

HB

390

<TARGET><BILL>HB 390</BILL><SUBJECT>HB
390</SUBJECT><COMM>HCRA30</COMM></TARGET>

REPRESENTATIVE JUSTIN PARISH

Alaska State Legislature / Juneau, Alaska District 34



Sponsor Statement

HB 390 – RANKED-CHOICE PRIMARY ELECTIONS

House Bill 390 establishes ranked-choice voting (RCV) as the method used in Alaska elections. It would be used for the primary, general, and special elections of state legislatures and U.S. Congress. The governor and lieutenant governor races would use RCV only in the primary election and not the general election to not conflict with Article III Section 3 of the Alaska Constitution.

Ranked-choice voting, also referred to as instant-runoff voting or preferential voting, is a method where voters rank the candidates in the order of their choice. A voter ranks each candidate as first choice, second choice, and so on. The first candidate to receive over half the votes is immediately declared the winner.

If no candidate receives more than half the votes, the one with the least first choice votes gets eliminated. The second-choice candidate from an eliminated ballot becomes the new first choice candidate and is redistributed to them. This instant run-off process continues until a candidate has more than half the votes and is declared the winner.

Ranked-choice voting gives voters a stronger voice. A person votes for the candidate they believe best represents their values. They do not have to feel their vote is 'wasted' if the candidate is unlikely to win. The candidate with the most votes and broadest support wins.

It creates collaboration and less polarization among the people and those elected. Today we see significant partisan rigidity among voters and elected officials. RCV encourages more candidates to run for office since they aren't splitting the vote. Candidates have an incentive to appeal to another candidate's voter base for their second-choice vote and not invoke hostility through negative campaigning.

Eleven municipalities around the country currently use RCV including Minneapolis, Minnesota; Portland, Maine; and Santa Fe, New Mexico.

In June 2018, Maine will be the first state in the U.S. to use RCV during the primaries for all the state, U.S. Senate and U.S. House elections.

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Sectional Analysis

HB 390 – RANKED-CHOICE PRIMARY ELECTIONS

Section 1 amends AS 15.10.170(b) to allow each candidate to appoint one watcher in each precinct and counting center.

Section 2 amends AS 15.13.074(c) prohibiting a person or group from contributing within 18 months of a general election, proclamation of a special election, or regular municipal election. It prohibits contributions after the 45th day to the unnominatee of a primary, or after the general or special election, or the municipal or municipal runoff election.

Section 3 amends AS 15.15.030 replaces current election methods with ranked choice voting for the governor, lieutenant governor, state legislature, and United States Congress. General and Special Election's will use ranked choice voting for the state legislature and United States Congress. The general and special elections for governor and lieutenant governor seats are elected using the current plurality system. This is to conform with Article III Section 3 of the Alaska Constitution.

Section 4 amends AS 15.15.350 to subsections (c) through (f) defining how to implement ranked choice voting and offers definitions for words related to ranked choice voting.

Section 5 amends AS 15.15.360(a) to allow the use of Roman or Arabic numbers to rank their preference; Failure to mark one candidate does not invalidate the whole ballot; Correctly marked names do count; When more than one name is marked for governor or lieutenant governor at a general or special election, the vote may not count; The mark only counts if it is clearly inside the provided oval and it is clear of the voters intent; Improper marks aren't counted but do not invalidate properly marked candidates.

Section 6 amends AS 15.15.370 to include the number of votes on the ballot count certificate at each round of the ranked choice tabulation process and number of votes.

Section 7 amends AS 15.15.450 to include certification of ranked choice vote winner. The governor and lieutenant governor race receiving the highest number of votes (plurality) is the winner.

Section 8 amends AS 15.20.081(h) to accept absentee ballots by mail from outside the U.S. and overseas voter qualifying under AS 15.05.011.

Section 9 amends AS 15.20.203(i) requiring the elections director to mail voter materials within the designated time-period.

Section 10 amends AS 15.20.203(j) to state the director must make access to the free access system to absentee voters to check the status of their absentee ballot within the designated time-period.

Section 11 amends AS 15.20.207(i) to state the director must mail ballot materials within the designated time-period.

Section 12 amends AS 15.20.207(k) to conform to Section 10.

Section 13 amends AS 15.20.211(d) to conform to Section 11.

Section 14 amends AS 15.20.211(f) to conform to Section 10.

Section 15 amends AS 15.25.010 to require ranked choice voting in all primary elections. It declares rules for nonpartisan and partisan voters.

Section 16 amends AS 15.25.060 to state voters should rank candidates by preference but not assign the same rank to more than one candidate.

