SENATE BILL No. 202

By Committee on Federal and State Affairs

2-7

1   AN ACT concerning elections; relating to ranked-choice voting; enacting
2   the Kansas ranked-choice voting act.
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4   *Be it enacted by the Legislature of the State of Kansas:*
5   Section 1.   Sections 1 through 6, and amendments thereto, shall be
6   known and may be cited as the Kansas ranked-choice voting act.
7   Sec. 2.   As used in sections 1 through 6, and amendments thereto:
8   (a)   "Exhausted" means an occurrence during an election using the
9   ranked-choice method when a voter does not rank on the ballot any
10   candidate that remains in the subsequent rounds.
11   (b)   "Ranked-choice method" means a method of casting and
12   tabulating votes that tabulates a single vote for each voter but simulates the
13   ballot counts that would occur if all voters participated in a series of runoff
14   elections, whereby voters are allowed to rank candidates according to the
15   voter's preference and, if no candidate obtains a majority of first-choice
16   votes, votes are transferred in sequential tabulations according to voters'
17   preferences.
18   (c)   "Ranking" means the number assigned on a ballot by a voter to a
19   candidate in an election using the ranked-choice method to express the
20   voter's preference for that candidate with the ranking of number one as the
21   highest rank.
22   (d)   "Round" means an instance of the sequence of voting tabulation
23   steps in an election using the ranked-choice method.
24   Sec. 3.   (a) The legislature finds that the current plurality voting
25   method used in Kansas allows a candidate to win an election with less than
26   a majority of votes when there are more than two candidates for the office.
27   In elections with many candidates, the plurality method may result in
28   winners who received small percentages of votes and who are not widely
29   supported by voters. For these winners, this may raise concerns about a
30   lack of public support and confidence and may therefore undermine the
31   ability of those elected to govern effectively. Ranked-choice voting is an
32   election method that allows voters the option to rank candidates as the
33   voter's first, second and subsequent choices. Tabulation begins with each
34   voter's first choice vote. If no candidate receives a majority of votes, the
35   candidate with the fewest votes is eliminated and the tabulation is repeated
36   by using the second choice of voters whose first choice was eliminated and

1 the first-place vote of all other voters. If no candidate receives a majority
2 in the second tabulation, the process is repeated by eliminating the
3 candidate with the fewest votes and performing the tabulation using the
4 next highest choice of voters who had chosen that candidate. If voters
5 whose next-highest choice was previously eliminated, then the next-
6 highest choice after the previously eliminated choice is counted. This
7 process continues until a candidate earns a majority of the total votes or, if
8 the runoff is exhausted without a majority of votes for one candidate, the
9 candidate with a plurality will be declared the winner. Ranked-choice
10 voting assures that elected officials have the support of a majority or near
11 majority of voters because it allows voters to indicate their preferences
12 among more than one candidate. Ranked-choice voting allows all voters to
13 vote for their favorite candidate without fear of helping to elect their least
14 favorite candidate.
15   (b)   The purpose of the Kansas ranked-choice voting act is to
16 authorize the use of the ranked-choice method of voting for all partisan
17 primary and general elections, special elections and nonpartisan primary
18 and general elections held in this state.
19   Sec. 4.   (a) On and after January 1, 2024, the ranked-choice method
20 shall be used in the following state, county and municipal election
21 contests:
22   (1)   Partisan, primary and general elections;
23   (2)   special elections; and
24   (3)   nonpartisan, primary and general elections.
25   (b)   The secretary of state shall adopt rules and regulations consistent
26 with the intent and purpose of the ranked-choice method to implement the
27 use of mechanical, electronic or other means for configuring, marking,
28 sorting and counting the ballots and tabulating and transferring the votes in
29 an election using the ranked-choice method. Such rules and regulations
30 shall be adopted by January 1, 2024.
31   (c)   The ranked-choice method shall allow a voter to rank not more
32 than four candidates for an office in order of preference. If more than one
33 seat is to be filled by the same ballot, the voter may be limited to voting
34 for not more than twice the number of candidates as seats to be filled.
35 Instructions on the ballot shall include the following statement: "You may
36 mark up to three alternate choices in order of preference. Marking a
37 second choice cannot help defeat your first choice. Marking a subsequent
38 choice cannot help defeat your higher-ranked choices." Voters shall be
39 instructed to select only one candidate for each ranking preference level.
40   (d)   The secretary of state, or the county election officer in
41 consultation with the secretary of state, shall print informational materials
42 containing a facsimile ballot that depicts the official ballot to be used in
43 the election and voting instructions and procedures for the election using

