Statement of Introduction
The Voter Ownership, Integrity, Choice, and Equity (VOICE) Amendment Act of 2021
Councilmember Christina Henderson
July 14, 2021

Today, along with Councilmembers Charles Allen, Brianne K. Nadeau, Brooke Pinto, Mary M. Cheh, Elissa Silverman and Janeese Lewis George, I am proud to introduce the Voter Ownership, Integrity, Choice, and Equity (VOICE) Amendment Act of 2021. This legislation would introduce ranked choice voting to the District of Columbia for our 2024 elections, with an accompanying public education campaign about the transition. Ranked choice voting would complement the efforts of the District's Fair Elections Program to include more voices and expand representation in our democratic process, while also ensuring our elected officials have earned broad-based support from voters.

How it works. Ranked-choice voting (RCV) allows voters to rank up to five candidates for a particular office in order of their preference. If a candidate receives more than half of the first-choice votes, that candidate wins outright. However, if no candidate receives a majority of votes after counting first choices, the race is decided by an instant runoff. The candidate with the fewest votes is eliminated, and voters who picked that candidate will have their votes count for their next choice. This process continues in rounds until there's a majority winner. In multi-seat contests where voters are picking two winners from a single pool of candidates – like the Council's at-large contests – a similar process unfolds, adjusted to account for the relevant vote threshold needed to win.

Advantages. RCV is a proven way to ensure that more voters can make their voices heard when choosing from a large pool of candidates. Candidates are incentivized to campaign positively to appeal to the supporters of other candidates as a backup preference. It reduces vote splitting and the "spoiler effect," where similarly positioned candidates split a pool of voters and permit a third candidate with less broad appeal to win by plurality. Further, data increasingly shows that in the two states and nearly 50 municipalities using RCV – including New York City, Minneapolis, and San Francisco – voter turnout is modestly increasing and races are becoming more dynamic and collegial with genuine policy debates supplanting negative campaign tactics.

RCV impacts. In New York City's June primary election, for example, it appears that the combination of RCV and a strong public financing program will produce the most diverse, and first-ever female majority city council. Commentators have noted that more candidates became relevant, actively broadened their bases of support while engaging in creative alliances, and the race saw nuanced and genuine battles of ideas. Primary turnout was its highest in almost a decade, up 22% (+250,000 voters) from 2013. It also appears most voters found the RCV system easy to understand and the vast majority (83%) opted to maximize their ballots by making multiple rankings.
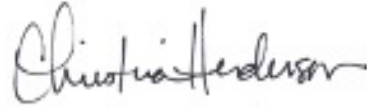
The number of jurisdictions in the U.S. using RCV is expected to expand to 53 by the end of 2022. These cities and states will be crucial case studies that will inform our implementation and voter education efforts here in the District. The VOICE Amendment Act instructs the Board of Elections to prioritize outreach to seniors and low-turnout precincts as part of its public

education efforts. Public input will strengthen this preliminary framework for voter education, and we will undertake a robust discussion of how a new model for our elections can elevate diverse candidates, increase voter buy-in to outcomes, and improve candidate discourse.
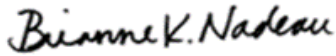
I look forward to working with my colleagues on the Council to debate, refine, and pass the VOICE Amendment Act and promote a more representative democracy in the District of Columbia.

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Councilmember Charles Allen

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Councilmember Brianne K. Nadeau

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Councilmember Elissa Silverman

Councilmember Christina Henderson

Councilmember Mary M. Cheh

Councilmember Brooke Pinto

Councilmember Janeese Lewis George

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Election Code of 1955 to require that candidates to public
office be elected using ranked choice voting, to require that District of Columbia voting
systems be compatible with a ranked choice ballot system, and to set a date and
conditions for implementation of ranked choice voting in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the "Voter Ownership, Integrity, Choice, and Equity Amendment Act of

2021".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69

Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

36   (a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs

37   (34) through (45) to read as follows:

38   "(34) "Active candidate" means a candidate who has not been defeated or elected.

39   "(35) "Election threshold" means the number of votes sufficient for a candidate to

40   be elected in a multi-winner contest. The election threshold equals the total votes counted for

41   active candidates in the first round of tabulation, divided by the sum of one plus the number of

42   offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total

43   votes cast)/(Seats to be elected+1)) + 1, with any fraction disregarded.

