

House Study Bill 183 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act allowing for the use of ranked choice voting in city
2 elections, and including effective date and applicability
3 provisions.

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

1 Section 1. Section 39.3, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 10A. *“Ranked choice voting”* means an
4 election method in which voters rank candidates for an office
5 in order of the voter’s preference and the ballots are counted
6 in rounds, and votes, or fractions thereof, are distributed to
7 candidates according to the preferences marked on each ballot
8 as described in section 376.12.

9 Sec. 2. NEW SECTION. **43.113 Special charter cities —**
10 **ranked choice voting.**

11 In a special charter city holding a city primary election
12 pursuant to section 43.112, the city may choose to conduct the
13 primary election by ranked choice voting as provided in section
14 376.12.

15 Sec. 3. Section 43.117, Code 2023, is amended to read as
16 follows:

17 **43.117 Plurality vote nominates and elects.**

18 A plurality shall nominate the party candidate for all
19 offices filled by elections authorized by [section 43.112](#), and
20 a plurality shall elect the precinct committee members. In a
21 special charter city that uses ranked choice voting for the
22 nomination of party candidates and precinct committee members,
23 the candidate having the greatest number of votes under section
24 376.12, subsection 4, or designated as elected under section
25 376.12, subsection 5, shall be considered to have obtained a
26 plurality of votes.

27 Sec. 4. Section 49.31, subsection 4, Code 2023, is amended
28 to read as follows:

29 4. The Except for an office elected by ranked choice voting,
30 the heading for each office on the ballot shall be immediately
31 followed by a notation stating, “Vote for no more than ...”,
32 and indicating the maximum number of nominees or candidates for
33 that office for whom each elector may vote.

34 Sec. 5. Section 50.1A, Code 2023, is amended to read as
35 follows:

1 **50.1A Canvass by officials.**

2 1. At every election conducted under **chapter 49**, except the
3 primary election provided for by **chapter 43**, and at every other
4 election unless the law authorizing the election otherwise
5 requires, the vote shall be canvassed at each polling place by
6 the election board in the manner prescribed by **this chapter**.

7 When the poll is closed, the precinct election officials shall
8 forthwith, and without adjournment:

9 ~~1.~~ a. Publicly canvass the vote, and credit each candidate
10 with the number of votes counted for the candidate.

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

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

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

18 2. The precinct election officials shall canvass the vote
19 for an office elected by ranked choice voting according to
20 rules adopted by the state commissioner pursuant to section
21 50.36A.

22 Sec. 6. Section 50.22, Code 2023, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 5. The special precinct board shall
25 canvass the vote for an office elected by ranked choice voting
26 according to rules adopted by the state commissioner pursuant
27 to section 50.36A.

28 Sec. 7. Section 50.24, Code 2023, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 1A. The board of supervisors shall
31 canvass the vote for an office elected by ranked choice voting
32 according to rules adopted by the state commissioner.

33 Sec. 8. NEW SECTION. **50.36A Offices elected by ranked**
34 **choice voting — determination of winner.**

35 The winner of an election for an office elected by ranked

1 choice voting shall be determined as provided in section
2 376.12. The state commissioner shall adopt rules pursuant
3 to chapter 17A to provide for the tallying, canvassing, and
4 tabulation of ballots for an office elected by ranked choice
5 voting.

6 Sec. 9. Section 376.6, subsection 1, paragraphs a and b,
7 Code 2023, are amended to read as follows:

8 a. The council may by ordinance choose to have a runoff
9 election, as provided in section 376.9, or a ranked choice
10 voting election, as provided in section 376.12, in lieu of a
11 primary election.

12 b. If the council has by ordinance chosen to have
13 nominations made in the manner provided by chapter 44 or 45, or
14 a ranked choice voting election, as provided in section 376.12,
15 neither a primary election nor a runoff election nor a ranked
16 choice voting election is required.

17 Sec. 10. Section 376.6, subsection 2, Code 2023, is amended
18 to read as follows:

19 2. Each city clerk shall certify to the city's controlling
20 commissioner of elections under section 47.2 the type of
21 nomination process to be used for the city no later than ninety
22 days before the date of the regular city election. If the city
23 has by ordinance chosen a runoff election, has chosen a ranked
24 choice voting election, or has chosen to have nominations made
25 in the manner provided by chapter 44 or 45, or has repealed
26 nomination provisions under those sections in preference for
27 the primary election method, a copy of the city ordinance shall
28 be attached. No changes in the method of nomination to be
29 used in a city shall be made after the clerk has filed the
30 certification with the commissioner, unless the change will not
31 take effect until after the next regular city election.

32 Sec. 11. NEW SECTION. 376.12 **Ranked choice voting election.**

33 1. For the purposes of this section:

34 a. "Active candidate" means a candidate that has not been
35 defeated or elected.

1 *b. "Election threshold"* means the number of votes sufficient
2 for a candidate to be elected in a multi-winner election. The
3 election threshold equals the total votes counted for active
4 candidates in the first round of tabulation, divided by the sum
5 of one plus the number of offices to be filled, then adding
6 one, disregarding any fractions.

