
OFFICES -- RANKED CHOICE VOTING

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1   This act would establish an instant runoff form of ranked choice voting, limited to general

2   assembly primary elections, when there are three (3) or more candidates.

3   This act would take effect January 1, 2023.

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