

FIRST REGULAR SESSION

HOUSE BILL NO. 1344

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

0762H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be known as section 115.444, to read as follows:

115.444. 1. This section shall be known and may be cited as the "Every Vote Counts in Local Elections Act".

2. As used in this section, the following terms mean:

(1) "Continuing ballot", a ballot that has not been exhausted by the instant runoff vote;

(2) "Continuing candidate", a candidate who has not been eliminated by the instant runoff vote;

(3) "Exhausted ballot", a ballot on which all votes cast are for candidates who have been eliminated;

(4) "Instant runoff voting", a procedure of voting as described under this section that requires a candidate to receive a majority rather than a plurality of all votes cast for a local elected office before the candidate wins the election and that allows voters to cast votes for candidates on a ranked-choice ballot;

(5) "Local elected office", any office that requires voters go to the polls to elect candidates including, but not limited to, local offices such as any county, township, city, town, village, fire district, library district, port authority, school district, or special district;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(6) "Ranked-choice ballot" or "ballot", a ballot that allows voters to cast a vote for**
18 **multiple candidates and in order of preference by assigning a rank to each candidate for**
19 **the office.**

20 **3. All primary and general elections for local elected office in the state of Missouri**
21 **shall use ranked-choice ballots and instant runoff voting. No candidate for any local**
22 **elected office shall be nominated or certified under this chapter unless such candidate**
23 **receives a majority of the votes cast in the election for such local elected office.**

24 **4. Votes for all candidates for local elected office shall be counted and recorded as**
25 **provided in this chapter and shall be certified in the following manner:**

26 **(1) Each ranked-choice ballot shall be counted as one vote for the continuing**
27 **candidate whom the voter selects as the voter's highest preference of continuing candidates.**
28 **A candidate shall not receive a vote after such candidate has been eliminated in instant**
29 **runoff voting. A candidate for whom the voter noted a lower preference shall not receive**
30 **a vote unless and until that candidate is the continuing candidate with the highest**
31 **preference on the voter's ranked-choice ballot;**

32 **(2) If a candidate receives a majority of all the votes cast in the first count of instant**
33 **runoff votes, that candidate shall be certified as the winner;**

34 **(3) If no candidate receives a majority of votes after the first count, the candidate**
35 **who received the fewest votes shall be eliminated, and each vote cast for such eliminated**
36 **candidate shall be redistributed to the next ranked continuing candidate whom the voter**
37 **noted as the voter's next highest preference. If, after this redistribution of votes, any**
38 **continuing candidate receives a majority of the votes cast on the continuing ballots, that**
39 **continuing candidate shall be certified as the winner;**

40 **(4) If no candidate receives a majority of the votes cast on the continuing ballots**
41 **after the procedure in subdivision (3) of this subsection, the continuing candidate who**
42 **received the fewest votes shall be eliminated. Each vote cast for such eliminated candidate**
43 **shall be redistributed to the next ranked continuing candidate whom the voter noted as the**
44 **voter's next highest preference. This process of eliminating the candidate with the fewest**
45 **votes and redistributing such eliminated candidate's votes to the voter's next highest**
46 **preferred continuing candidate shall be repeated until a candidate receives a majority of**
47 **the votes cast on the continuing ballots;**

48 **(5) If the total number of votes for the two or more candidates credited with the**
49 **lowest number of votes is fewer than the number of votes credited to the continuing**
50 **candidate with the next highest number of votes, those candidates with the lowest number**
51 **of votes shall be eliminated simultaneously and their votes transferred to the next ranked**
52 **continuing candidate on each ballot in a single counting operation; and**

53 **(6) A tie between two or more candidates shall be resolved by weighting the**
54 **preference of votes for each candidate and decided in favor of the candidate who received**
55 **more votes at a higher preference. If a tie still exists between two or more candidates, the**
56 **tie shall be resolved by a coin flip conducted by the elections commission and votes of the**
57 **eliminated candidate shall be redistributed.**

