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By: **Senator Pinsky**  
Introduced and read first time: January 24, 2001  
Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Elections - Instant Runoff Method of Voting**

3 FOR the purpose of establishing an instant runoff method for casting and tabulating  
4 votes in the State; defining a certain term; establishing certain procedures,  
5 standards, and requirements relating to the implementation of an instant runoff  
6 method of voting; requiring the State Board of Elections and local boards of  
7 elections to take certain actions to accommodate and implement an instant  
8 runoff method of voting; requiring the State Board to adopt certain regulations;  
9 and generally relating to an instant runoff method of voting in the State.

10 BY renumbering  
11 Article 33 - Election Code  
12 Section 9-212 through 9-217, respectively,  
13 to be Section 9-213 through 9-218, respectively  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 2000 Supplement)

16 BY adding to  
17 Article 33 - Election Code  
18 Section 9-212  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That Section(s) 9-212 through 9-217, respectively, of Article 33 -  
23 Election Code of the Annotated Code of Maryland be renumbered to be Section(s)  
24 9-213 through 9-218, respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
26 read as follows:

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**Article 33 - Election Code**

2 9-212.

3 (A) IN THIS SECTION, "INSTANT RUNOFF METHOD" MEANS A METHOD OF  
4 CASTING AND TABULATING VOTES THAT SIMULATES THE BALLOT COUNTS THAT  
5 WOULD OCCUR IF ALL VOTERS PARTICIPATED IN A SERIES OF RUNOFF ELECTIONS  
6 WHEREBY THE VOTERS MAY RANK CANDIDATES ACCORDING TO THE ORDER OF  
7 THEIR CHOICE.

8 (B) (1) THIS SECTION APPLIES TO THE INSTANT RUNOFF METHOD OF  
9 VOTING.

10 (2) THE INSTANT RUNOFF METHOD OF VOTING SHALL BE USED TO  
11 DETERMINE THE WINNER OF ANY ELECTION CONDUCTED UNDER THIS ARTICLE,  
12 NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY.

13 (C) THIS SECTION APPLIES TO EACH ELECTION IN THIS STATE FOR:

14 (1) PRESIDENT OF THE UNITED STATES;

15 (2) MEMBER OF CONGRESS;

16 (3) GOVERNOR AND LIEUTENANT GOVERNOR;

17 (4) ATTORNEY GENERAL;

18 (5) COMPTROLLER;

19 (6) MEMBER OF THE SENATE OF MARYLAND; AND

20 (7) MEMBER OF THE HOUSE OF DELEGATES TO BE ELECTED FROM A  
21 SINGLE-MEMBER DISTRICT.

22 (D) (1) IN AN INSTANT RUNOFF METHOD ELECTION, IF THERE IS NO INITIAL  
23 FIRST-CHOICE MAJORITY WINNER, RUNOFF COUNTS ARE CONDUCTED IN ROUNDS.

24 (2) IF, IN ANY ROUND, NO CANDIDATE RECEIVES A MAJORITY, THE  
25 CANDIDATE WITH THE FEWEST VOTES IS ELIMINATED AND THE REMAINING  
26 CANDIDATES ADVANCE TO ANOTHER COUNTING ROUND.

27 (3) IN EVERY ROUND, EACH BALLOT IS COUNTED AS ONE VOTE FOR THE  
28 TOP-RANKED ADVANCING CANDIDATE ON THAT BALLOT.

29 (E) ANY MECHANICAL, ELECTRONIC, OR OTHER DEVICES CERTIFIED BY THE  
30 STATE BOARD SHALL PROVIDE FOR MARKING, SORTING, AND COUNTING BALLOTS  
31 AND FOR THE TABULATING OF VOTES IN SEQUENTIAL ROUNDS USING THE INSTANT  
32 RUNOFF METHOD.

