Sixty-first
Legislative Assembly   **HOUSE BILL NO.**
of North Dakota

Introduced by

   Representative Glassheim

1   A BILL for an Act to create and enact a new chapter to title 16.1 of the North Dakota Century

2   Code, relating to instant runoff voting.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1.** A new chapter to title 16.1 of the North Dakota Century Code is created

5   and enacted as follows:

6   **Definitions.** As used in this chapter:

7   1.   "Backup choice" means any choice ranked below a first choice.

8   2.   "Choice" means an indication on a ballot of a voter's ranking of the various

9   candidates for the same office in order of preference and is a potential vote that

10   may be counted as a vote to elect a candidate depending on the rules for counting

11   the choices provided under this chapter.

12   3.   "Eliminate" or "eliminated candidate" means a circumstance under which a

13   candidate has not received sufficient choices and is thereby dropped from the field

14   of candidates.

15   4.   "Exhausted ballot" means a ballot on which there are no uncounted choices for

16   remaining candidates and all choices made on the ballot have been counted as

17   potential votes for various candidates or contain choices for eliminated candidates.

18   5.   "Instant runoff voting" means a system of voting through which a voter may rank

19   candidates for the same office in order of preference, so that the voter may indicate

20   a first choice, second choice, and continuing choices for as many candidates as

21   are on the ballot for the office.

22   6.   "Last place candidate" means a candidate who has received the fewest votes

23   among the candidates who remain at any stage.

1   7.   "Next choice" means the highest ranked choice for a remaining candidate which

2   has not become a vote at that stage.

3   8.   "Remaining candidate" means a candidate who has not been eliminated.

4   9.   "Stage" means one of successive steps or rounds in counting voter choices for

5   candidates to determine whether a candidate has achieved a majority and to

6   determine which candidates are eliminated.

7   10. "Vote" means a ballot choice that is counted toward election of a candidate.

8   **Instant runoff voting application.** Instant runoff voting must be used in a general

9 election contest for any of the following offices when more than two candidates are on the ballot

10 for that office:

11   1.   President and vice president of the United States.

12   2.   United States senator.

13   3.   Member of the United States house of representatives.

14   4.   All statewide offices, including the justices of the supreme court.

15   **Ballot specifications - Directions to voters - Duties of the secretary of state.** The

16 secretary of state shall ensure that ballots used for an election conducted under this chapter are

17 clear and easily understandable and shall adopt any rules necessary to implement instant

18 runoff voting. The secretary of state shall include on the ballot and on sample ballots directions

19 to voters which provide:

20   "You may vote for candidates in order of preference. Indicate your first choice by

21 marking the number "1" beside a candidate's name, your second choice by marking the number

22 "2", your third choice by marking the number "3", and so on, for as many or as few choices as

23 you wish. You are under no obligation to rank more than one candidate for each office, but

24 ranking additional candidates will not affect your first choice candidate. Do not mark the same

25 number beside more than one candidate. Do not skip numbers."

26   **Counting of votes.** Each canvassing board shall count votes in the following manner:

27   1.   In the first stage of counting votes, all first choices must be counted. If a candidate

28   receives a majority of first choices, that candidate is elected.

29   2.   If no candidate receives a majority in the first or any subsequent stage, the last

30   place candidate at each stage must be eliminated.

1   3.   The canvassing board shall continue the process until all but one candidate has

2   been eliminated, and that candidate is elected.

3   4.   Once a ballot is exhausted, the ballot must be disregarded and no longer counted.

4   A ballot on which a voter gives the same ranking for more than one candidate for

5   the same office is exhausted when the duplicate choice is reached and no vote

6   may be recorded for either of the candidates involved. If a voter skips a ranking on

7   the voter's ballot, the next ranking below the skipped choice must be counted as

8   though it were the rank of the skipped choice.

9   5.   If a tie occurs at any stage in the counting of choices, except in the final stage, the

10   candidate who had the fewest choices at the previous stage of tabulation must be

11   eliminated. If the candidates were also tied at a previous stage, the candidate with

12   the fewest choices in the subsequent stage must be eliminated.

13   6.   If two or more candidates are tied at the final stage of counting, the winner must be

14   determined as otherwise provided by law for a tie.

15   7.   If all choices on all ballots have been counted and no candidate has achieved a

16   majority, the candidate with the most votes is elected.

17   8.   No votes may be counted for a candidate who has been eliminated regardless of

18   how many backup choices might otherwise have become votes for the candidate.

19   **Application of general election laws.** Any general election law under this title must

20   be construed to be applicable to elections held under this chapter unless the provision

21   specifically conflicts with the provisions of this chapter.