Section 17 amends AS 15.25.100 to require the candidate with the largest number of votes per political party to go on the general election ballot. In the event a tie, the tie is broken by lot under AS 15.20.530.

Section 18 amends AS 15.40.142(c) to state the requirements for holding a scheduled primary or general election.

Section 19 amends AS 15.40.160. requiring the governor to issue the proclamation at least 50 days before the special election. Section 20 amends AS 15.40.165 that a U.S. Senator who wins a special election to fill the remainder of an unexpired term, shall take office when the U.S. House meets, convenes, or reconvenes following the election certification.

Section 21 amends AS 15.40.170 that a U.S. Representative who wins a special election to fill the remainder of an unexpired term, shall take office when the U.S. House meets, convenes, or reconvenes following the election certification.

Section 22 amends AS 15.58.020(a) to require a statement is posted in a conspicuous location and explains how to vote in each race.

Section 23 amends AS 15.58.020 to say if a pamphlet is prepared for a primary election it must contain the exact statement written in bold in a conspicuous location. The statement explains how ranked choice voting works.

Section 24 amends AS 15.80.010 to explain the definition of ranked choice voting.

Section 25 repeals AS 15.40.141, 15.40.142(b), and 15.40.150 are repealed.

Section 26 amends the uncodified law of the State of Alaska to give the director of elections at least one full election cycle to educate the public on ranked choice voting.

REPRESENTATIVE JUSTIN PARISH

Alaska State Legislature / Juneau, Alaska District 34



HB 390

Summary of Substantive Changes from Version A to J

Section 3 – (15)

- Line 24
 - Changes the word ‘majority’ to ‘plurality’ to clarify the general gubernatorial election must be won through a plurality. This is in accordance to Article III Section 3 of the Alaska constitution. It states, “The candidate receiving the greatest number of votes shall be governor.”

Section 5 – (a)(1)

- Lines 14-17
 - The change removes the requirement of counting ballots written in Roman and Arabic characters and replaces it with requirements for the Division of Elections to create regulations for designing a ballot to clearly count a voter’s intent.

CS FOR HOUSE BILL NO. 390()
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PARISH

A BILL
FOR AN ACT ENTITLED

1 **"An Act establishing a ranked-choice primary election system for nomination to state**
2 **executive and state and national legislative offices; establishing a ranked-choice general**
3 **election system for election to state and national legislative offices; repealing the special**
4 **runoff election for the office of United States senator or United States representative;**
5 **and requiring certain written notices to appear in election pamphlets and polling**
6 **places."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 *** Section 1.** AS 15.10.170(b) is amended to read:

9 (b) In addition to the watchers appointed under (a) of this section, in a primary
10 election or a [,] special election under AS 15.40.140, [OR SPECIAL RUNOFF
11 ELECTION UNDER AS 15.40.141,] each candidate may appoint one watcher in each
12 precinct and counting center.

13 *** Sec. 2.** AS 15.13.074(c) is amended to read:

1 (c) A person or group may not make a contribution

2 (1) to a candidate or an individual who files with the commission the
3 document necessary to permit that individual to incur certain election-related expenses
4 as authorized by AS 15.13.100 when the office is to be filled at a general election
5 before the date that is 18 months before the general election;

6 (2) to a candidate or an individual who files with the commission the
7 document necessary to permit that individual to incur certain election-related expenses
8 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
9 municipal election before the date that is 18 months before the date of the regular
10 municipal election or that is before the date of the proclamation of the special election
11 at which the candidate or individual seeks election to public office; or

12 (3) to any candidate later than the 45th day

13 (A) after the date of the primary election if the candidate was
14 [ON THE BALLOT AND WAS] not nominated at the primary election; or

15 (B) after the date of the general or special election, or after the
16 date of a municipal or municipal runoff election.

17 * **Sec. 3.** AS 15.15.030 is amended by adding new paragraphs to read:

18 (14) The director shall design the primary election ballots so that
19 candidates for the offices of governor and lieutenant governor, for the legislature, and
20 for the United States Congress are selected by ranked-choice voting.

21 (15) The director shall design the general and special election ballots
22 so that candidates for the

23 (A) offices of governor and lieutenant governor are selected by
24 plurality vote at a general or special election; and

25 (B) legislature and United States Congress
26 are selected by ranked-choice voting.

27 (16) For those offices for which candidates are selected by ranked-
28 choice voting, the director shall design the ballot to direct the voter to mark candidates
29 in order of preference and to mark as many choices as the voter wishes, but not to
30 assign the same ranking to more than one candidate for the same office.

