

Senate File 348 - Introduced

SENATE FILE 348

BY BOLKCOM

A BILL FOR

1 An Act requiring that elections for the offices of senator
2 and representative to Congress, governor and lieutenant
3 governor, and senator and representative in the general
4 assembly be conducted by ranked-choice voting in the general
5 and primary elections and including effective date and
6 applicability provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.3, Code 2017, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 8A. *“Office elected by ranked-choice*
4 *voting”* means the offices of senator and representative to
5 Congress, governor and lieutenant governor, and senator and
6 representative in the general assembly, and includes nomination
7 to such offices by primary election.

8 NEW SUBSECTION. 10A. *“Ranked-choice voting”* means the
9 method of casting and tabulating votes in which voters rank
10 candidates in order of preference and tabulation proceeds in
11 sequential rounds in which last-place candidates are removed
12 from further rounds of tabulation until a winner is declared.

13 Sec. 2. Section 43.45, subsection 1, Code 2017, is amended
14 to read as follows:

15 1. Upon the closing of the polls the precinct election
16 officials shall immediately publicly canvass the vote. The
17 precinct election official shall canvass the vote for an office
18 elected by ranked-choice voting according to rules adopted by
19 the state commissioner pursuant to section 50.36A. The canvass
20 shall be conducted using the procedures established in this
21 section which are appropriate for the voting system used in the
22 precinct.

23 Sec. 3. Section 43.49, Code 2017, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 1A. The board of supervisors shall
26 canvass the vote for an office elected by ranked-choice voting
27 according to rules adopted by the state commissioner pursuant
28 to section 50.36A.

29 Sec. 4. Section 43.63, Code 2017, is amended to read as
30 follows:

31 **43.63 Canvass by state board.**

32 1. Upon receipt of the abstracts of votes from the counties,
33 the secretary of state shall immediately open the envelopes
34 and canvass the results for all offices. The secretary of
35 state shall invite to attend the canvass one representative

1 from each political party which, at the last preceding general
2 election, cast for its candidate for president of the United
3 States or for governor, as the case may be, at least two
4 percent of the total vote cast for all candidates for that
5 office at that election, as determined by the secretary of
6 state. The secretary of state shall notify the chairperson
7 of each political party of the time of the canvass. However,
8 the presence of a representative from a political party is not
9 necessary for the canvass to proceed.

10 2. Not later than the twenty-seventh day after the primary
11 election, the secretary of state shall present to the state
12 board of canvassers abstracts showing the number of ballots
13 cast by each political party for each office and a summary of
14 the results for each office, showing the votes cast in each
15 county and the tabulation of votes for each office elected by
16 ranked-choice voting. The state board of canvassers shall
17 review the results compiled by the secretary of state and, if
18 the results are accurately tabulated, the state board shall
19 approve the canvass.

20 Sec. 5. Section 43.65, Code 2017, is amended to read as
21 follows:

22 **43.65 Who nominated.**

23 1. The candidate of each political party for nomination ~~for~~
24 ~~each office to be filled by the voters of the entire state, and~~
25 for each seat in the United States senate, each seat in the
26 United States house of representatives, governor and lieutenant
27 governor, each seat in the Iowa house of representatives,
28 and each seat in the Iowa senate which is to be filled, who
29 receives the highest number of votes cast by the voters of that
30 party for that nomination, as determined under ranked-choice
31 voting, shall be the candidate of that party for that office
32 in the general election.

33 2. The candidate of each political party for nomination
34 for an office to be filled, other than the offices listed
35 in subsection 1, who receives the highest number of votes

1 cast by the voters of that party for that nomination shall be
2 the candidate of that party for that office in the general
3 election. However, if there are more than two candidates for
4 any nomination and none of the candidates receives thirty-five
5 percent or more of the votes cast by voters of that party for
6 that nomination, the primary is inconclusive and the nomination
7 shall be made as provided by [section 43.78, subsection 1,](#)
8 paragraph "a", "b" or "c", whichever is appropriate.

9 Sec. 6. NEW SECTION. **49.29 Ballot design for ranked-choice**
10 **voting.**

11 The state commissioner shall adopt rules pursuant to chapter
12 17A to provide for the design of ballots for an office elected
13 by ranked-choice voting. Under the rules, the ballot design
14 must be simple and easy to understand and allow a voter to rank
15 candidates for an office in order of preference and allow a
16 voter to include no more than one write-in candidate among that
17 voter's ranked choices for each office.