44   "(36) "Highest ranked active candidate" means the active candidate assigned a

45   higher ranking than any other active candidates.

46   "(37) "Inactive ballots" means a ballot that does not rank any active candidate,

47   contains an overvote at the highest ranking of active candidates, or contains two or more

48   sequential skipped rankings before its highest ranked active candidate.

49   "(38) "Overvote" means an instance in which a voter has ranked more than one

50   candidate at the same ranking.

51   "(39) "Ranked choice voting" means a method of casting and tabulating votes

52   whereby the voters rank candidates according to the order of their choice and whereby vote

53   counting proceeds in rounds in which candidates are eliminated or elected.

54   "(40) "Ranking" means the number available to be assigned by a voter to a

55   candidate to express the voter's choice for that candidate, with the number "1" denoting the

56   highest ranking, followed by "2" and then "3" and so on.

57   "(41) "Round" means an instance of the sequence of voting tabulation beginning

58   with section 8a(d) for single-winner contests or section 8a(e) for multi-winner contests.

59   "(42) "Skipped ranking" means a voter has left a ranking unassigned but ranks a

60 candidate at a subsequent ranking.

61   "(43) "Surplus fraction" is a number equal to the quotient of the difference

62 between an elected candidate's vote total and the election threshold, divided by the candidate's

63 vote total, (or (V-T)/V, in which "V" is the elected candidate's vote total and "T" is the election

64 threshold), truncated after four decimal places.

65   "(44) "Transfer value" means the proportion of a vote that a ballot will contribute

66 to its highest ranked active candidate. Each ballot begins with a transfer value of 1. If a ballot

67 contributes to the election of a candidate under section 8a(e), it receives a new transfer value.

68   "(45) "Undervote" means a ballot that does not contain any candidates at any

69 ranking in a particular contest.".

70 (b) A new section 8a is added to read as follows:

71 "Sec. 8a. Ranked choice voting.

72 "(a) Notwithstanding any other provision of this act, beginning with the June 2024

73 primary election and for all subsequent elections thereafter, ranked choice voting shall be used

74 for each primary, special, and general election involving three or more qualified candidates,

75 including write-in candidates, for President and Vice President of the United States, Mayor,

76 Attorney General, Chairman of the Council, Delegate to the U.S. House of Representatives,

77 members of the Council, members of the State Board of Education, U.S. Senator, U.S.

78 Representative, Advisory Neighborhood Commissioner, or any other elected official as defined

79 in section 2(13); provided, that if the Board certifies to the Mayor and the Council no later than

80 December 31, 2023, that the Board will not be ready to implement ranked-choice balloting in

81　　2024, the District shall begin using ranked choice balloting at the immediate next election,

82　　including special elections.

83　　　　　"(b) The ballot shall allow voters to rank up to 5 qualified candidates, including write-in

84　　candidates. If there are fewer than 5 qualified candidates the ballot shall allow voters to rank all

85　　qualified candidates, including write-in candidates.

86　　　　　"(c) Ballots shall include the following instructions and information, subject to usability

87　　testing and modification by the Board based on ballot design and voting machine capability:

88　　　　　　　　"(1) The voter may rank candidates in the order of the voter's preference;

89　　　　　　　　"(2) The voter may rank as many as 5 or as few candidates as the voter wishes;

90　　　　　　　　"(3) The voter shall fill the oval in the 1st column for his or her first choice, in the

91　　2nd column for his or her second choice, in the 3rd column for his or her 3rd choice, and so on;

92　　　　　　　　"(4) A notice that ranking candidates 2nd and later will not harm his or her 1st

93　　choice;

94　　　　　　　　"(5) Illustrations of properly and improperly marked ballots; and

95　　　　　　　　"(6) For paper ballots, instructions to mark no more than 1 oval in a column, and

96　　no more than 1 oval for a candidate.