31 * **Sec. 4.** AS 15.15.350 is amended by adding new subsections to read:

1 (c) When counting ballots in a ranked-choice election, the election board shall
2 initially tabulate each validly cast ballot as one vote for the highest-ranked candidate
3 on that ballot or as an exhausted ballot. If a candidate is ranked-highest on more than
4 one-half of the tabulated ballots, that candidate is elected and the tabulation is
5 complete. Otherwise, tabulation proceeds in sequential rounds as follows:

6 (1) if two or fewer continuing candidates remain, the candidate with
7 the largest number of votes is elected and the tabulation is complete; otherwise, the
8 tabulation continues under (2) of this subsection;

9 (2) the candidate with the fewest votes is defeated, and votes cast for
10 the defeated candidate shall cease counting for the defeated candidate and shall be
11 added to the totals of each ballot's next-highest-ranked continuing candidate or
12 considered an exhausted ballot under (e) of this section for that candidate, and a new
13 round begins under (1) of this subsection.

14 (d) When counting ranked-choice election ballots,

15 (1) a ballot assigning the same ranking to more than one candidate for
16 an office shall be declared invalid when the double ranking is reached;

17 (2) if a ballot skips a ranking, then the election board shall count the
18 next ranking; and

19 (3) if there is a tie vote between continuing candidates, the procedures
20 in AS 15.15.460 and AS 15.20.430 - 15.20.530 shall be followed.

21 (e) The election board may not count an exhausted ballot for a continuing
22 candidate if the ballot

23 (1) does not contain a ranking for a continuing candidate;

24 (2) contains an overvote in the highest ranking for a continuing
25 candidate; or

26 (3) contains two or more consecutive skipped rankings before its
27 highest continuing ranking.

28 (f) In this section,

29 (1) "continuing candidate" means a candidate that has not been
30 defeated or nominated at a primary election or elected at a general or special election;

31 (2) "overvote" means the assignment by a voter of the same ranking to

1 more than one candidate;

2 (3) "ranking" or "ranked" means the number assigned by a voter to a
3 candidate to express the voter's choice for that candidate; a ranking of "1" is the
4 highest ranking, followed by "2," and then "3," and so on;

5 (4) "round" means an instance of the sequence of voting tabulation in a
6 primary or special primary election;

7 (5) "skipped ranking" means a ranking blank on a ballot on which a
8 voter has ranked another candidate at a subsequent ranking.

9 * **Sec. 5.** AS 15.15.360(a) is amended to read:

10 (a) The election board shall count ballots according to the following rules:

11 (1) A voter may mark a ballot only by filling in, making "X" marks,
12 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
13 plus signs that are clearly spaced in the oval opposite the name of the candidate,
14 proposition, or question that the voter desires to designate. **The director shall adopt**
15 **additional regulations consistent with AS 15.15.350 for marking and counting a**
16 **ballot in a ranked-choice election that ensure a voter's ranked preference for a**
17 **candidate is clearly indicated and counted as the voter intends.**

18 (2) A failure to properly mark a ballot as to one or more candidates
19 does not itself invalidate the entire ballot.

20 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE
21 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED
22 FOR EACH CANDIDATE PROPERLY MARKED.

23 (4)] If a voter marks more **than one name each for the offices of**
24 **governor or lieutenant governor at a general or special election, the voter's votes**
25 [NAMES THAN THERE ARE PERSONS TO BE ELECTED TO THE OFFICE,
26 THE VOTES FOR CANDIDATES FOR THAT OFFICE] may not be counted.

27 **(4)** [(5)] The mark specified in (1) of this subsection shall be counted
28 only if it is substantially inside the oval provided, or touching the oval so as to indicate
29 clearly that the voter intended the particular oval to be designated.

30 **(5)** [(6)] Improper marks on the ballot may not be counted and do not
31 invalidate marks for candidates properly made.

1 (6) [(7)] An erasure or correction invalidates only that section of the
2 ballot in which it appears.

3 (7) [(8)] A vote marked for the candidate for President or Vice-
4 President of the United States is considered and counted as a vote for the election of
5 the presidential electors.