7 *c. "Highest-ranked active candidate"* means the active
8 candidate assigned to a higher ranking than any other active
9 candidate.

10 *d. "Inactive ballot"* means a ballot that does not count for
11 any candidate as specified in subsection 6.

12 *e. "Overvote"* means an instance in which a voter has ranked
13 more than one candidate at the same ranking.

14 *f. "Ranking"* means the number available to be assigned by
15 a voter to a candidate to express the voter's choice for that
16 candidate, with ranking number one being the highest ranking.

17 *g. "Round"* means an instance of the sequence of voting
18 tabulation steps established in subsection 4 or 5.

19 *h. "Skipped ranking"* means a circumstance in which a voter
20 omits a ranking number and subsequently ranks a candidate using
21 a lower ranking number than the ranking number omitted.

22 *i. "Surplus fraction"* means a number equal to the quotient
23 of the difference between an elected candidate's vote total and
24 the election threshold, divided by the candidate's vote total,
25 truncated after four decimal places.

26 *j. "Transfer value"* means the proportion of a vote that a
27 ballot will contribute to its highest-ranked active candidate,
28 which starts at one.

29 *k. "Undervote"* means a ballot that does not contain any
30 candidates at any ranking in a particular election.

31 2. A city that has chosen by ordinance to conduct city
32 elections using ranked choice voting shall not hold a separate
33 primary or runoff election, unless the city holds partisan
34 elections as provided in sections 43.112 through 43.118 and
35 sections 420.126 through 420.137.

1 3. *a.* In an election conducted by ranked choice voting,
2 the ballot shall allow a voter to rank candidates in order of
3 choice, and ranking candidates shall not constitute voting for
4 more than one candidate or for more than the number of persons
5 to be elected as provided in section 49.93, unless the ballot
6 includes an overvote.

7 *b.* The ballot shall allow a voter to rank as many choices as
8 there are qualified candidates, including qualified write-in
9 candidates, except as provided in this section. If voting
10 equipment cannot accommodate a number of rankings on the ballot
11 equal to the number of qualified candidates, the controlling
12 commissioner of elections may limit the number of choices a
13 voter may rank on a ballot to the maximum number allowed by the
14 equipment. If multiple types of voting equipment are used in
15 an election for the same office, the controlling commissioner
16 of elections shall ensure that every ballot allows voters to
17 rank the same number of candidates.

18 4. In an election for one office conducted by ranked
19 choice voting, each ballot shall count as one vote for the
20 highest-ranked active candidate on that ballot. Tabulation
21 shall proceed in rounds with each round proceeding sequentially
22 as follows:

23 *a.* If two or fewer active candidates remain, the candidate
24 with the greatest number of votes is elected and tabulation is
25 complete.

26 *b.* If more than two active candidates remain, the active
27 candidate with the fewest votes is defeated, votes for the
28 defeated candidate are transferred to each ballot's next-ranked
29 active candidate, and a new round begins as provided in
30 paragraph "a".

31 5. *a.* In an election for more than one office conducted by
32 ranked choice voting, each ballot shall count, at its current
33 transfer value, for the highest-ranked active candidate on that
34 ballot. Tabulation shall proceed in rounds with each round
35 proceeding sequentially as follows:

1 (1) If the sum of the number of elected candidates and
2 the number of active candidates is less than or equal to the
3 number of seats to be filled, then all active candidates are
4 designated as elected, and tabulation is complete.

5 (2) If an active candidate has a number of votes greater
6 than or equal to the election threshold for the election,
7 that candidate shall be designated as elected. If the number
8 of elected candidates is equal to the number of seats to
9 be filled, tabulation is complete. Otherwise, each ballot
10 counting for an elected candidate is assigned a new transfer
11 value by multiplying the ballot's current transfer value by the
12 surplus fraction for the elected candidate, truncated after
13 the fourth decimal place. Each candidate elected under this
14 subparagraph is deemed to have a number of votes equal to the
15 election threshold for the election in all future rounds and a
16 new round begins pursuant to subparagraph (1).

17 (3) If no candidate is elected pursuant to subparagraph (2),
18 the candidate with the fewest votes is defeated and votes for
19 the defeated candidates shall be transferred at their current
20 transfer value to each ballot's next-ranked active candidate
21 and a new round begins pursuant to subparagraph (1).

22 *b.* If, in a round of counting conducted pursuant to this
23 subsection, two or more candidates have a number of surplus
24 votes greater than the election threshold for the election,
25 the surpluses shall be distributed in rounds in which the
26 largest surplus is distributed first, with any ties resolved
27 by lot. The controlling commissioner of elections may modify
28 the procedure to distribute surpluses simultaneously in the
29 same round, provided that such modification is made prior to
30 the election.

