

FIRST REGULAR SESSION

# HOUSE BILL NO. 27

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

0344H.02I

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to the Every Vote Counts Act.

*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 115.440, to read as follows:

**115.440. 1. This section shall be known and may be cited as the "Every Vote Counts 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) "Elected office" or "office", any office that requires voters go to the polls to elect candidates including, but not limited to, national offices such as United States President, United States Senator, or United States Representative; statewide offices such as governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, supreme court judge, circuit court judge, or associate circuit court judge; state of Missouri general assembly representatives and senators; local offices such as any county, township, city, town, village, fire district, library district, port authority, school district, or special district; or any other political subdivision not listed;**

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

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.

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

22           (6) "Ranked-choice ballot" or "ballot", a ballot that allows voters to cast a vote for  
23 multiple candidates in order of preference, denoted by the voter assigning a rank to each  
24 candidate for the office.

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

29           4. Votes for all candidates for office shall be counted and recorded as provided in  
30 this chapter and shall be certified in the following manner:

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

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

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

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

53           (5) If the total numbers of votes for the two or more candidates credited with the  
54 lowest number of votes is less than the number of votes credited to the continuing  
55 candidate with the next highest number of votes, those candidates with the lowest number  
56 of votes shall be eliminated simultaneously and their votes transferred to the next ranked  
57 continuing candidate on each ballot in a single counting operation; and

58           (6) A tie between two or more candidates shall be resolved by weighting the  
59 preference of votes for each candidate and deciding in favor of the candidate who received  
60 more votes at a higher preference. If a tie still exists between two or more candidates, the  
61 tie shall be resolved by a coin flip conducted by the elections commission, and the votes of  
62 the eliminated candidate shall be redistributed.

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

67           (1) Each candidate shall be treated separately to determine the highest preference  
68 among the candidate field;

69           (2) The candidate who receives the fewest first choices shall be eliminated and each  
70 vote cast for that eliminated candidate shall be redistributed to the next ranked continuing  
71 candidate whom the voter noted as the voter's next highest preference;

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

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

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

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

85           7. No exhausted ballot shall be counted in further stages of the tabulation. If a  
86 ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be  
87 declared exhausted if such multiple rankings are reached. If a voter casts a ranked-choice

88 ballot but skips a rank, the voter's vote shall be transferred to that voter's next highest  
89 ranked choice.

90           8. Any election dispute regarding the implementation of a limit on the number of  
91 ranked candidates on a ballot under subsection 6 of this section shall be first appealed to  
92 the secretary of state for a final order and thereafter may be appealed to any court of  
93 competent jurisdiction. All other election disputes shall proceed as established in this  
94 chapter.

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

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

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

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

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