6 [(9) REPEALED

7 (10) REPEALED

8 (11) REPEALED

9 (12) REPEALED]

10 * **Sec. 6.** AS 15.15.370 is amended to read:

11 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
12 ballots is completed, and in no event later than the day after the election, the election
13 board shall make a certificate in duplicate of the results. The certificate includes the
14 number of votes cast for each candidate, including, for a candidate in a ranked-
15 choice election, the number of votes at each round of the ranked-choice
16 tabulation process under AS 15.15.350(c), and the number of votes for and against
17 each proposition, yes or no on each question, and any additional information
18 prescribed by the director. The election board shall, immediately upon completion of
19 the certificate or as soon thereafter as the local mail service permits, send in one sealed
20 package to the director one copy of the certificate and the register. In addition, all
21 ballots properly cast shall be mailed to the director in a separate, sealed package. Both
22 packages, in addition to an address on the outside, shall clearly indicate the precinct
23 from which they come. Each board shall, immediately upon completion of the
24 certification and as soon thereafter as the local mail service permits, send the duplicate
25 certificate to the respective election supervisor. The director may authorize election
26 boards in precincts in those areas of the state where distance and weather make mail
27 communication unreliable to forward their election results by telephone, telegram, or
28 radio. The director may authorize the unofficial totaling of votes on a regional basis by
29 election supervisors, tallying the votes as indicated on duplicate certificates. To
30 ensure [ASSURE] adequate protection, the director shall prescribe the manner in
31 which the ballots, registers, and all other election records and materials are thereafter

1 preserved, transferred, and destroyed.

2 * **Sec. 7.** AS 15.15.450 is amended to read:

3 **Sec. 15.15.450. Certification of state ballot counting review.** Upon
4 completion of the state ballot counting review for a ranked-choice election, the
5 director shall certify the person receiving the largest number of votes for the
6 office as nominated or elected, as applicable. At the general election, the director
7 shall certify the candidates for governor and lieutenant governor [PERSON]
8 receiving the highest [LARGEST] number of votes [FOR THE OFFICE FOR
9 WHICH THAT PERSON WAS A CANDIDATE] as elected to those offices [THAT
10 OFFICE] and shall certify the approval of a justice or judge not rejected by a majority
11 of the voters voting on the question. The director shall issue to the elected candidates
12 and approved justices and judges a certificate of their election or approval. The
13 director shall also certify the results of a proposition and other question except that the
14 lieutenant governor shall certify the results of an initiative, referendum, or
15 constitutional amendment.

16 * **Sec. 8.** AS 15.20.081(h) is amended to read:

17 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
18 from outside the United States or from an overseas voter qualifying under
19 AS 15.05.011 that has been marked and mailed not later than election day may not be
20 counted unless the ballot is received by the election supervisor not later than the close
21 of business on the

22 (1) 10th day following a primary election or special election under
23 AS 15.40.140; or

24 (2) 15th day following a general election [, SPECIAL RUNOFF
25 ELECTION,] or special election, other than a special election described in (1) of this
26 subsection.

27 * **Sec. 9.** AS 15.20.203(i) is amended to read:

28 (i) The director shall mail the materials described in (h) of this section to the
29 voter not later than

30 (1) 10 days after completion of the review of ballots by the state
31 review board for a primary election [,] or [FOR] a special election under AS 15.40.140

1 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

2 (2) 60 days after certification of the results of a general election [,
3 SPECIAL RUNOFF ELECTION,] or special election other than a special election
4 described in (1) of this subsection.

5 * **Sec. 10.** AS 15.20.203(j) is amended to read:

6 (j) The director shall make available through a free access system to each
7 absentee voter a system to check to see whether the voter's ballot was counted and, if
8 not counted, the reason why the ballot was not counted. The director shall make this
9 information available through the free access system not less than

10 (1) 10 days after certification of the results of a primary election [, OR
11 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
12 SPECIAL RUNOFF ELECTION]; and

13 (2) 30 days after certification of the results of a general or special
14 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
15 SUBSECTION].

16 * **Sec. 11.** AS 15.20.207(i) is amended to read:

17 (i) The director shall mail the materials described in (h) of this section to the
18 voter not later than

19 (1) 10 days after completion of the review of ballots by the state
20 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
21 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

22 (2) 60 days after certification of the results of a general or special
23 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
24 SUBSECTION].

25 * **Sec. 12.** AS 15.20.207(k) is amended to read:

26 (k) The director shall make available through a free access system to each
27 voter voting a questioned ballot a system to check to see whether the voter's ballot was
28 counted and, if not counted, the reason why the ballot was not counted. The director
29 shall make this information available through the free access system not less than

30 (1) 10 days after certification of the results of a primary election [, OR
31 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A

1 SPECIAL RUNOFF ELECTION]; and

2 (2) 30 days after [THE] certification of the results of a general or
3 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
4 THIS SUBSECTION].

