

1 S.32

2 Introduced by Senators Ram Hinsdale, Hardy, Perchlik, Vyhovsky, Watson
3 and White

4 Referred to Committee on

5 Date:

6 Subject: Elections; presidential elections; primary elections; ranked-choice
7 voting

8 Statement of purpose of bill as introduced: This bill proposes to require the
9 use of ranked-choice voting for U.S. presidential primary elections for each
10 major political party.

11 An act relating to ranked-choice voting for presidential primary elections

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 * * * Redesignation * * *

14 Sec. 1. REDESIGNATION

15 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

* * * Ranked-Choice Voting Requirements for Presidential Primary

Elections * * *

Sec. 2. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

Subchapter 1. Presidential Primary

§ 2700. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate as set forth in subdivision 2700(14) of this title.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of this title.

(5) “Major political party” has the same meaning as in subdivision 2103(23)(A) of this title.

(6) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

1 (7) “Ranking” means the number available to be assigned by a voter to a
2 candidate to express the voter’s choice for that candidate. The number “1” is
3 the highest ranking, followed by “2” and then “3” and so on.

4 (8) “Round” means an instance of the sequence of voting tabulation in
5 accordance with section 2706 of this title.

6 (9) “Skipped ranking” means a voter does not assign a certain available
7 ranking to any candidate but does assign a subsequent available ranking to a
8 candidate.

9 (10) “Threshold for receiving delegates” means the number of votes
10 necessary for a candidate to receive delegates in a presidential primary election
11 conducted in accordance with subdivision 2705(a)(2) of this title.

12 (11) “Undervote” means a ballot on which a voter does not assign any
13 ranking to any candidate in a particular contest.

14 (12) “Withdrawn candidate” means any candidate who has submitted a
15 declaration of withdrawal in writing to the Secretary of State, the effectiveness
16 of which begins when filed with the Secretary of State.

17 § 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF
18 BALLOT

19 In presidential election years, a presidential primary for each major political
20 party shall be held in all municipalities on the first Tuesday in March. The
21 Secretary of State shall prepare and distribute for use at the primary an official

1 ranked-choice ballot for each party for which one or more candidates qualify
2 for the placing of their names on the ballot under section 2702 of this title.
3 Ballots shall be printed on index stock and configured to be readable by vote
4 tabulators.

5 * * *

6 § 2704. RANKED-CHOICE VOTING; BALLOTS

7 (a) A presidential primary election for a major political party shall be
8 conducted by ranked-choice voting.

9 (b) A person voting at the primary shall be required to ask for the ranked-
10 choice ballot of the party in which the voter wishes to vote, and an election
11 official shall record the voter's choice of ballot by marking the entrance
12 checklist with a letter code, as designated by the Secretary of State, to indicate
13 the voter's party choice.

14 (1) The ballot shall allow voters to rank candidates in order of choice.
15 The names of all candidates on the ballot shall be listed in alphabetical order.
16 ~~Each voter may vote for one candidate for the presidential nomination of one~~
17 ~~party, either by placing a mark opposite the printed name of a candidate as in~~
18 ~~other primaries, or by writing in the name of the candidate of the voter's~~
19 ~~choice.~~

20 (2) The ballot shall allow voters to assign rankings to candidates that are
21 equal to the number of printed candidate names and blank write-in lines,

1 except to the extent established by the Secretary pursuant to section 2709 of
2 this title.

3 § 2705. TYPE OF RANKED-CHOICE VOTING

4 (a) At least 150 days before the date of the presidential primary election,
5 the State committee of each major political party shall confirm in writing with
6 the Secretary of State whether the party will award delegates either:

7 (1) on a winner-take-all basis in accordance with subsection 2706(d) of
8 this title; or

9 (2) on a proportional basis in accordance with subsection 2706(e) of this
10 title, in which case the party shall also indicate the applicable threshold or
11 thresholds for receiving delegates.

