

FIRST REGULAR SESSION

HOUSE BILL NO. 856

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

0507H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting, with a delayed effective date.

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 115.134, to read as follows:

115.134. 1. 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 upon which all of the continuing candidates have been eliminated or upon which no more continuing candidates are indicated;

(4) "Instant runoff vote", a procedure of voting as described in this section that requires a candidate to receive a majority rather than a plurality of the votes cast for a particular elected office before the candidate takes office, and that allows voters to elect a candidate by casting ranked-choice ballots in the event no candidate for elected office receives a majority of the votes cast;

(5) "Elected office", any office that voters go to the polls to elect candidates, including, but not limited to, national offices such as United States president, United States senator, United States representative; statewide offices such as governor, lt. governor, attorney general, secretary of state, state treasurer, state auditor, supreme court judge, circuit court judge, associate court judge; local offices such as any county, township, city,

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 town, village, fire district, library district, port authority, school district, special district,
19 or any other political subdivision not listed;

20 (6) "Ranked-choice ballot", a ballot that allows voters to vote for candidates and
21 to rank a number of choices in order of preference equal to the total number of candidates
22 for each office in the event an instant runoff vote is required after the votes are first
23 counted under this chapter.

24 2. All primary and general elections conducted in the state of Missouri shall be by
25 ranked-choice ballots and the instant runoff vote as established in this section. No
26 candidate for any such office shall be nominated or certified under this chapter unless such
27 candidate has received a majority of the votes cast in the election for such state office.

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

30 (1) If a candidate receives a majority of the first choices after the first count of votes
31 under this chapter that candidate shall be certified as the winner;

32 (2) If no candidate receives a majority after the first count, the candidate who
33 received the fewest first choices shall be eliminated and each vote cast for that candidate
34 shall be transferred to the next ranked continuing candidate on that voter's ballot. If, after
35 this transfer of votes, any continuing candidate has a majority of the votes from the
36 continuing ballots that continuing candidate shall be certified as the winner;

37 (3) If no candidate receives a majority of votes from the continuing ballots after a
38 candidate has been eliminated and such candidate's votes have been transferred to the next
39 ranked continuing candidate, the continuing candidate with the fewest votes from the
40 continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred
41 to the next ranked continuing candidate on each voter's ballot. This process of eliminating
42 candidates and transferring of votes to the next ranked continuing candidates shall be
43 repeated until a candidate receives a majority of the votes from the continuing ballots;

44 (4) If the total number of votes of the two or more candidates credited with the
45 lowest number of votes is less than the number of votes credited to the continuing
46 candidate with the next highest number of votes, those candidates with the lowest number
47 of votes shall be eliminated simultaneously and their votes transferred to the next ranked
48 continuing candidate on each ballot in a single counting operation; and

49 (5) A tie between two or more candidates will be resolved by calculating the
50 candidate who receives the highest ranked choices that have been cast for a particular
51 candidate. If a tie still exists between two or more candidates, then the tie shall be resolved
52 by a coin flip conducted by the elections commission and votes transferred from the
53 candidate who is eliminated.

54 **4. In an election in which more than one candidate is to be elected to an office in**
55 **a multiple-seat district or on a governing body that includes multiple at-large seats, a**
56 **ranked-choice ballot shall be used. The ballots shall be counted and certified in the**
57 **following manner:**

58 **(1) Each candidate will be treated separately to determine the highest preference**
59 **among the candidate field.**

60 **(2) The candidate who received the fewest first choices shall be eliminated and each**
61 **vote cast for that candidate shall be transferred to the next ranked continuing candidate**
62 **on the voter's ballot and then placed on the continuing ballot.**

63 **(3) This process of eliminating candidates shall be repeated until there are two**
64 **candidates left and one candidate receives the majority of votes between the two.**

65 **(4) Ties will be resolved by applying the method described in subdivision (5) of**
66 **subsection 3 of this section.**

67 **(5) After one candidate has been selected, that candidate will be removed from the**
68 **candidate pool and the process shall continue until all seats are filled, filling the next**
69 **sequential seat before repeating the process for the remaining seats.**

70 **5. If the voting system used by a municipality or political subdivision cannot**
71 **feasibly accommodate choices equal to the total number of candidates running for each**
72 **office, then the election authorities may limit the number of choices a voter may rank to**
73 **no fewer than three. The ballot shall in no way interfere with a voter's ability to cast a**
74 **write-in vote for a candidate.**

75 **6. No exhausted ballot shall be counted in further stages of the tabulation. If a**
76 **ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be**
77 **declared exhausted if such multiple rankings are reached. If a voter casts a ranked-choice**
78 **ballot but skips a rank, the voter's vote shall be transferred to that voter's next ranked**
79 **choice.**

80 **7. Any election dispute regarding the implementation of a limit on the number of**
81 **candidates on a ballot under subsection 5 of this section shall be first appealed to the**
82 **secretary of state for a final order and thereafter may be appealed to any court of**
83 **competent jurisdiction. All other election disputes shall proceed as established in this**
84 **chapter.**

85 **8. All statutes and regulations governing voting procedures and ballots under this**
86 **chapter shall govern instant runoff voting and ranked-choice ballots.**

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

Section B. The enactment of section 115.134 of this act shall become effective on
2 January 1, 2019.

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