5 * **Sec. 13.** AS 15.20.211(d) is amended to read:

6 (d) The director shall mail the materials described in (c) of this section to the
7 voter not later than

8 (1) 10 days after completion of the review of ballots by the state
9 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
10 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

11 (2) 60 days after certification of the results of a general or special
12 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
13 SUBSECTION].

14 * **Sec. 14.** AS 15.20.211(f) is amended to read:

15 (f) The director shall make available through a free access system to each
16 voter whose ballot was subject to partial counting under this section a system to check
17 to see whether the voter's ballot was partially counted and, if not counted, the reason
18 why the ballot was not counted. The director shall make this information available
19 through the free access system not less than

20 (1) 10 days after certification of the results of a primary election [, OR
21 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
22 SPECIAL RUNOFF ELECTION]; and

23 (2) 30 days after [THE] certification of the results of a general or
24 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
25 THIS SUBSECTION].

26 * **Sec. 15.** AS 15.25.010 is amended to read:

27 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
28 state executive and state and national legislative offices shall be nominated in a
29 primary election by direct vote of the people in the manner prescribed by this chapter.

30 **All candidates at the primary election shall be selected by ranked-choice voting.**

31 The director shall prepare and provide a primary election ballot for each political

1 party. A voter registered as affiliated with a political party may vote that party's ballot.
2 A voter registered as nonpartisan or undeclared rather than as affiliated with a
3 particular political party may vote the political party ballot of the voter's choice unless
4 prohibited from doing so under AS 15.25.014. A voter registered as affiliated with a
5 political party may not vote the ballot of a different political party unless permitted to
6 do so under AS 15.25.014.

7 * **Sec. 16.** AS 15.25.060 is amended by adding a new subsection to read:

8 (d) The director shall include instructions on primary election ballots directing
9 the voter to rank candidates for an office in order of preference and to rank as many
10 choices as the voter wishes, but not to assign the same ranking to more than one
11 candidate.

12 * **Sec. 17.** AS 15.25.100 is amended to read:

13 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
14 director shall place the name of the candidate receiving the **largest** [HIGHEST]
15 number of votes for an office by a political party on the general election ballot. **If two**
16 **candidates tie in having the largest number of votes for an office a ranked-choice**
17 **primary ballot, the director shall place on the general election ballot the name of**
18 **only one of the candidates who tied for that office, to be determined by lot under**
19 **AS 15.20.530.**

20 * **Sec. 18.** AS 15.40.142(c) is amended to read:

21 (c) In an election year in which a candidate for the vacant office is not
22 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more
23 than 90, days before the date of

24 (1) the primary election, the special election shall be held on the date
25 of the primary election [WITH ANY SUBSEQUENT SPECIAL RUNOFF
26 ELECTION UNDER AS 15.40.141 TO BE HELD ON THE DATE OF THE
27 GENERAL ELECTION]; or

28 (2) the general election, the special election shall be held on the date of
29 the general election [WITH ANY SUBSEQUENT SPECIAL RUNOFF ELECTION
30 UNDER AS 15.40.141 TO BE HELD ON THE FIRST TUESDAY THAT IS NOT A
31 STATE HOLIDAY OCCURRING NOT LESS THAN 60 DAYS AFTER THE

1 SPECIAL AND GENERAL ELECTION].

2 * **Sec. 19.** AS 15.40.160 is amended to read:

3 **Sec. 15.40.160. Proclamation.** The governor shall issue the proclamation at
4 least 50 days before the

5 [(1)] special election [; AND

6 (2) IF A SPECIAL RUNOFF ELECTION IS REQUIRED UNDER
7 AS 15.40.141(a), SPECIAL RUNOFF ELECTION].

8 * **Sec. 20.** AS 15.40.165 is amended to read:

9 **Sec. 15.40.165. Term of elected senator.** At the special election, [OR, AS
10 PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United
11 States senator shall be elected to fill the remainder of the unexpired term. The person
12 elected shall take office on the date the United States Senate meets, convenes, or
13 reconvenes following the certification of the results of the special election [OR
14 SPECIAL RUNOFF ELECTION] by the director.