12 (b) If a party fails to provide notice, or its notice does not specify how the
13 party will award its delegates, the presidential primary election for that party
14 shall be tabulated on a winner-take-all basis in accordance with subsection
15 2706(d) of this title.

16 (c) At least 120 days before the date of the presidential primary election,
17 the Secretary of State shall confirm with the State committee of each political
18 party that the State is capable of implementing the party's preferences as
19 declared under subsection (a) of this section or shall notify the State committee
20 of any feasibility constraints that could prevent the State from implementing
21 the party's preferences.

1 § 2706. RANKED-CHOICE VOTING TABULATION

2 (a) Tabulation rounds. In any presidential primary election for a major
3 political party, each ballot shall count as one vote for the highest-ranked active
4 candidate on that ballot. Tabulation shall proceed in rounds. Each round
5 proceeds sequentially as described in subsection (d) or (e) of this section, as
6 applicable.

7 (b) Withdrawn candidates. Ranking orders containing withdrawn
8 candidates shall be treated the same as ranking orders containing candidates
9 who have been eliminated from tabulation.

10 (c) Inactive ballots and undervotes.

11 (1) In any round of tabulation, an inactive ballot does not count for any
12 candidate and is not considered a vote for the purposes of determining either
13 which active candidate has majority of the active votes in the final round of
14 tabulation pursuant to subsection (d) of this section or which active candidates
15 possess a vote total above the threshold for receiving delegates pursuant to
16 subsection (e) of this section.

17 (2) A ballot is an inactive ballot if any of the following is true:

18 (A) The ballot does not rank any active candidates and is not an
19 undervote.

20 (B) The ballot has reached an overvote.

21 (C) The ballot has reached two consecutive skipped rankings.

1 (3) An undervote does not count as either an active or inactive ballot in
2 any round of tabulation.

3 (d) Award of delegates on winner-take-all basis. If a major political party
4 awards all of the State's delegates to a single candidate on a winner-take-all
5 basis, tabulation shall proceed as follows:

6 (1) If there are two or fewer active candidates, then tabulation is
7 complete, and the candidate with the most votes is declared the winner of the
8 election.

9 (2) If there are more than two active candidates, the active candidate
10 with the fewest votes is eliminated, the votes for the eliminated candidate are
11 transferred to each ballot's next-ranked active candidate, and a new round
12 begins.

13 (3) If there is a tie between two active candidates with the fewest votes,
14 the tie shall be resolved by lot to determine which candidate is defeated. The
15 result of the tie resolution must be recorded and reused in the event of a
16 recount.

17 (4) If there is a tie between the final two active candidates, the Secretary
18 of State shall notify each active candidate involved in the tie, or the candidate's
19 designee, to be present at the Secretary of State's office at a certain time. At
20 that time, the Secretary of State shall select the winner of the tabulation by lot.

1 (e) Award of delegates on proportional basis. If a major political party
2 awards the State's delegates to multiple candidates on a proportional basis,
3 tabulation shall proceed as follows:

4 (1) If the vote total of every active candidate is above the threshold for
5 receiving delegates as confirmed by the major political party pursuant to
6 subdivision 2705(a)(2) of this title, then tabulation is complete.

7 (2) If any active candidate is below the threshold for receiving
8 delegates, then the active candidate with the fewest votes is eliminated, votes
9 for the eliminated candidate are transferred to each ballot's next-ranked active
10 candidate, and a new round begins.

11 (3) If there is a tie between two active candidates with the fewest votes
12 and tabulation is not yet complete, the tie shall be resolved by lot to determine
13 which candidate is defeated. The result of the tie resolution must be recorded
14 and reused in the event of a recount.

15 (f) Certification of tabulation rounds. The Secretary of State shall certify
16 the results of each round tabulated pursuant to subsection (d) or (e) of this
17 section, as applicable, along with any other information required under section
18 2707 of this title, to the State chairperson and the national committee of each
19 political party that had at least one candidate on the State-administered
20 presidential primary election ballot to allocate national delegate votes in
21 accordance with the party's State and national rules.