33 (F) (1) IF THE STATE BOARD DETERMINES THAT THE NUMBER OF  
34 CANDIDATES FOR AN OFFICE EXCEEDS THE PRACTICAL REQUIREMENTS FOR

1 RANKING ALL CANDIDATES ON THE BALLOT, IT MAY LIMIT THE NUMBER OF CHOICES  
2 THE VOTER MAY MAKE. HOWEVER, IF THERE ARE THREE OR MORE CANDIDATES FOR  
3 AN OFFICE, THE STATE BOARD SHALL PROVIDE FOR THE RANKING OF AT LEAST  
4 THREE CHOICES.

5 (2) (I) THE INSTRUCTION ON A BALLOT FOR THE INSTANT RUNOFF  
6 METHOD SHALL INCLUDE THE FOLLOWING STATEMENT: "IN ADDITION TO YOUR  
7 FIRST-CHOICE CANDIDATE, YOU MAY MARK ALTERNATE RUNOFF CHOICES IF YOU  
8 WISH. MARKING A SECOND CHOICE CANNOT HELP DEFEAT YOUR FIRST CHOICE.  
9 MARKING A SUBSEQUENT CHOICE CANNOT HELP DEFEAT YOUR TOP-RANKED  
10 CHOICES."

11 (II) EACH LOCAL BOARD SHALL DISPLAY IN EACH POLLING PLACE  
12 UNDER ITS JURISDICTION SAMPLE BALLOTS USING FICTITIOUS NAMES TO  
13 ILLUSTRATE VOTING PROCEDURES APPLICABLE IN THE INSTANT RUNOFF METHOD.

14 (G) (1) THE PROCEDURE TO DETERMINE THE WINNERS IN AN ELECTION  
15 CONDUCTED BY THE INSTANT RUNOFF METHOD SHALL BE AS PROVIDED IN THIS  
16 SUBSECTION.

17 (2) (I) BALLOTS SHALL BE COUNTED INITIALLY ACCORDING TO THE  
18 FIRST CHOICE MARKED ON EACH BALLOT.

19 (II) IF ONE CANDIDATE RECEIVES A MAJORITY OF THE VOTES  
20 CAST, THE BOARD OF CANVASSERS SHALL CERTIFY THAT CANDIDATE AS THE  
21 WINNER AS PROVIDED IN THIS ARTICLE.

22 (III) 1. IF AT THE END OF THE INITIAL COUNT, NO CANDIDATE  
23 RECEIVES A FIRST-CHOICE MAJORITY OF VOTES CAST, THE BOARD OF CANVASSERS  
24 SHALL PETITION THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY TO DETERMINE  
25 THE CANDIDATE WHO RECEIVED THE MAJOR PART OF THE VOTES BY CONDUCTING  
26 INSTANT RUNOFF RECOUNTS IN THE MANNER PROVIDED IN THIS SUBSECTION.

27 2. THE PETITION SHALL BE SUPPORTED BY A STATEMENT  
28 SIGNED BY THE MAJORITY OF THE BOARD OF CANVASSERS STATING THAT NO  
29 CANDIDATE RECEIVED A FIRST-CHOICE MAJORITY OF VOTES. UPON RECEIPT OF THE  
30 PETITION, THE CIRCUIT COURT SHALL APPOINT AN INSTANT RUNOFF COMMITTEE  
31 TO TABULATE THE VOTES FOR CANDIDATES BY CONDUCTING RUNOFF COUNTS IN  
32 ROUNDS.

33 3. IF, IN ANY ROUND, NO CANDIDATE RECEIVES A MAJORITY,  
34 THEN THE CANDIDATE WITH THE FEWEST VOTES IS ELIMINATED AND THE  
35 REMAINING CANDIDATES ADVANCE TO ANOTHER COUNTING ROUND. IN EVERY  
36 ROUND, EACH BALLOT IS COUNTED AS ONE VOTE FOR THE TOP-RANKED ADVANCING  
37 CANDIDATE ON THAT BALLOT. THIS PROCESS SHALL CONTINUE UNTIL ONE  
38 CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST, EXCLUDING BLANK AND  
39 SPOILED VOTES, OR UNTIL THERE IS ONLY ONE CANDIDATE REMAINING.