1   the ranked-choice method. The informational materials shall be:
2   (1)   Posted near the entrance to the polling place where the
3   information can be easily seen by voters prior to voting;
4   (2)   posted in or near a voting booth;
5   (3)   included in the instruction materials for absentee ballots;
6   (4)   posted on the website of the office of elections or county clerk, as
7   applicable; and
8   (5)   included in any voter education materials distributed by the
9   county election officer prior to the election using the ranked-choice
10 method.
11   (e)   Prior to the printing of ballots for an election using the ranked-
12 choice method, the county election officer shall make a sample ballot
13 available on the website of the county election officer. The sample ballot
14 shall be accessible for public review on the website for not less than 15
15 calendar days prior to printing of the ballots.
16   Sec. 5.   (a) To determine the winners in an election using the ranked-
17 choice method, election officials shall initially count the ballots according
18 to the first choice marked on each ballot. If, at the end of the initial count,
19 one candidate receives a majority of the first-choice votes cast, then that
20 candidate shall be declared the winner for the office that the candidate
21 seeks election to.
22   (b)   If, at the end of the initial count, no candidate receives a majority
23 of the first-choice votes cast, the county election officer shall declare that
24 no candidate has received a majority of first-choice votes and that the
25 candidate with the fewest first-choice votes is defeated. The county
26 election officer shall re-calculate the votes using the continuing candidate
27 with the next highest ranking on each of the ballots for each voter who had
28 selected the defeated candidate as the voter's first choice. If, after the first
29 round of re-calculating votes, one candidate receives the majority of votes
30 cast, that candidate shall be declared the winner. If no candidate has
31 received a majority of votes cast for the office, the process of eliminating a
32 candidate who has received the fewest number of votes, re-calculating the
33 eliminated candidate's votes, including any previously re-calculated votes,
34 based on the next highest rankings for continuing candidates of voters who
35 had voted for the eliminated candidate and tabulating results, shall
36 continue until one candidate receives a majority of the votes cast or the
37 majority of the votes cast for the two remaining candidates.
38   (c)   The ranked-choice method may be accelerated, at the discretion of
39 the county election officer by eliminating all candidates with fewer than
40 1% of the first-choice votes cast. In an accelerated process pursuant to this
41 subsection, the first-choice votes on ballots cast for eliminated candidates
42 shall be re-calculated to the candidates who remain in the race and
43 received the voters' next highest rankings on those ballots.

1   Sec. 6.   (a) Each voter's ballot shall count for not more than one
2 candidate per seat in each round of tabulation. Once a ballot in an election
3 using the ranked-choice method has no more available choices ranked on
4 it, the ballot shall be deemed exhausted.
5   (b)   A voter shall mark only one candidate for each ranking preference
6 level on the ballot and shall not mark a candidate for more than one
7 ranking preference level on the ballot. If a ballot in an election using the
8 ranked-choice method skips a ranking by leaving a ranking blank and then
9 ranking a candidate at a subsequent ranking, the ballot shall be deemed
10 exhausted when the blank ranking level is reached. A ballot that gives two
11 or more candidates the same ranking shall be deemed exhausted when that
12 ranking is reached, unless only one of the candidates so ranked is a
13 continuing candidate. A ballot that selects a candidate for more than one
14 level of ranking shall be declared exhausted after the first such ranking
15 level is reached. Blank and spoiled votes shall not be tabulated.
16   (c)   If a tie between candidates for elimination based on the fewest
17 number of votes occurs during any round of tabulation, the tie shall be
18 resolved by eliminating the candidate who received the fewest number of
19 combined first-choice votes and re-calculated votes at the previous round
20 of tabulation. In the case of a tie to which a previous round of tabulation
21 does not apply, or where the previous round of tabulation was also a tie,
22 the tie shall be resolved by drawing lots. However, if a tie occurs when
23 there are only two candidates remaining, the tie shall be resolved by a flip
24 of a coin. The drawing of lots or flip of a coin shall be performed in the
25 manner agreed by the tied candidates or, if the candidates do not agree, in
26 the manner directed by the county election officer.
27   (d)   If more than one office is open in an election, the calculation of a
28 majority of votes to win an office shall be modified based upon the
29 number of seats available. The number of votes constituting a majority
30 shall be the total number of votes cast divided by the number of available
31 seats plus one, plus one more vote. This calculation is expressed as $(x / y +$
32 $1) + 1 = z$, where x is the total number of votes cast, y is the number of
33 seats open for the office and z is the number of votes required to win.
34   (e)   A space on the ballot shall be reserved for write-in candidates. If
35 the total number of combined votes for all write-in candidates is lower
36 than the lowest total number of votes for a listed candidate, all write-in
37 candidates shall be eliminated and votes recalculated as provided in this
38 section.
39   Sec. 7.   This act shall take effect and be in force from and after its
40 publication in the statute book.