18 Sec. 7. Section 49.31, subsection 4, Code 2017, is amended
19 to read as follows:

20 4. The Except for an office elected by ranked-choice voting,
21 the heading for each office on the ballot shall be immediately
22 followed by a notation stating, "Vote for no more than ...",
23 and indicating the maximum number of nominees or candidates for
24 that office for whom each elector may vote.

25 Sec. 8. Section 49.37, subsection 1, paragraph a, Code 2017,
26 is amended to read as follows:

27 a. Each political party or organization which has
28 nominated candidates for more than one office shall be listed.
29 Instructions to the voter for straight party or organization
30 voting shall be in substantially the following form:

31 To vote for all candidates from a single party or
32 organization as your only vote or as your highest-ranked vote,
33 as the case may be, mark the voting target next to the party
34 or organization name. Not all parties or organizations have
35 nominated candidates for all offices. Marking a straight party

1 or organization vote does not include votes for nonpartisan
2 offices, judges, or questions.

3 Sec. 9. Section 49.93, Code 2017, is amended to read as
4 follows:

5 **49.93 Number of votes for each office.**

6 For an office to which one person is to be elected, other
7 than an office elected by ranked-choice voting, a voter shall
8 not vote for more than one candidate. If two or more persons
9 are to be elected to an office, the voter shall vote for no more
10 than the number of persons to be elected. If a person votes for
11 more than the permitted number of candidates, the vote for that
12 office shall not count. Valid votes cast on the rest of the
13 ballot shall be counted.

14 Sec. 10. Section 49.94, unnumbered paragraph 1, Code 2017,
15 is amended to read as follows:

16 If all the candidates for whom a voter desires to vote as
17 the voter's only vote in any election other than the primary
18 election, or as the voter's highest-ranked vote for an office
19 elected by ranked-choice voting in any election, were nominated
20 by the same political party or nonparty political organization,
21 and the voter desires to vote for all candidates nominated by
22 that political party or organization, the voter may do so in
23 any one of the following ways:

24 Sec. 11. Section 50.1A, Code 2017, is amended to read as
25 follows:

26 **50.1A Canvass by officials.**

27 1. At every election conducted under chapter 49, except
28 the primary election provided for by chapter 43 or any other
29 election for an office elected by ranked-choice voting, and at
30 every other election unless the law authorizing the election
31 otherwise requires, the vote shall be canvassed at each polling
32 place by the election board in the manner prescribed by this
33 chapter. When the poll is closed, the precinct election
34 officials shall forthwith, and without adjournment:

35 ~~1.~~ a. Publicly canvass the vote, and credit each candidate

1 with the number of votes counted for the candidate.

2 ~~2.~~ b. Ascertain the result of the vote.

3 ~~3.~~ c. Prepare in writing a list of any apparently or
4 possibly erroneous information appearing in the precinct
5 election register.

6 ~~4.~~ d. Designate two election board members, not members
7 of the same political party, who shall each separately keep a
8 tally list of the count.

9 2. The precinct election officials shall canvass the vote
10 for an office elected by ranked-choice voting according to
11 rules adopted by the state commissioner pursuant to section
12 50.36A.

13 Sec. 12. Section 50.22, Code 2017, is amended to read as
14 follows:

15 **50.22 Special precinct board to determine challenges and**
16 **canvass absentee ballots.**

17 1. a. Upon being reconvened, the special precinct election
18 board shall review the information upon the envelopes bearing
19 the provisional ballots, and all evidence submitted in support
20 of or opposition to the right of each challenged person to vote
21 in the election. The board may divide itself into panels of
22 not less than three members each in order to hear and determine
23 two or more challenges simultaneously, but each panel shall
24 meet the requirements of [section 49.12](#) as regards political
25 party affiliation of the members of each panel.

26 b. The decision to count or reject each ballot shall be
27 made upon the basis of the information given on the envelope
28 containing the provisional ballot, the evidence concerning
29 the challenge, the registration and the returned receipts of
30 registration.

