

HOUSE BILL 1502

G1
SB 292/06 – EHE

8lr3156

By: **Delegate Hixson**

Introduced and read first time: February 19, 2008

Assigned to: Rules and Executive Nominations

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
6 runoff method of voting; requiring the State Board of Elections and local boards
7 of 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
10 runoff 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 2007 Supplement)

17 BY adding to

18 Article – Election Law
19 Section 9–212
20 Annotated Code of Maryland
21 (2003 Volume and 2007 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 through
25 9–218, respectively.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article - Election Law2 **9-212.**

3 (A) IN THIS SECTION, "INSTANT RUNOFF METHOD" MEANS A METHOD
4 OF CASTING AND TABULATING VOTES THAT ENSURES MAJORITY RULE BY
5 SIMULATING THE BALLOT COUNTS THAT WOULD OCCUR IF ALL VOTERS
6 PARTICIPATED IN A SERIES OF RUNOFF ELECTIONS WHEREBY THE VOTERS MAY
7 RANK CANDIDATES 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
11 TO DETERMINE THE WINNER OF ANY ELECTION CONDUCTED UNDER THIS
12 ARTICLE, NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE
13 CONTRARY.

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

15 (1) PRESIDENT OF THE UNITED STATES;

16 (2) MEMBER OF CONGRESS;

17 (3) GOVERNOR AND LIEUTENANT GOVERNOR;

18 (4) ATTORNEY GENERAL;

19 (5) COMPTROLLER;

20 (6) MEMBER OF THE SENATE OF MARYLAND;

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

23 (8) COUNTY EXECUTIVE;

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

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

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

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

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

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

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

23 (G) (1) IF THE STATE BOARD DETERMINES THAT THE NUMBER OF
24 CANDIDATES FOR AN OFFICE EXCEEDS THE PRACTICAL REQUIREMENTS FOR
25 RANKING ALL CANDIDATES ON THE BALLOT, THE STATE BOARD MAY LIMIT THE
26 NUMBER OF CHOICES THE VOTER MAY MAKE. HOWEVER, IF THERE ARE THREE
27 OR MORE CANDIDATES FOR AN OFFICE, THE STATE BOARD SHALL PROVIDE FOR
28 THE RANKING OF AT LEAST THREE CHOICES.

29 (2) (I) THE INSTRUCTION ON A BALLOT FOR THE INSTANT
30 RUNOFF METHOD SHALL INCLUDE THE FOLLOWING STATEMENT: "IN ADDITION
31 TO YOUR FIRST-CHOICE CANDIDATE, YOU MAY MARK ALTERNATE RUNOFF
32 CHOICES IF YOU WISH. MARKING A SECOND CHOICE CANNOT HELP DEFEAT
33 YOUR FIRST CHOICE. MARKING A SUBSEQUENT CHOICE CANNOT HELP DEFEAT
34 YOUR TOP-RANKED CHOICES."

35 (II) EACH LOCAL BOARD SHALL DISPLAY IN EACH POLLING
36 PLACE UNDER ITS JURISDICTION SAMPLE BALLOTS USING FICTITIOUS NAMES

1 TO ILLUSTRATE VOTING PROCEDURES APPLICABLE IN THE INSTANT RUNOFF
2 METHOD.

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

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

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

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

17 2. THE PETITION SHALL BE SUPPORTED BY A
18 STATEMENT SIGNED BY THE MAJORITY OF THE BOARD OF CANVASSERS STATING
19 THAT NO CANDIDATE RECEIVED A FIRST-CHOICE MAJORITY OF VOTES. ON
20 RECEIPT OF THE PETITION, THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
21 SHALL APPOINT AN INSTANT RUNOFF COMMITTEE TO TABULATE THE VOTES
22 FOR CANDIDATES BY CONDUCTING RUNOFF COUNTS IN ROUNDS.

