House Bill 284

By: Representatives Cantrell of the 22nd, Evans of the 57th, Wilson of the 80th, Park of the 101st, Clark of the 147th, and others

A BILL TO BE ENTITLED

AN ACT

1   To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2   elections and primaries generally, so as to provide that counties and municipalities may
3   choose to utilize instant run-off voting under certain circumstances; to provide for
4   definitions; to provide for the implementation of instant run-off voting; to provide for the
5   promulgation of rules and regulations; to provide for related matters; to repeal conflicting
6   laws; and for other purposes.

7   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8   **SECTION 1.**
9   Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
10 primaries generally, is amended by adding a new article to read as follows:

11   "ARTICLE 16

12 21-2-700.
13 (a) As used in this article, unless the context otherwise indicates, the term:

14   (1) 'Batch elimination' means the simultaneous defeat of multiple candidates for whom

15   it is mathematically impossible to be elected.

16   (2) 'Continuing ballot' means a ballot that is not an exhausted ballot.

17   (3) 'Continuing candidate' means a candidate who has not been defeated.

18   (4) 'Exhausted ballot' means a ballot that does not rank any continuing candidate,

19   contains an overvote at the highest continuing ranking, or contains two or more sequential

20   skipped rankings before its highest continuing ranking.

21   (5) 'Highest continuing ranking' means the highest ranking on a voter's ballot for a

22   continuing candidate.

23   (6) 'Instant run-off voting count' means the ranked-choice counting process described in

24   this article and in rules adopted by the Secretary of State.

25   (7) 'Last-place candidate' means the candidate with the fewest votes in a round of the

26   instant run-off voting count.

27   (8) 'Mathematically impossible to be elected,' with respect to a candidate, means either:

28   (A) The candidate cannot be elected because the candidate's vote total in a round of the

29   instant run-off voting count plus all votes that could possibly be transferred to the

30   candidate in future rounds from candidates with fewer votes or an equal number of

31   votes would not be enough to surpass the candidate with the next-higher vote total in

32   the round; or

33   (B) The candidate has a lower vote total than a candidate described in

34   subparagraph (A) of this paragraph.

35   (9) 'Overvote' means a circumstance in which a voter has ranked more than one

36   candidate at the same ranking.

37   (10) 'Ranking' means the number assigned on a ballot by a voter to a candidate to express

38   the voter's preference for that candidate. Ranking number one is the highest ranking,

39   ranking number two is the next-highest ranking, and so on.

40   (11) 'Round' means an instance of the sequence of vote counting steps established in

41   subsection (b) of this Code section and in rules adopted by the Secretary of State.

42   (12) 'Skipped ranking' means a circumstance in which a voter has left a ranking blank

43   and ranks a candidate at a subsequent ranking.

44 (b) Except as provided in subsections (c) and (d) of this Code section, the following

45 procedures are to be used to determine the winner of an election determined by instant

46 run-off voting. The instant run-off voting count shall proceed in rounds. In each round,

47 the number of votes for each continuing candidate shall be counted. Each continuing ballot

48 counts as one vote for its highest-ranked continuing candidate for that round. Exhausted

49 ballots are not counted for any continuing candidate. The round then ends with one of the

50 following two potential outcomes:

51   (1) If there are two or fewer continuing candidates, the candidate with the most votes is

52   declared the winner of the election; or

53   (2) If there are more than two continuing candidates, the last-place candidate is defeated

54   and a new round begins.

55 (c) A tie under this Code section between last-place candidates in any round shall be

56 decided by lot, and the candidate chosen by lot shall be deemed as defeated. The result of

57 the tie resolution shall be recorded and reused in the event of a recount. A tie between

58 candidates for the most votes in the final round shall be decided through a special election

59 among the remaining candidates.

60 (d) Modification of an instant run-off voting ballot and instant run-off voting count may

61 be made by a county or municipality choosing to use instant run-off voting under this

62 article by the adoption of an ordinance at least 90 days before the election to:

63   (1) Limit the number of rankings to be allowed to no fewer than five; or

64   (2) Permit the defeat of two or more candidates simultaneously by batch elimination in

65   any round of counting.

66   21-2-701.

67   The Secretary of State or the State Election Board may adopt rules for the proper and

68   efficient administration of elections determined by instant run-off voting. Such rules may

69   include the design of and procedures for voting instant run-off ballots and procedures for

70   requesting and conducting recounts of the results as determined in the rounds of counting

71   described in Code Section 21-2-700.

72   21-2-702.

73   Instant run-off voting shall only be used in election contests that involve more than two

74   candidates.

75   21-2-703.

76   (a) Notwithstanding any law to the contrary, a county or municipality in this state may

77   choose to adopt instant run-off voting for use in elections for members of the governing

78   authority in accordance with this article. Such adoption of instant run-off voting shall be

79   made by the adoption of an ordinance by the governing authority.

80   (b) A ordinance to adopt instant run-off voting in county or municipal elections shall be

81   made at least 180 days prior to an election in which it is to be used.

82   (c) After an ordinance to adopt instant run-off voting is adopted, such choice shall remain

83   in effect until 180 days following the adoption of a subsequent ordinance rejecting the use

84   of instant run-off voting in elections.

85   (d) All county and municipal elections using instant run-off voting shall comply with the

86   provisions of this article."

87   **SECTION 2.**

88   All laws and parts of laws in conflict with this Act are repealed.