15 * **Sec. 21.** AS 15.40.170 is amended to read:

16 **Sec. 15.40.170. Term of elected representative.** At the special election, [OR,
17 AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a
18 United States representative shall be elected to fill the remainder of the unexpired
19 term. The person elected shall take office on the date the United States house of
20 representatives meets, convenes, or reconvenes following the certification of the
21 results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

22 * **Sec. 22.** AS 15.58.020(a) is amended by adding a new paragraph to read:

23 (13) the following statement written in bold in a conspicuous location:

24 In each race, you may vote for any candidate listed. If
25 the race is for the offices of governor and lieutenant governor,
26 the candidates with the highest number of votes will be elected.
27 If the race is for state or national legislative office, the candidate
28 will be selected through a ranked-choice voting process and the
29 candidate with the largest number of votes will be elected. For a
30 ranked-choice election, you must rank the candidates in the
31 numerical order of your preference, ranking as many candidates

1 as you wish. Your second, third, and subsequent ranked choices
2 will be counted only if the candidate you ranked first does not
3 receive enough votes to continue on to the next round of
4 counting, so ranking a second, third, or subsequent choice will
5 not hurt your first-choice candidate. Your ballot will be counted
6 regardless of whether you choose to rank one, two, or more
7 candidates for each office, but it will not be counted if you
8 assign the same ranking to more than one candidate for the
9 same office.

10 * **Sec. 23.** AS 15.58.020 is amended by adding a new subsection to read:

11 (c) Notwithstanding (a) of this section, if a pamphlet is prepared and published
12 under AS 15.58.010 for a primary election, the pamphlet must contain the following
13 statement written in bold in a conspicuous location, instead of the statement provided
14 by (a)(13) of this section:

15 In each race, you may vote for any candidate listed.
16 Rank the candidates for each office in the numerical order of
17 your preference, ranking as many candidates as you wish. Your
18 second, third, and subsequent ranked choices will be counted
19 only if the candidate you ranked first does not receive enough
20 votes to continue on to the next round of counting, so ranking a
21 second, third, or subsequent choice will not hurt your first-
22 choice candidate. Your ballot will be counted regardless of
23 whether you choose to rank one, two, or more candidates for
24 each office, but it will not be counted if you assign the same
25 ranking to more than one candidate for the same office. The
26 candidate on the ballot who receives the largest number of votes
27 for a state office, United States senator, or United States
28 representative will advance to the general election.

29 * **Sec. 24.** AS 15.80.010 is amended by adding a new paragraph to read:

30 (46) "ranked-choice voting" means the method of casting and
31 tabulating votes at a primary or special primary election in which voters rank

1 candidates in order of preference and in which tabulation proceeds in sequential
2 rounds in which last-place candidates are defeated and the candidates with the largest
3 number of votes and the second-largest number of votes are nominated to appear on
4 the general election ballot.

5 * **Sec. 25.** AS 15.40.141, 15.40.142(b), and 15.40.150 are repealed.

6 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE
9 ELECTION SYSTEMS THROUGH ADOPTION OF A RANKED-CHOICE PRIMARY. (a)
10 For a period of not less than one full election cycle immediately following the effective date
11 of this Act, the director of elections shall, in a manner reasonably calculated to educate the
12 public, inform voters of the changes made to the state's election systems in this Act.

13 (b) In this section, "election cycle" means the 24-month period commencing on
14 January 1 of odd-numbered years and ending on December 31 of even-numbered years.

30-LS1102D
Bullard
3/19/18

CS FOR HOUSE BILL NO. 390()
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PARISH

A BILL
FOR AN ACT ENTITLED

1 **"An Act establishing a ranked-choice primary election system for nomination to state**
2 **executive and state and national legislative offices; establishing a ranked-choice general**
3 **election system for election to state and national legislative offices; repealing the special**
4 **runoff election for the office of United States senator or United States representative;**
5 **and requiring certain written notices to appear in election pamphlets and polling**
6 **places."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 *** Section 1.** AS 15.10.170(b) is amended to read:

9 (b) In addition to the watchers appointed under (a) of this section, in a primary
10 election or a [,] special election under AS 15.40.140, [OR SPECIAL RUNOFF
11 ELECTION UNDER AS 15.40.141,] each candidate may appoint one watcher in each
12 precinct and counting center.

13 *** Sec. 2.** AS 15.13.074(c) is amended to read:

1 (c) A person or group may not make a contribution

2 (1) to a candidate or an individual who files with the commission the
3 document necessary to permit that individual to incur certain election-related expenses
4 as authorized by AS 15.13.100 when the office is to be filled at a general election
5 before the date that is 18 months before the general election;

6 (2) to a candidate or an individual who files with the commission the
7 document necessary to permit that individual to incur certain election-related expenses
8 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
9 municipal election before the date that is 18 months before the date of the regular
10 municipal election or that is before the date of the proclamation of the special election
11 at which the candidate or individual seeks election to public office; or

12 (3) to any candidate later than the 45th day

13 (A) after the date of the primary election if the candidate was
14 [ON THE BALLOT AND WAS] not nominated at the primary election; or

15 (B) after the date of the general or special election, or after the
16 date of a municipal or municipal runoff election.