23 3. IF, IN ANY ROUND, NO CANDIDATE RECEIVES A
24 MAJORITY, THEN THE CANDIDATE WITH THE FEWEST VOTES IS ELIMINATED AND
25 THE REMAINING CANDIDATES ADVANCE TO ANOTHER COUNTING ROUND. IN
26 EVERY ROUND, EACH BALLOT IS COUNTED AS ONE VOTE FOR THE TOP-RANKED
27 ADVANCING CANDIDATE ON THAT BALLOT. THIS PROCESS SHALL CONTINUE
28 UNTIL ONE CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST, EXCLUDING
29 BLANK VOTES, SPOILED VOTES, AND EXHAUSTED BALLOTS WHERE THE VOTER
30 HAS MARKED NO ADVANCING CANDIDATES, OR UNTIL THERE IS ONLY ONE
31 CANDIDATE REMAINING.

32 (IV) IF AT ANY POINT A CANDIDATE RECEIVES A MAJORITY,
33 OR IF NO CANDIDATE RECEIVES A MAJORITY AFTER THE INSTANT RUNOFF
34 ELECTION IS COMPLETED, THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
35 SHALL ISSUE A CERTIFICATE OF ELECTION AND FORWARD THE CERTIFICATE TO
36 THE CERTIFICATION AUTHORITY SPECIFIED IN THIS ARTICLE.

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

3 **(II) 1. WHEN IT COMMENCES THE INSTANT RUNOFF**
4 **COUNT, THE INSTANT RUNOFF COUNT COMMITTEE MAY ACCELERATE THE**
5 **PROCESS BY:**

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

8 **B. COUNTING BALLOTS THAT RANKED THOSE**
9 **CANDIDATES FIRST AS VOTES FOR THE TOP-RANKED ADVANCING CANDIDATE**
10 **FOR THAT OFFICE ON EACH BALLOT.**

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

15 **(III) IF A BALLOT HAS NO MORE AVAILABLE CHOICES**
16 **RANKED ON IT, THE BALLOT IS EXHAUSTED.**

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

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

24 **3. A BALLOT THAT GIVES TWO OR MORE**
25 **CANDIDATES THE SAME RANKING IS EXHAUSTED WHEN THAT RANKING IS**
26 **REACHED UNLESS ONLY ONE OF THE CANDIDATES SO RANKED HAS ADVANCED**
27 **TO THE CURRENT ROUND OF COUNTING.**

28 **4. IF A VOTER RANKS THE SAME CANDIDATE MORE**
29 **THAN ONCE, THE HIGHEST RANKING FOR THAT CANDIDATE IS VALID AND ANY**
30 **SUBSEQUENT LOWER RANKINGS OF THAT CANDIDATE ARE IGNORED.**

31 **(V) IN THE CASE OF A TIE BETWEEN CANDIDATES FOR LAST**
32 **PLACE, AND THUS ELIMINATION, OCCURRING AT ANY STAGE IN THE**
33 **TABULATION, THE TIE SHALL BE RESOLVED BY ELIMINATING THE CANDIDATE**
34 **WHO RECEIVED THE LEAST NUMBER OF VOTES AT THE PREVIOUS STAGE OF THE**

1 **TABULATION. IN THE EVENT OF A TIE TO WHICH A PREVIOUS STAGE DOES NOT**
2 **APPLY, OR THE PREVIOUS STAGE ALSO WAS A TIE, THE TIE SHALL BE BROKEN**
3 **BY DRAWING LOTS.**

4 **(I) THE STATE BOARD SHALL CONDUCT A VOTER EDUCATION**
5 **CAMPAIGN TO FAMILIARIZE VOTERS WITH THE BALLOT DESIGN, METHOD OF**
6 **VOTING, AND ADVANTAGES OF DETERMINING A MAJORITY WINNER IN A SINGLE**
7 **ELECTION USING THE INSTANT RUNOFF METHOD OF VOTING.**

8 **(J) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO**
9 **IMPLEMENT THE REQUIREMENTS OF THIS SECTION.**

10 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
11 **January 1, 2009.**