IMPLEMENTING RANKED CHOICE VOTING IN CERTAIN FEDERAL AND MUNICIPAL ELECTIONS IN CONNECTICUT

A. THE PROPOSED LEGISLATION

Ranked Choice Voting is a method of casting and tabulating votes that, like a run-off election system, assures that elected representatives are supported by a majority of voters and not merely by a plurality as is the case under the system of voting now used in Connecticut.

 The attached legislation proposes adoption of Ranked Choice Voting ("RCV") in Connecticut elections for US Senator and US Representative and also proposes to give municipalities the option to use RCV in municipal elections where only one seat is to be filled from the candidates on the ballot.

The proposed legislation is modeled on federal legislation introduced in Congress and co-sponsored by Connecticut Representative Jim Himes in September 2019 (HR 4464) and proposes a minor additional change to Connecticut law to give municipalities the discretion, if they wish to exercise it, to use RCV in single winner elections.
https://www.congress.gov/bill/116th-congress/house-bill/4464/text.

B. THE CASE FOR RCV

Majority rule is a fundamental principle of American representative democracy. Our leaders should be elected by more than half of us. As basic and engrained as the majority rules principle may seem to be, the reality is that whenever there are three or more candidates in a single winner election, the "winner" may have the support of as little as 30-40% of the voting public with the result that there is a "minority" winner and the majority of voters are the losers.

The United States and Connecticut are outliers for their failure to have a system that

produces a *majority* winner, one supported by more than 50% of the voting public in all cases. RCV is used widely around the world, and increasingly [in the United States,](#) to achieve just that -- majority rule. With RCV, the voter can choose one candidate, as voters always have, or the voter can rank the candidates for office in the order the voter prefers them -- as many or as few as the voter wishes. If the voter's favorite candidate can't win, their vote counts instantly for their next favorite choice. [How RCV Works.](#) The benefits of RCV are significant.

- **RCV Restores Majority Rule in Single Winner Elections.** RCV ensures that only candidates with the support of the majority of voters win, so voters get what they want. Candidates who are opposed by a majority of voters cannot win with RCV.

- **RCV Eliminates the 'Spoiler" Risk.** RCV gives the voters the freedom to vote for the candidate they like the best, without worrying that voting for the candidate they most like will help to elect a candidate they don't like. With RCV, voters don't have to vote for the "lesser of two evils" when there is another candidate they really like. Nor do voters have to fear that their vote will elect any candidate they affirmatively oppose.

- **RCV Eliminates the "Wasted" Vote Concern.**   If a voter's favorite candidate can't win, their vote is not "wasted". Their vote counts for the candidates they liked second.

- **RCV [Curbs Negative Campaigning](#)**. With RCV, candidates do best when they reach out positively to as many voters as possible, including those supporting their opponents. While candidates must still differentiate themselves to earn 1st-choice support, a campaign that emphasizes negative attacks may lose crucial 2nd and 3rd choice support.

- **RCV Encourages More Candidates**. Without the fear of being cast as a "spoiler," more candidates, with a more diverse range of positions, will run for office.

- **RCV Increases Turnout in Elections.**   Various reputable [studies](#) have shown that RCV encourages voters to participate in the electoral process precisely because they can vote without the concern that voting for the candidate they really want will be a "waste" of their vote, or the fear that they are "spoiling" the election and effectively casting their vote for the one of the likely top candidates they like the least. In an RCV election, voters can participate more fully and freely in the electoral process and with greater influence.
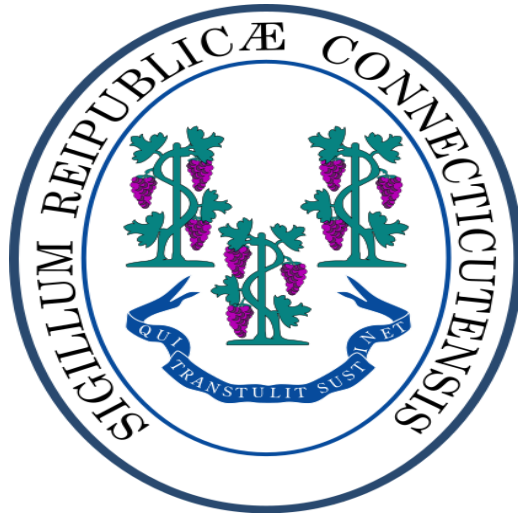
HOUSE BILL No. ___
SENATE BILL No. ___