17 * **Sec. 3.** AS 15.15.030 is amended by adding new paragraphs to read:

18 (14) The director shall design the primary election ballots so that
19 candidates for the offices of governor and lieutenant governor, for the legislature, and
20 for the United States Congress are selected by ranked-choice voting.

21 (15) The director shall design the general and special election ballots
22 so that candidates for the

23 (A) offices of governor and lieutenant governor are selected by
24 plurality vote at a general or special election; and

25 (B) legislature and United States Congress
26 are selected by ranked-choice voting.

27 (16) For those offices for which candidates are selected by ranked-
28 choice voting, the director shall design the ballot to direct the voter to mark candidates
29 in order of preference and to mark as many choices as the voter wishes, but not to
30 assign the same ranking to more than one candidate for the same office.

31 * **Sec. 4.** AS 15.15.350 is amended by adding new subsections to read:

1 (c) When counting ballots in a ranked-choice election, the election board shall
2 initially tabulate each validly cast ballot as one vote for the highest-ranked candidate
3 on that ballot or as an exhausted ballot. If a candidate is ranked-highest on more than
4 one-half of the tabulated ballots, that candidate is elected and the tabulation is
5 complete. Otherwise, tabulation proceeds in sequential rounds as follows:

6 (1) if two or fewer continuing candidates remain, the candidate with
7 the largest number of votes is elected and the tabulation is complete; otherwise, the
8 tabulation continues under (2) of this subsection;

9 (2) the candidate with the fewest votes is defeated, and votes cast for
10 the defeated candidate shall cease counting for the defeated candidate and shall be
11 added to the totals of each ballot's next-highest-ranked continuing candidate or
12 considered an exhausted ballot under (e) of this section for that candidate, and a new
13 round begins under (1) of this subsection.

14 (d) When counting ranked-choice election ballots,

15 (1) a ballot assigning the same ranking to more than one candidate for
16 an office shall be declared invalid when the double ranking is reached;

17 (2) if a ballot skips a ranking, then the election board shall count the
18 next ranking; and

19 (3) if there is a tie vote between continuing candidates, the procedures
20 in AS 15.15.460 and AS 15.20.430 - 15.20.530 shall be followed.

21 (e) The election board may not count an exhausted ballot for a continuing
22 candidate if the ballot

23 (1) does not contain a ranking for a continuing candidate;

24 (2) contains an overvote in the highest ranking for a continuing
25 candidate; or

26 (3) contains two or more consecutive skipped rankings before its
27 highest continuing ranking.

28 (f) In this section,

29 (1) "continuing candidate" means a candidate that has not been
30 defeated or nominated at a primary election or elected at a general or special election;

31 (2) "overvote" means the assignment by a voter of the same ranking to

1 more than one candidate;

2 (3) "ranking" or "ranked" means the number assigned by a voter to a
3 candidate to express the voter's choice for that candidate; a ranking of "1" is the
4 highest ranking, followed by "2," and then "3," and so on;

5 (4) "round" means an instance of the sequence of voting tabulation in a
6 primary or special primary election;

7 (5) "skipped ranking" means a ranking blank on a ballot on which a
8 voter has ranked another candidate at a subsequent ranking.

9 * **Sec. 5.** AS 15.15.360(a) is amended to read:

10 (a) The election board shall count ballots according to the following rules:

11 (1) A voter may mark a ballot only by filling in, making "X" marks,
12 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
13 plus signs that are clearly spaced in the oval opposite the name of the candidate,
14 proposition, or question that the voter desires to designate. **In an election by ranked-**
15 **choice voting, a voter may mark a ballot that requires the voter to vote for**
16 **candidates in order of ranked preference by the use of Roman or Arabic**
17 **numbers that are clearly spaced in one of the squares opposite the name of the**
18 **candidate that the voter desires to designate.**

19 (2) A failure to properly mark a ballot as to one or more candidates
20 does not itself invalidate the entire ballot.

21 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE
22 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED
23 FOR EACH CANDIDATE PROPERLY MARKED.

24 (4)] If a voter marks more **than one name each for the offices of**
25 **governor or lieutenant governor at a general or special election, the voter's votes**
26 [NAMES THAN THERE ARE PERSONS TO BE ELECTED TO THE OFFICE,
27 THE VOTES FOR CANDIDATES FOR THAT OFFICE] may not be counted.

28 (4) [(5)] The mark specified in (1) of this subsection shall be counted
29 only if it is substantially inside the oval provided, or touching the oval so as to indicate
30 clearly that the voter intended the particular oval to be designated.