31 2. If a provisional ballot is rejected, the person casting
32 the ballot shall be notified by the commissioner within ten
33 days of the reason for the rejection, on the form prescribed
34 by the state commissioner pursuant to [section 53.25](#), and the
35 envelope containing the provisional ballot shall be preserved

1 unopened and disposed of in the same manner as spoiled ballots.
2 The provisional ballots which are accepted shall be counted
3 in the manner prescribed by [section 53.23, subsection 5](#). The
4 commissioner shall make public the number of provisional
5 ballots rejected and not counted, at the time of the canvass of
6 the election.

7 3. a. The special precinct board shall also canvass any
8 absentee ballots which were received after the polls closed
9 in accordance with [section 53.17](#). If necessary, they shall
10 reconvene again on the day of the canvass by the board of
11 supervisors to canvass any absentee ballots which were timely
12 received. The special precinct board shall submit their tally
13 list to the supervisors before the conclusion of the canvass
14 by the board.

15 b. The special precinct board shall canvass the vote for
16 an office elected by ranked-choice voting according to rules
17 adopted by the state commissioner pursuant to section 50.36A.

18 Sec. 13. Section 50.24, Code 2017, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 1A. The board of supervisors shall
21 canvass the vote for an office elected by ranked-choice voting
22 according to rules adopted by the state commissioner.

23 Sec. 14. Section 50.25, subsection 1, Code 2017, is amended
24 to read as follows:

25 1. At the canvass of the general election, the abstract of
26 the votes for each of the following classes shall be made on a
27 different sheet, as provided for in rules adopted by the state
28 commissioner pursuant to section 50.36A:

- 29 a. President and vice president of the United States.
- 30 b. Senator in the Congress of the United States.
- 31 c. Representative in the Congress of the United States.
- 32 d. Governor and lieutenant governor.
- 33 e. A state officer not otherwise provided for.
- 34 f. Senator or representative in the general assembly by
35 districts.

1 Sec. 15. NEW SECTION. **50.36A Offices elected by**
2 **ranked-choice voting — determination of winner.**

3 1. As used in this section, unless the context otherwise
4 indicates, the following terms have the following meanings:

5 *a. "Batch elimination"* means the simultaneous removal from
6 further rounds of tabulation of multiple candidates for whom it
7 is mathematically impossible to be elected.

8 *b. "Continuing ballot"* means a ballot that is not an
9 exhausted ballot.

10 *c. "Continuing candidate"* means a candidate who has not been
11 removed from further rounds of tabulation.

12 *d. "Exhausted ballot"* means a ballot that does not rank
13 any continuing candidate, contains an overvote at the highest
14 continuing ranking, or contains two or more sequential skipped
15 rankings before its highest continuing ranking.

16 *e. "Highest continuing ranking"* means the highest ranking on
17 a voter's ballot for a continuing candidate.

18 *f. "Last-place candidate"* means the candidate with the
19 fewest votes in a round of the ranked-choice voting tabulation.

20 *g. "Mathematically impossible to be elected"*, with respect to
21 a candidate, means either of the following:

22 (1) The candidate cannot be elected because the candidate's
23 vote total in a round of the ranked-choice voting tabulation
24 plus all votes that could possibly be transferred to the
25 candidate in future rounds from candidates with fewer votes or
26 an equal number of votes would not be enough to surpass the
27 candidate with the next highest vote total in the round.

28 (2) The candidate has a lower vote total than a candidate
29 described in subparagraph (1).

30 *h. "Overvote"* means a circumstance in which a voter has
31 ranked more than one candidate for the same office with the
32 same ranking number.

33 *i. "Ranking"* means the number assigned on a ballot by a
34 voter to a candidate to express the voter's preference for that
35 candidate, with ranking number one being the highest ranking.

1 *j.* "Round" means an instance of the sequence of voting
2 tabulation steps established in subsection 2.

3 *k.* "Skipped ranking" means a circumstance in which a voter
4 omits a ranking number and subsequently ranks a candidate using
5 a lower ranking number than the ranking number omitted.

