
By: **Senators Pinsky, Brochin, and Grosfeld**

Introduced and read first time: January 26, 2006

Assigned to: Education, Health, and Environmental Affairs

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 providing for a delayed effective date; and generally relating to an instant runoff
10 method of voting in the State.

11 BY renumbering

12 Article - Election Law
13 Section 9-212 through 9-217, respectively
14 to be Section 9-213 through 9-218, respectively
15 Annotated Code of Maryland
16 (2003 Volume and 2005 Supplement)

17 BY adding to

18 Article - Election Law
19 Section 9-212
20 Annotated Code of Maryland
21 (2003 Volume and 2005 Supplement)

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

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

1

Article - Election Law

2 9-212.

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

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

22 (8) COUNTY EXECUTIVE;

23 (9) STATE'S ATTORNEY FOR ANY COUNTY; AND

24 (10) MEMBER OF A COUNTY COUNCIL OR SCHOOL BOARD TO BE ELECTED
25 FROM A SINGLE-MEMBER DISTRICT.

26 (D) (1) IN AN INSTANT RUNOFF METHOD ELECTION, CANDIDATES NEED A
27 MAJORITY OF VOTES IN ANY ROUND TO BE ELECTED OR NOMINATED, AND IF THERE
28 IS NO INITIAL FIRST-CHOICE MAJORITY WINNER, RUNOFF COUNTS ARE CONDUCTED
29 IN ROUNDS.

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

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

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

7 (F) NO FUNDS OR CONTRACTS SHALL ISSUE FOR ANY MECHANICAL,
8 ELECTRONIC, OR OTHER VOTING DEVICES UNLESS SUCH SYSTEMS SHALL BE READY
9 TO IMPLEMENT INSTANT RUNOFF VOTING AND ANY OTHER BALLOT TYPES IN USE
10 WITHIN THE UNITED STATES WITHIN 1 YEAR WITH NO EXTRA EXPENSE TO THE
11 CONTRACTING OR PURCHASING JURISDICTION. PARTICULARLY, SYSTEMS SHALL
12 ALLOW VOTERS TO MARK AND HAVE THEIR BALLOTS REGISTERED ACCORDING TO
13 THE SPECIFIC NEEDS OF INSTANT RUNOFF VOTING AND BE ABLE TO TABULATE
14 VOTES ACCORDING TO THE SPECIFIC LOGIC OF INSTANT RUNOFF VOTING.

15 (G) (1) IF THE STATE BOARD DETERMINES THAT THE NUMBER OF
16 CANDIDATES FOR AN OFFICE EXCEEDS THE PRACTICAL REQUIREMENTS FOR
17 RANKING ALL CANDIDATES ON THE BALLOT, IT MAY LIMIT THE NUMBER OF CHOICES
18 THE VOTER MAY MAKE. HOWEVER, IF THERE ARE THREE OR MORE CANDIDATES FOR
19 AN OFFICE, THE STATE BOARD SHALL PROVIDE FOR THE RANKING OF AT LEAST
20 THREE CHOICES.

21 (2) (I) THE INSTRUCTION ON A BALLOT FOR THE INSTANT RUNOFF
22 METHOD SHALL INCLUDE THE FOLLOWING STATEMENT: "IN ADDITION TO YOUR
23 FIRST-CHOICE CANDIDATE, YOU MAY MARK ALTERNATE RUNOFF CHOICES IF YOU
24 WISH. MARKING A SECOND CHOICE CANNOT HELP DEFEAT YOUR FIRST CHOICE.
25 MARKING A SUBSEQUENT CHOICE CANNOT HELP DEFEAT YOUR TOP-RANKED
26 CHOICES."

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

30 (H) (1) THE PROCEDURE TO DETERMINE THE WINNERS IN AN ELECTION
31 CONDUCTED BY THE INSTANT RUNOFF METHOD SHALL BE AS PROVIDED IN THIS
32 SUBSECTION.

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

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

38 (III) 1. IF AT THE END OF THE INITIAL COUNT, NO CANDIDATE
39 RECEIVES A FIRST-CHOICE MAJORITY OF VOTES CAST, THE BOARD OF CANVASSERS
40 SHALL PETITION THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY TO DETERMINE

1 THE CANDIDATE WHO RECEIVED THE MAJOR PART OF THE VOTES BY CONDUCTING
2 INSTANT RUNOFF RECOUNTS IN THE MANNER PROVIDED IN THIS SUBSECTION.

3 2. THE PETITION SHALL BE SUPPORTED BY A STATEMENT
4 SIGNED BY THE MAJORITY OF THE BOARD OF CANVASSERS STATING THAT NO
5 CANDIDATE RECEIVED A FIRST-CHOICE MAJORITY OF VOTES. UPON RECEIPT OF THE
6 PETITION, THE CIRCUIT COURT SHALL APPOINT AN INSTANT RUNOFF COMMITTEE
7 TO TABULATE THE VOTES FOR CANDIDATES BY CONDUCTING RUNOFF COUNTS IN
8 ROUNDS.