58 **5. For elections in which more than one candidate is to be elected to an office in a**
59 **multiple-seat district or on a governing body that includes multiple at-large seats, a**
60 **ranked-choice ballot shall be used. The ballots shall be counted and certified in the**
61 **following manner:**

62 **(1) Each candidate shall be treated separately to determine the highest preference**
63 **among the candidate field;**

64 **(2) The candidate who received the fewest first choices shall be eliminated and each**
65 **vote cast for that eliminated candidate shall be redistributed to the next ranked continuing**
66 **candidate whom the voter noted as the voter's next highest preference;**

67 **(3) The process under subdivision (2) of this subsection shall be repeated until two**
68 **candidates remain and one candidate receives the majority of votes;**

69 **(4) Ties shall be resolved by applying the method described in subdivision (6) of**
70 **subsection 4 of this section; and**

71 **(5) After a candidate receives a majority of votes under subdivision (3) of this**
72 **subsection, such candidate shall be certified and removed from the candidate pool as if the**
73 **candidate received the fewest votes. The process in this subdivision shall be repeated until**
74 **all seats are filled.**

75 **6. If the voting system used by a municipality or political subdivision cannot**
76 **feasibly accommodate choices equal to the total number of candidates running for each**
77 **office, the election authorities may limit the number of choices a voter may rank to no**
78 **fewer than three per open seat. The ballot shall in no way interfere with a voter's ability**
79 **to cast a write-in vote for a candidate.**

80 **7. No exhausted ballot shall be counted in further stages of the tabulation. If a**
81 **ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be**
82 **declared exhausted if such multiple rankings are reached. If a voter casts a ranked-choice**
83 **ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked**
84 **choice.**

85 **8. Any election dispute regarding the implementation of a limit on the number of**
86 **ranked candidates on a ballot under subsection 6 of this section shall be first appealed to**
87 **the secretary of state for a final order and thereafter may be appealed to any court of**

88 **competent jurisdiction. All other election disputes shall proceed as established in this**
89 **chapter.**

90 **9. All statutes and regulations governing voting procedures and ballots under this**
91 **chapter shall govern instant runoff voting and ranked-choice ballots.**

92 **10. The secretary of state shall conduct a voter education campaign to familiarize**
93 **voters with the instant runoff voting system and ranked-choice ballots.**

94 **11. On the effective date of this section, any voting machine not compatible with**
95 **ranked-choice voting that is removed from the election authority's inventory due to**
96 **mechanical malfunction, wear and tear, or any other reason shall not be replaced. No**
97 **additional voting machines not compatible with ranked-choice voting shall be added to the**
98 **election authority's inventory. The provisions of this subsection shall not require the**
99 **breach of an existing contract.**

100 **12. Ranked-choice voting shall be applied by an election authority when a sufficient**
101 **inventory of ranked-choice voting compatible equipment is acquired through the**
102 **replacement of existing equipment under subsection 11 of this section.**

103 **13. Upon adoption of instant runoff voting under this section, the secretary of state**
104 **shall provide certification services to local election authorities. The certification shall**
105 **comply with the provisions of section 115.225 and federal requirements for certification**
106 **and independent testing. The secretary of state may allow the submission of a new voting**
107 **system to accommodate instant runoff voting but shall require independent testing and**
108 **certification and retention of records for any modifications made to existing voting systems.**
109 **The manufacturer of the voting system shall retain legal authority to provide all software**
110 **data to the secretary of state.**

111 **14. The secretary of state may promulgate rules as necessary for the**
112 **implementation of this section. Any rule or portion of a rule, as that term is defined in**
113 **section 536.010, that is created under the authority delegated in this section shall become**
114 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
115 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
116 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
117 **the effective date, or to disapprove and annul a rule are subsequently held**
118 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
119 **after August 28, 2021, shall be invalid and void.**

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