

1 H.298

2 Introduced by Representatives Lorber of Burlington, Fisher of Lincoln, Smith

3 of Mendon and Townsend of Randolph

4 Referred to Committee on

5 Date:

6 Subject: Elections; U.S representative; U.S. senator; vacancies; instant runoff

7 voting method

8 Statement of purpose: This bill proposes to: (1) accelerate the filling of

9 vacancies in the offices of U.S. senator or representative by eliminating the

10 special primary for those offices; and (2) use the instant runoff voting method

11 for those special elections.

12 An act relating to the use of the instant runoff voting method for a special
13 election to fill a vacancy in the office of U.S. representative or U.S. senator

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 17 V.S.A. § 2103(43) is added to read:

16 (43) "Instant runoff method" means a method of casting, sorting, and
17 counting votes as set forth in sections 2473a and 2594 of this title that
18 accomplishes the same effect as all voters participating in a runoff election,
19 whereby the two candidates with the greatest number of first choices advance
20 to a runoff count, and the ballots of voters who chose nonadvancing candidates

1 as their first choice are re-examined so that their votes are counted during the
2 runoff count for whichever of the final candidates is ranked higher on that
3 ballot.

4 Sec. 2. 17 V.S.A. § 2473a is added to read:

5 § 2473a. INSTANT RUNOFF METHOD; APPLICATION; BALLOTS;

6 RULES

7 (a) Notwithstanding the provisions of section 2472 of this title to the
8 contrary, the instant runoff method shall be used in all special elections to fill a
9 vacancy in the offices of U.S. representative and U.S. senator.

10 (b) For the purposes of subsection (a) of this section, the secretary of state
11 shall supervise the counting of votes conducted by the instant runoff voting
12 method which may take place at regional centers and shall adopt procedures, in
13 consultation with local election officials, for implementing this section,
14 including those involving:

15 (1) the possible use of mechanical, electronic, or other devices for
16 marking, sorting, and counting ballots and results;

17 (2) modification of the form of the ballots and the directions to voters;

18 (3) details with respect to the method of marking, sorting, invalidating,
19 and counting of votes, provided that no change shall be made which will alter
20 the intent or principles embodied in this chapter; and

1 (4) a reasonable stipend for regional clerks and assistant election
2 workers conducting an instant runoff count.

3 (c) Ballots approved under this section shall allow a voter to rank up to five
4 candidates for an office in order of choice. If practical, ballots shall be
5 designed such that voters may mark their first choices in the same manner as
6 that for offices not elected by the instant runoff method.

7 (d) Instructions on the ballot shall include a statement to inform voters that
8 they may choose to rank up to a total of five candidates and that the marking of
9 additional choices will not count against their first choice candidate. Sample
10 ballots to illustrate voting procedures, using fictitious names, shall be posted in
11 or near the voting booth and included in the instruction materials for absentee
12 ballots. Prior to each special election, the secretary of state shall conduct a
13 voter education campaign to educate voters on the use and purpose of the
14 instant runoff voting method. The secretary shall use public service
15 announcements as well as seek other media cooperation to the maximum
16 extent practicable.

17 Sec. 3. 17 V.S.A. § 2587(b) is amended to read:

18 (b) If the voter marks more names than there are persons to be elected to an
19 office, except as provided in section 2473a of this title, or marks contradictory
20 sides on any public question, his or her ballot shall not be counted for that
21 office or public question.

1 Sec. 4. 17 V.S.A. § 2594 is added to read:

2 § 2594. INSTANT RUNOFF METHOD; INSTRUCTIONS FOR

3 COUNTING VOTES

4 (a) The provisions of sections 2584 and 2587 of this title shall apply to
5 elections conducted by the instant runoff method unless inconsistent with the
6 provisions of this section.

7 (b) The following procedures shall be used to determine the winners in
8 elections conducted by the instant runoff method:

9 (1) Ballots shall be counted initially by the election officials according
10 to the first choice marked on each ballot. If one candidate receives a majority
11 of the votes cast, the canvassing committee for U.S. senator and U.S.
12 representative shall issue a certificate of election in the manner provided in
13 section 2592 of this title.

14 (2) If, at the end of the initial count, no candidate receives a majority of
15 first choices, the canvassing committee established in section 2592 of this title
16 shall forthwith petition the secretary of state to determine the candidate who
17 received the major part of the votes by conducting instant runoff counts in the
18 manner provided in this section. The petition shall be supported by a statement
19 that no candidate is the first choice of a majority of voters. Upon receipt of the
20 petition, the secretary of state shall issue a certification declaring the names of

1 the advancing candidates and appoint an instant runoff count committee in the
2 manner provided for under the procedures adopted by the secretary of state.

3 (3) The instant runoff count committee shall count votes for candidates
4 pursuant to procedures adopted by the secretary of state. All candidates shall
5 be eliminated except the two candidates with the greatest number of first
6 choices. Ballots which rank eliminated candidates and which indicate one of
7 the final candidates as an alternate choice shall be counted as votes for
8 whichever of the final candidates is ranked higher for that office on each
9 ballot. Each ballot is counted as one vote for the highest ranked advancing
10 candidate on that ballot.

11 (4) The secretary of state shall prepare and sign the certificate that
12 declares the winner.

13 (5) The report and the counts performed by the committee shall be
14 forwarded to the secretary of state, who shall issue a certificate of election to
15 whichever of the two remaining candidates received the greatest number of
16 votes at the conclusion of the instant runoff count.

17 (c) The following general provisions shall apply whenever the instant
18 runoff method is used:

19 (1) If, after the first-choice candidate is eliminated, a ballot does not
20 indicate one of the advancing candidates as an alternate choice, the ballot is
21 exhausted.

1 (2) The fact that a voter gives more than one ranking to the same
2 candidate shall not invalidate the vote. The highest ranking given a particular
3 candidate shall count as long as the candidate is not eliminated.

4 (3) If there is a tie between candidates so that two or more candidates
5 have an equal number of first choices and more than two candidates would
6 advance to the runoff count, all of those candidates shall advance to the runoff
7 count.

8 Sec. 5. 17 V.S.A. § 2621 is amended to read:

9 § 2621. VACANCY IN OFFICE OF UNITED STATES SENATOR OR
10 REPRESENTATIVE

11 (a) If a vacancy occurs in the office of United States senator or United
12 States representative, the governor shall call a special election to fill the
13 vacancy. His or her proclamation shall specify a day for the special election
14 and a day for a special primary, pursuant to section 2352 of this title. The
15 special election shall be held not more than ~~three~~ two months from the date the
16 vacancy occurs, except that if the vacancy occurs within six months of a
17 general election, the special election may be held the same day as the general
18 election.

19 (b) Nominations by political parties shall be made pursuant to section 2382
20 of this title. Party nominations from the party state committees shall be
21 submitted 48 days before the special election date.

1 (c) The deadline for filing petitions for independent candidates for special
2 elections held under this section shall be no later than 40 days before the
3 special election.

4 (d) The special election shall be held using the instant runoff voting method
5 as set forth in sections 2473a and 2594 of this title.

6 Sec. 6. REPEAL

7 17 V.S.A. § 2622 (interim appointment of United States senator) is
8 repealed.