9 3. IF, IN ANY ROUND, NO CANDIDATE RECEIVES A MAJORITY,
10 THEN THE CANDIDATE WITH THE FEWEST VOTES IS ELIMINATED AND THE
11 REMAINING CANDIDATES ADVANCE TO ANOTHER COUNTING ROUND. IN EVERY
12 ROUND, EACH BALLOT IS COUNTED AS ONE VOTE FOR THE TOP-RANKED ADVANCING
13 CANDIDATE ON THAT BALLOT. THIS PROCESS SHALL CONTINUE UNTIL ONE
14 CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST, EXCLUDING BLANK VOTES,
15 SPOILED VOTES, AND EXHAUSTED BALLOTS WHERE THE VOTER HAS MARKED NO
16 ADVANCING CANDIDATES, OR UNTIL THERE IS ONLY ONE CANDIDATE REMAINING.

17 (IV) IF AT ANY POINT A CANDIDATE RECEIVES A MAJORITY, OR IF
18 NO CANDIDATE RECEIVES A MAJORITY AFTER THE INSTANT RUNOFF ELECTION IS
19 COMPLETED, THE CIRCUIT COURT SHALL ISSUE A CERTIFICATE OF ELECTION AND
20 FORWARD THE CERTIFICATE TO THE CERTIFICATION AUTHORITY SPECIFIED IN THIS
21 ARTICLE.

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

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

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

28 B. COUNTING BALLOTS THAT RANKED THOSE CANDIDATES
29 FIRST, AS VOTES FOR THE TOP-RANKED ADVANCING CANDIDATE FOR THAT OFFICE
30 ON EACH BALLOT.

31 2. ALL CANDIDATES WHOSE COMBINED NUMBER OF
32 FIRST-CHOICE VOTES ARE FEWER TOTAL VOTES THAN THE SINGLE CANDIDATE
33 WITH THE NEXT GREATER NUMBER OF VOTES SHALL BE ELIMINATED
34 SIMULTANEOUSLY IN A SINGLE COUNTING OPERATION.

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

37 (IV) 1. IF IN THE PROCESS OF FILLING OUT A BALLOT, A VOTER
38 SKIPS EXACTLY ONE NUMERICAL RANKING, SUCH ACTION WILL NOT INVALIDATE
39 THE BALLOT AND THE SKIPPED RANKING WILL BE IGNORED.

1 2. IF IN THE PROCESS OF FILLING OUT THE BALLOT, A
2 VOTER SKIPS TWO OR MORE NUMERICAL RANKINGS, ONLY THOSE RANKINGS MADE
3 BEFORE REACHING THE TWO SKIPPED RANKINGS WILL BE COUNTED AS VALID.

4 3. A BALLOT THAT GIVES TWO OR MORE CANDIDATES THE
5 SAME RANKING IS EXHAUSTED WHEN THAT RANKING IS REACHED UNLESS ONLY
6 ONE OF THE CANDIDATES SO RANKED HAS ADVANCED TO THE CURRENT ROUND OF
7 COUNTING.

8 4. IF A VOTER RANKS THE SAME CANDIDATE MORE THAN
9 ONCE, THE HIGHEST RANKING FOR THAT CANDIDATE IS VALID AND ANY
10 SUBSEQUENT LOWER RANKINGS OF THAT CANDIDATE ARE IGNORED.

11 (V) IN THE CASE OF A TIE BETWEEN CANDIDATES FOR LAST PLACE,
12 AND THUS ELIMINATION, OCCURRING AT ANY STAGE IN THE TABULATION, THE TIE
13 SHALL BE RESOLVED BY ELIMINATING THE CANDIDATE WHO RECEIVED THE LEAST
14 NUMBER OF VOTES AT THE PREVIOUS STAGE OF THE TABULATION. IN THE EVENT OF
15 A TIE TO WHICH A PREVIOUS STAGE DOES NOT APPLY, OR THE PREVIOUS STAGE
16 ALSO WAS A TIE, THE TIE SHALL BE BROKEN BY DRAWING LOTS.

17 (I) THE STATE BOARD SHALL CONDUCT A VOTER EDUCATION CAMPAIGN TO
18 FAMILIARIZE VOTERS WITH THE BALLOT DESIGN, METHOD OF VOTING, AND
19 ADVANTAGES OF DETERMINING A MAJORITY WINNER IN A SINGLE ELECTION USING
20 THE INSTANT RUNOFF METHOD OF VOTING.

21 (J) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO
22 IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 January 1, 2007.