40 (IV) IF AT ANY POINT A CANDIDATE RECEIVES A MAJORITY, OR IF  
41 NO CANDIDATE RECEIVES A MAJORITY AFTER THE INSTANT RUNOFF ELECTION IS

1 COMPLETED, THE CIRCUIT COURT SHALL ISSUE A CERTIFICATE OF ELECTION AND  
2 FORWARD THE CERTIFICATE TO THE CERTIFICATION AUTHORITY SPECIFIED IN THIS  
3 ARTICLE.

4 (3) (I) THE GENERAL PROVISIONS SPECIFIED IN THIS PARAGRAPH  
5 SHALL APPLY WHENEVER THE INSTANT RUNOFF METHOD IS USED.

6 (II) 1. WHEN IT COMMENCES THE INSTANT RUNOFF COUNT,  
7 THE INSTANT RUNOFF COUNT COMMITTEE MAY ACCELERATE THE PROCESS BY:

8 A. ELIMINATING ALL CANDIDATES WITH FEWER THAN 1% OF  
9 THE FIRST-CHOICE VOTES CAST FOR THE OFFICE; AND

10 B. COUNTING BALLOTS THAT RANKED THOSE CANDIDATES  
11 FIRST, AS VOTES FOR THE TOP-RANKED ADVANCING CANDIDATE FOR THAT OFFICE  
12 ON EACH BALLOT.

13 2. ALL CANDIDATES WHOSE COMBINED NUMBER OF  
14 FIRST-CHOICE VOTES ARE FEWER TOTAL VOTES THAN THE SINGLE CANDIDATE  
15 WITH THE NEXT GREATER NUMBER OF VOTES, SHALL BE ELIMINATED  
16 SIMULTANEOUSLY IN A SINGLE COUNTING OPERATION.

17 (III) IF A BALLOT HAS NO MORE AVAILABLE CHOICES RANKED ON  
18 IT, THE BALLOT IS EXHAUSTED.

19 (IV) IF A BALLOT SKIPS A NUMBER, THE BALLOT IS EXHAUSTED  
20 WHEN THE SKIPPED RANKING IS REACHED. A BALLOT THAT GIVES TWO OR MORE  
21 CANDIDATES THE SAME RANKING IS EXHAUSTED WHEN THAT RANKING IS REACHED  
22 UNLESS ONLY ONE OF THE CANDIDATES SO RANKED HAS ADVANCED TO THE  
23 CURRENT ROUND OF COUNTING.

24 (V) IN THE CASE OF A TIE BETWEEN CANDIDATES FOR LAST PLACE,  
25 AND THUS ELIMINATION, OCCURRING AT ANY STAGE IN THE TABULATION, THE TIE  
26 SHALL BE RESOLVED BY ELIMINATING THE CANDIDATE WHO RECEIVED THE LEAST  
27 NUMBER OF VOTES AT THE PREVIOUS STAGE OF THE TABULATION. IN THE EVENT OF  
28 A TIE TO WHICH A PREVIOUS STAGE DOES NOT APPLY, OR THE PREVIOUS STATE ALSO  
29 WAS A TIE, THE TIE SHALL BE BROKEN BY DRAWING LOTS.

30 (H) THE STATE BOARD SHALL CONDUCT A VOTER EDUCATION CAMPAIGN TO  
31 FAMILIARIZE VOTERS WITH THE BALLOT DESIGN, METHOD OF VOTING, AND  
32 ADVANTAGES OF DETERMINING A MAJORITY WINNER IN A SINGLE ELECTION USING  
33 THE INSTANT RUNOFF METHOD OF VOTING.

34 (I) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO  
35 IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October 1, 2001.