[January 2023 General Session, Public Act No. _____]

AN ACT TO ESTABLISH THE USE OF RANKED CHOICE VOTING IN ELECTIONS FOR THE OFFICES OF SENATOR AND REPRESENTATIVE IN CONGRESS, AND TO GIVE MUNICIPALITIES THE OPTION TO USE RANKED CHOICE VOTING IN SINGLE WINNER MUNICIPAL ELECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened

SECTION 1. Section 9-173 of general statutes is repealed and the following is substituted in lieu thereof.

9-173 [Plurality] Vote Required for Election

(a)

    (1) In the election of Governor, Lieutenant Governor, Secretary of State, Treasurer, Comptroller and Attorney General, the person having the greatest number of votes for each of said offices, respectively, shall be declared elected. If no person has a plurality for any of said offices, the General Assembly shall choose such officer.

    (2) In the election for senator in Congress and in elections of representatives in Congress, the person receiving the greatest number of votes for such office shall be declared elected. The greatest number of votes shall be determined using the ranked choice voting system of casting and tabulating votes described in subsections (b)-(e) of this Section. [but, if no person has a plurality of the votes for such office.] If there is a tie in the greatest number of votes for Senator in Congress, the Governor may make a temporary appointment of a senator in Congress

to serve for the ensuing two years unless the General Assembly directs a special election for a senator in Congress, to be held during said period, to fill the vacancy occasioned by such failure to elect. <u>In the event neither the Governor nor the General Assembly exercise such powers, any tie shall be broken as provided in subsection (e) of this Section.</u>

<u>(3)</u> In all elections of [representatives in Congress,] state senators, state representatives and judges of probate, the person having the greatest number of votes shall be declared elected.

<u>(4)</u> Unless otherwise provided by law, in all municipal elections a plurality of votes cast shall be sufficient to elect <u>except that the municipality, by municipal charter or ordinance, may adopt the ranked choice voting system of casting and tabulating votes described in subsections (b)-(e) of this Section for single winner municipal elections to determine which candidate has received the greatest number of votes and thereby been elected.</u>

<u>(b) **Ranked Choice Voting.** Ranked choice voting (also known as instant run-off voting) is a system of casting and tabulating votes under which each voter shall rank candidates for the office in the order of the voter's preference and the winning candidate is elected, in accordance with subsections (c) through (e) of this section.</u>

<u>(c) **Ballot Design.** The ballot used in an election carried out using a system of ranked-choice voting shall meet each of the following requirements:</u>

> <u>(1) The ballot shall be simple and easy to understand, in a form to be prescribed by the Secretary of the State or, in the case of a municipal election, in a form prescribed as authorized by municipal charter or ordinance.</u>

> <u>(2) The ballot shall include all qualified candidates for the election. If feasible, the ballot shall permit voters to rank every candidate in the election. If it is not feasible for the ballot to permit voters to rank every candidate, the Secretary of the State or municipality by municipal charter or ordinance may limit the number of candidates who may be ranked on the ballot to not fewer than six.</u>

> <u>(3) The ballot shall include such instructions as the Secretary of the State or the municipality in the case of a municipal election considers necessary to enable each voter to rank candidates and successfully cast the ballot under the system.</u>

<u>(d) **Tabulation Process.** Each ballot shall count as one vote for the highest-ranked active candidate on that ballot.</u>

> <u>(1) **Tabulation Rounds.** Tabulation shall proceed in rounds with each round proceeding sequentially as follows:</u>

>> <u>(A) If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.</u>

(B) If more than two active candidates remain, the active candidate with the fewest votes is defeated, votes for the defeated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins with subparagraph A.