31 6. *a.* In any round of tabulation conducted pursuant to
32 subsection 4 or 5, an inactive ballot does not count for any
33 candidate. A ballot is inactive if any of the following are
34 true:

35 (1) It does not contain any active candidates and is not an

1 undervote.

2 (2) It has reached an overvote.

3 (3) It has reached two consecutive skipped rankings.

4 *b.* An undervote does not count as an active or inactive
5 ballot in any round of tabulation.

6 7. In an election conducted by ranked choice voting, the
7 controlling commissioner of elections may modify the tabulation
8 to include batch elimination. In a tabulation including batch
9 elimination, when the active candidate with the fewest votes
10 would be defeated, all active candidates in the elimination
11 batch are simultaneously defeated. An active candidate is
12 in the elimination batch if the number of elected and active
13 candidates with more votes than that candidate is greater than
14 the number of offices to be elected, and it is mathematically
15 impossible for that candidate to be elected for any of the
16 following reasons:

17 *a.* The candidate could never win because the candidate's
18 current vote total plus all votes that could possibly be
19 transferred to the candidate in future rounds would not be
20 enough to equal or surpass the active candidate with the
21 next-higher current vote total. The number of votes that could
22 possibly be transferred to the candidate in future rounds
23 includes the number of votes for candidates with equal or fewer
24 votes than that candidate, regardless of whether the candidate
25 is ranked at a lower ranking on ballots counting for other
26 candidates.

27 *b.* The candidate has a lower current vote total than an
28 active candidate described in paragraph "a".

29 8. If two or more candidates are tied with the fewest votes
30 and tabulation cannot continue until the candidate with the
31 fewest votes is defeated, then the candidate to be defeated
32 shall be determined by lot. The controlling commissioner may
33 resolve prospective ties between candidates prior to tabulation
34 but after all votes are cast. The result of any tie resolution
35 shall be recorded and reused in the event of a recount.

1 9. *a.* The state commissioner of elections shall, after
2 consultation with county commissioners of elections, adopt
3 rules pursuant to chapter 17A for the release of unofficial
4 preliminary round-by-round results and unofficial preliminary
5 cast vote records as soon as feasible after the polls close and
6 at regular intervals thereafter until the counting of ballots
7 is complete.

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

11 *c.* Unofficial preliminary cast vote records shall be all of
12 the following:

13 (1) Clearly labeled as preliminary and, to the extent
14 feasible, include the percent of ballots counted to date.

15 (2) Published online in a publicly accessible, electronic
16 format.

17 (3) Identifiable by precinct to the extent such
18 identification can be provided consistent with voter privacy.

19 10. In addition to any other information required by law
20 to be reported with final results, the commissioner shall make
21 public all of the following:

22 *a.* The total number of votes each candidate received in each
23 round of the official tabulation, including votes for withdrawn
24 candidates.

25 *b.* The total number of ballots that became inactive in
26 each round because they did not contain any active candidates,
27 reached an overvote, or reached two consecutive skipped
28 rankings, reported as separate figures.

29 *c.* The cast vote records in a publicly accessible,
30 electronic format that is identifiable by precinct to the
31 extent such identification can be provided consistent with
32 voter privacy.

33 Sec. 12. EFFECTIVE DATE. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35 Sec. 13. APPLICABILITY. This Act applies to city elections

1 that are held on or after January 1, 2024, and that are also
2 held ninety or more days after the adoption of a city ordinance
3 to use ranked choice voting, as specified in the ordinance.

4 EXPLANATION

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

7 This bill provides for ranked choice voting for city
8 elections. The bill allows a city to adopt ranked choice
9 voting by ordinance for city elections. Ranked choice
10 voting is a method of casting and tabulating votes in which
11 voters rank candidates in order of preference and tabulation
12 proceeds in rounds in which candidates are eliminated and
13 votes redistributed until the number of candidates remaining
14 is equal to or less than the number of offices to be filled.
15 The bill includes procedures for the tabulation of ballots and
16 redistribution of votes and requires the state commissioner
17 of elections to adopt rules to provide for the tallying,
18 canvassing, and tabulation of ballots for an office elected
19 by ranked choice voting. The bill also requires the state
20 commissioner of elections, after consultation with county
21 commissioners of elections, to adopt rules for the release of
22 preliminary round-by-round results and cast vote records in
23 ranked choice voting elections.

24 In addition to information currently required by law, the
25 bill requires a report of the final results of a ranked choice
26 voting election to include the total number of votes each
27 candidate received in each round of the official tabulation,
28 including votes for withdrawn candidates, the total number of
29 ballots that became inactive in each round because they did not
30 contain any active candidates, reached an overvote, or reached
31 two consecutive skipped rankings, reported as separate figures,
32 and the cast vote records in a publicly accessible, electronic
33 format that is identifiable by precinct to the extent such
34 identification can be provided consistent with voter privacy.

35 The bill takes effect upon enactment and applies to city

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1 elections that are held on or after January 1, 2024, that are
2 also held 90 or more days after adoption of an ordinance to use
3 ranked choice voting, as specified in the ordinance.