1 (g) Nothing in this act shall be construed to preclude a political party from
2 allocating delegates according to its own rules for allocating such delegates.

3 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

4 (a) Unofficial preliminary round-by-round results and unofficial
5 preliminary cast vote records shall be released as soon as feasible after the
6 polls close and at regular intervals thereafter until the counting of ballots is
7 complete.

8 (1) Unofficial preliminary round-by-round results shall be clearly
9 labeled as preliminary and, to the extent feasible, shall include the percent of
10 ballots counted to date.

11 (2) Unofficial preliminary cast vote records shall be:

12 (A) clearly labeled as preliminary and, to the extent feasible, shall
13 include the percent of ballots counted to date;

14 (B) published online in a publicly accessible, electronic format; and

15 (C) published in a manner consistent with the need to maintain voter
16 privacy.

17 (b) In addition to any other information required by law to be reported with
18 final results, the following shall be made public:

19 (1) the total number of votes each candidate received in each round
20 of the official tabulation, including votes for withdrawn candidates;

1 (2) the total number of ballots that became inactive in each round
2 because they did not contain any active candidates, reached an overvote, or
3 reached two consecutive skipped rankings, reported as separate figures; and

4 (3) the cast vote records in a publicly accessible, electronic format
5 and by district, published in a manner consistent with the need to maintain
6 voter privacy.

7 (c) If a major political party allocates delegates by geographical unit or
8 district, round-by-round results by geographical unit or district shall be made
9 public in addition to statewide results.

10 § 2708. CANVASSING COMMITTEE CERTIFICATES

11 When the canvassing committee provided for in section 2592 of this title
12 prepares its certificate of election for a presidential primary election for a
13 major political party, the canvass shall state the number of final round votes
14 received by each candidate who has received votes in the final round of
15 tabulation.

16 * * * Voter and Election Official Education * * *

17 Sec. 3. VOTER AND ELECTION OFFICIAL EDUCATION; SECRETARY
18 OF STATE'S OFFICE

19 The Secretary of State shall make available to voters information regarding
20 the ranked-choice process and provide to election officials training in order to
21 assist them in implementing that process.

* * * Vote Tabulators; Returns * * *

Sec. 4. TALLY SHEETS; SUMMARY SHEETS; RETURNS

The Secretary of State shall ensure that on or before January 1, 2025,
all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are
designed to record ranked-choice voting results in accordance with this act.

* * * Rulemaking Authority; Office of the Secretary of State * * *

Sec. 5. 17 V.S.A. § 2709 is added to read:

§ 2709. RULEMAKING

The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for
the proper and efficient administration of presidential primary elections,
including procedures for ensuring that voting tabulators, voting tabulator
memory cards, and related software are able to tabulate rank-choice voting
when necessary; procedures for ensuring that the number of rankings allowed
to voters be uniform across the State for any given contest, that the number of
rankings allowed in any given contest be the maximum number allowed by the
equipment, and that the number of rankings allowed be not fewer than three in
any event; procedures for the release of unofficial preliminary round-by-round
results and unofficial preliminary cast vote records; procedures for requesting
and conducting recounts of the results of presidential primary elections for
major candidates; and procedures for filing returns in accordance with
section 2588 of this title.

* * * Appropriation * * *

Sec. 6. APPROPRIATION; UPGRADE OF SECRETARY OF STATE
ELECTION MANAGEMENT SYSTEM AND VOTE
TABULATORS

The sum of \$2,000,000.00 is appropriated from the General Fund to the
Office of the Secretary of State in fiscal year 2024 for the purpose of
upgrading the election management system and all vote tabulators and their
memory cards and related software so that they may perform ranked-choice
voting as described in this act.

* * * Effective Dates * * *

Sec. 7. EFFECTIVE DATES

This act shall take effect on January 1, 2024, except that Secs. 4–6 shall
take effect on July 1, 2023.