6 2. Except as provided in subsections 3 and 4, the procedures
7 in this subsection shall be used to determine the winner in
8 an election for an office elected by ranked-choice voting.
9 Tabulation shall proceed in rounds. In each round, the number
10 of votes for each continuing candidate shall be counted. Each
11 continuing ballot counts as one vote for its highest-ranked
12 continuing candidate for that round. Exhausted ballots shall
13 not be counted for any continuing candidate. If there are
14 more than two continuing candidates, the last-place candidate
15 is removed from further rounds of tabulation and a new round
16 begins. If there are two or fewer continuing candidates,
17 the tabulation ends and the candidate with the most votes is
18 declared the winner of the election.

19 3. If a voter has marked a voting target next to the name
20 of a political party or nonparty political organization in
21 the straight party or organization section of the ballot, the
22 candidate of that party or organization shall be considered
23 the voter's highest ranking of a candidate, unless the voter
24 indicates on the voter's ballot a different intent under a
25 particular office.

26 4. A tie under this section between candidates for the
27 most votes in the final round of tabulation or a tie between
28 last-place candidates in any round of tabulation shall be
29 decided by lot, and the candidate chosen by lot is removed from
30 further rounds of tabulation. The result of the tie resolution
31 must be recorded in the event of a recount.

32 5. Modification of a ranked-choice voting ballot and
33 tabulation is permitted in accordance with the following:

34 *a.* The number of allowable rankings may be limited to no
35 fewer than six.

1 *b.* Two or more candidates may be removed from further rounds
2 of tabulation by batch elimination in any round of tabulation.

3 6. The state commissioner shall adopt rules pursuant to
4 chapter 17A to provide for the tallying, canvassing, and
5 tabulation of ballots for an office elected by ranked-choice
6 voting.

7 Sec. 16. Section 50.39, Code 2017, is amended to read as
8 follows:

9 **50.39 Abstract.**

10 The state board of canvassers shall make an abstract stating
11 the number of ballots cast for each office, the names of all
12 the persons voted for, for what office, the number of votes
13 each received by ranked-choice voting or otherwise, and whom
14 the state board of canvassers declares to be elected, and if a
15 public question has been submitted to the voters of the state,
16 the number of ballots cast for and against the question and
17 a declaration of the result as determined by the canvassers,
18 ~~which.~~ The abstract shall be signed by the canvassers in their
19 official capacity and as state canvassers, and have the seal of
20 the state affixed.

21 Sec. 17. Section 53.20, subsection 1, Code 2017, is amended
22 to read as follows:

23 1. There is established in each county a special precinct to
24 be known as the absentee ballot and special voters precinct.
25 Its jurisdiction shall be conterminous with the borders of the
26 county, for the purposes specified by [sections 53.22](#) and [53.23](#),
27 and the requirement that precincts not cross the boundaries
28 of legislative districts shall not be applicable to it. The
29 commissioner shall draw up an election board panel for the
30 special precinct in the manner prescribed by [section 49.15](#),
31 having due regard for the nature and extent of the duties
32 required of members of the election board and the election
33 officers to be appointed from the panel, including, if directed
34 by the commissioner, the tallying and recording of write-in
35 votes. A special precinct election board shall tally and

1 record the votes for an office elected by ranked-choice voting
2 according to rules adopted by the state commissioner pursuant
3 to section 50.36A.

4 Sec. 18. EFFECTIVE DATE. This Act takes effect January 1,
5 2018.

6 Sec. 19. APPLICABILITY. This Act applies to elections held
7 on or after January 1, 2018.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill provides ranked-choice voting for the offices of
12 United States senator, United States representative, governor,
13 lieutenant governor, and senator and representative in the
14 general assembly for general and primary elections held on or
15 after January 1, 2018. Ranked-choice voting is a method of
16 casting and tabulating votes in which voters rank candidates
17 in order of preference, tabulation proceeds in rounds in which
18 last-place candidates are removed from further rounds of
19 tabulation, and the candidate with the most votes in the final
20 round is elected.

21 The bill requires the state commissioner of elections
22 (secretary of state) to adopt rules for the tallying,
23 canvassing, and tabulation of ballots for an office elected by
24 ranked-choice voting. The state commissioner of elections is
25 also required to provide, by rule, for the design of ballots
26 for an office elected by ranked-choice voting.

27 The bill takes effect January 1, 2018, and applies to
28 elections held on or after January 1, 2018.