(2) **Inactive Ballots.** In any round of tabulation of ballots under paragraph (1), an inactive ballot does not count for any candidate.

(3) **Use of Batch Elimination.** With respect to any elimination round carried out under subsection (d), the Secretary of the State or the Secretary's lawful designee or the municipality in the case of a municipal election may use batch elimination to treat multiple candidates as defeated candidates for purposes of the tabulation described in subsection (d)(1). An active candidate is in the elimination batch if it is mathematically impossible for that candidate to be a winning candidate in the election for any of the following reasons:

(A) The candidate could never win because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds would not be enough to equal or surpass the active candidate with the next higher current vote total.

(B) The candidate has a lower current vote total than an active candidate who is described in subparagraph (A).

(e) **Treatment of Ties Between Candidates.** If a tie occurs between candidates with the fewest number of votes at any point in the tabulation of ballots under subsection (d) and the tabulation cannot proceed until the tie is resolved, the tie shall be decided by lot in accordance with rules promulgated by the Secretary of the State under subsection (h) and the candidate chosen by lot shall be defeated. A tie in the greatest number of votes for senator in Congress that is not resolved in the manner authorized in subsection (a)(2), any tie in the greatest number of votes for representative in Congress or any tie in the greatest number of votes for any municipal election conducted using ranked choice voting as authorized under subsection (a)(4) shall be determined as provided by applicable law including Section 9-332.

(f) **Determination of Votes Cast for Purposes of Political Party Ballot Access and Recognition.** For all statutory and constitutional provisions pertaining to obtaining, retaining and enjoying the rights and privileges of political party status and/or a party or candidate's right to ballot access, the number of the votes cast for a candidate shall be determined solely on the basis of the initial round of tabulation of votes in the election, and shall not take into account any additional round of tabulation under this section.

(g) **Definitions.** For purposes of this section, the following definitions apply:

(1) **Active Candidate.** The term 'active candidate' means, with respect to a round of tabulation under subsection (d), a candidate who is not yet a defeated candidate during the tabulation of votes under such subsection.

(2) **Inactive Ballot.** The term "inactive ballot" means, with respect to a round of tabulation under section (d), a ballot that does not count for any candidate for any of the following reasons: (A) it is a ballot that does not contain any active candidates and is not an undervote, (B) it is a ballot on which the voter ranked more than one active candidate at the highest order of preference, or (C) it is a ballot which has reached two or more skipped rankings.

(3) **Single Winner Municipal Election**. The term "single winner municipal election" is an election where only one seat is to be filled from a single set of candidates on the ballot and where Sections 9-167a, 9-188, 9-190 and 9-199 are inapplicable.

(4) **Undervote.** The term "undervote" means a ballot that does not contain any candidates at any ranking in a particular contest. An undervote does not count as an active or inactive ballot in any round of tabulation.

(5) **Winning Candidate.** The term 'winning candidate' means a candidate who was elected to office under the tabulation process at any time during the tabulation of ballots.

(h) **Rulemaking Authority**. The Secretary of the State shall have the authority to promulgate whatever rules are necessary to implement this section.

SECTION 2. **Severability.** If any provision of this Act or the application of any provision of this Act to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any person or circumstance, shall survive and not be affected by the holding. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 3. Effective Date. This Act and the amendments made by this Act shall apply with respect to federal elections held on or after January 1, 2024 and, as may be provided by any municipality by ordinance or municipal charter, to single winner municipal elections held on or after October 1, 2023.

Statement of Purpose:
To establish the use of ranked-choice in elections for the offices of Senator and Representative in Congress and to give municipalities the authority, by municipal charter or ordinance, to use ranked choice voting in single winner municipal elections.