97　　　　　"(d) In any single contest conducted by ranked choice voting in which there shall be one

98　　winner or one nominee for an elected office, each ballot shall count as one vote for the highest

99　　ranked active candidate on that ballot. Tabulation shall proceed in rounds with each round

100　　proceeding sequentially as follows:

101　　　　　　　　"(1) If a candidate has a majority of votes among active candidates in a round of

102　　tabulation, that candidate shall be elected and the tabulation is complete; or

103   "(2)(A) If no candidate has a majority of votes among active candidates in a round

104   of tabulation, the active candidate with the fewest votes shall be defeated;

105   "(B) Votes for the defeated candidate are then reassigned to the voter's

106   next highest ranked active candidate; and

107   "(C) A new round of tabulation begins, pursuant to paragraph (1) of this

108   subsection.

109   "(e) In any single contest conducted by ranked choice voting in which there shall be more

110   than one winner or more than one nominee for elected office, each ballot shall initially count for

111   the highest ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each

112   round shall proceed sequentially, until tabulation is complete, as follows:

113   "(1) If any active candidate has a number of votes greater than or equal to the

114   election threshold for the contest, that candidate shall be elected;

115   "(2) If the number of elected candidates or the sum of the number of elected

116   candidates and the number of active candidates is less than or equal to the number of seats to be

117   filled, then all active candidates are elected, and tabulation is complete;

118   "(3)(A) If the number of elected candidates is less than the number of seats to be

119   filled, each ballot ranking an elected candidate highest is assigned a transfer value by multiplying

120   its current transfer value by the surplus fraction for the elected candidate.

121   "(B) The transfer value of each ballot cast for an elected candidate is then

122   transferred to the next highest ranked active candidate on that ballot and a new round of

123   tabulation begins pursuant to paragraph (1) of this subsection.

124   "(C) In all subsequent rounds of tabulation, an elected candidate is deemed

125   to have a number of votes equal to the election threshold.

126   "(4) If the number of elected candidates remains less than the number of seats to

127   be filled, the active candidate with the fewest votes is defeated and votes for that defeated

128   candidate are then transferred to the voter's next highest ranked active candidate at its current

129   transfer value and a new round of tabulation begins pursuant to paragraph (1) of this subsection.

130   "(f) In any round of tabulation in a contest conducted by ranked choice voting:

131   "(1) An inactive ballot does not count for any candidate.

132   "(2) An undervote does not count for any candidate and shall not be used for

133   purposes of calculating the election threshold.

134   "(g) If two or more active candidates are tied for the fewest votes and tabulation cannot

135   continue until one such candidate is eliminated, the candidate to be eliminated shall be

136   determined by lot under an automated procedure to be established by the Board. If two or more

137   candidates are tied for the greatest number of votes and the tie must be broken to determine the

138   winner or nominee, that tie shall be resolved pursuant to section 10(c).

139   "(h)(1) The Board shall conduct a voter education campaign to familiarize voters with

140   ranked choice voting in advance of the 2024 primary and general elections. The voter education

141   campaign shall:

142   "(A) Be conducted in all languages deemed necessary by the Board to

143   mazimize voter access;

144   "(B) Be designed in consultation with organizations that have experience

145   with providing voter education for ranked-choice voting, with preference given to organizations

146   based in the District;

147   "(C) Prioritize precincts in which voter turnout was lower than city-wide

148   turnout over the previous four election cycles;

149   "(D) Prioritize outreach to senior citizens; and

150   "(E) Provide resources to voters on ranked choice voting including ballot

151   design, how to rank candidates, the ballot tabulation process, and voting information."

152   "(2) Sample ballots illustrating ranked choice voting procedures shall be posted in

153   and near the voting booth, shall be included in the instruction packet for absentee ballots and

154   shall be included in the voter guide sent to all voters.

155   "(3) Any voting system, vote tabulation system, or similar or related equipment

156   acquired by the District shall be capable of administering ranked choice voting by December 31,

157   2023, unless the Board has given notice of its inability to implement ranked choice voting under

158   subsection (a).".

159   Sec. 3. Fiscal impact statement.

160   The Council adopts the fiscal impact statement in the committee report as the fiscal

161   impact statement required by section 4a of the General Legislative Procedures Act of 1975,

162   approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a)..

163   Sec. 4. Effective date.

164   This act shall take effect following approval by the Mayor (or in the event of veto by the

165   Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

166   provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

167   24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of

168   Columbia Register.