31 (5) [(6)] Improper marks on the ballot may not be counted and do not

1 invalidate marks for candidates properly made.

2 (6) [(7)] An erasure or correction invalidates only that section of the
3 ballot in which it appears.

4 (7) [(8)] A vote marked for the candidate for President or Vice-
5 President of the United States is considered and counted as a vote for the election of
6 the presidential electors.

7 (9) [REPEALED]

8 (10) [REPEALED]

9 (11) [REPEALED]

10 (12) [REPEALED]

11 * **Sec. 6.** AS 15.15.370 is amended to read:

12 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
13 ballots is completed, and in no event later than the day after the election, the election
14 board shall make a certificate in duplicate of the results. The certificate includes the
15 number of votes cast for each candidate, including, for a candidate in a ranked-
16 choice election, the number of votes at each round of the ranked-choice
17 tabulation process under AS 15.15.350(c), and the number of votes for and against
18 each proposition, yes or no on each question, and any additional information
19 prescribed by the director. The election board shall, immediately upon completion of
20 the certificate or as soon thereafter as the local mail service permits, send in one sealed
21 package to the director one copy of the certificate and the register. In addition, all
22 ballots properly cast shall be mailed to the director in a separate, sealed package. Both
23 packages, in addition to an address on the outside, shall clearly indicate the precinct
24 from which they come. Each board shall, immediately upon completion of the
25 certification and as soon thereafter as the local mail service permits, send the duplicate
26 certificate to the respective election supervisor. The director may authorize election
27 boards in precincts in those areas of the state where distance and weather make mail
28 communication unreliable to forward their election results by telephone, telegram, or
29 radio. The director may authorize the unofficial totaling of votes on a regional basis by
30 election supervisors, tallying the votes as indicated on duplicate certificates. To
31 ensure [ASSURE] adequate protection, the director shall prescribe the manner in

1 which the ballots, registers, and all other election records and materials are thereafter
2 preserved, transferred, and destroyed.

3 * **Sec. 7.** AS 15.15.450 is amended to read:

4 **Sec. 15.15.450. Certification of state ballot counting review.** Upon
5 completion of the state ballot counting review for a ranked-choice election, the
6 director shall certify the person receiving the largest number of votes for the
7 office as nominated or elected, as applicable. At the general election, the director
8 shall certify the candidates for governor and lieutenant governor [PERSON]
9 receiving the highest [LARGEST] number of votes [FOR THE OFFICE FOR
10 WHICH THAT PERSON WAS A CANDIDATE] as elected to those offices [THAT
11 OFFICE] and shall certify the approval of a justice or judge not rejected by a majority
12 of the voters voting on the question. The director shall issue to the elected candidates
13 and approved justices and judges a certificate of their election or approval. The
14 director shall also certify the results of a proposition and other question except that the
15 lieutenant governor shall certify the results of an initiative, referendum, or
16 constitutional amendment.

17 * **Sec. 8.** AS 15.20.081(h) is amended to read:

18 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
19 from outside the United States or from an overseas voter qualifying under
20 AS 15.05.011 that has been marked and mailed not later than election day may not be
21 counted unless the ballot is received by the election supervisor not later than the close
22 of business on the

23 (1) 10th day following a primary election or special election under
24 AS 15.40.140; or

25 (2) 15th day following a general election [, SPECIAL RUNOFF
26 ELECTION,] or special election, other than a special election described in (1) of this
27 subsection.

28 * **Sec. 9.** AS 15.20.203(i) is amended to read:

29 (i) The director shall mail the materials described in (h) of this section to the
30 voter not later than

31 (1) 10 days after completion of the review of ballots by the state

1 review board for a primary election [,] or [FOR] a special election under AS 15.40.140
2 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

3 (2) 60 days after certification of the results of a general election [,
4 SPECIAL RUNOFF ELECTION,] or special election other than a special election
5 described in (1) of this subsection.

6 * **Sec. 10.** AS 15.20.203(j) is amended to read:

7 (j) The director shall make available through a free access system to each
8 absentee voter a system to check to see whether the voter's ballot was counted and, if
9 not counted, the reason why the ballot was not counted. The director shall make this
10 information available through the free access system not less than

11 (1) 10 days after certification of the results of a primary election [, OR
12 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
13 SPECIAL RUNOFF ELECTION]; and

14 (2) 30 days after certification of the results of a general or special
15 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
16 SUBSECTION].

17 * **Sec. 11.** AS 15.20.207(i) is amended to read:

18 (i) The director shall mail the materials described in (h) of this section to the
19 voter not later than

20 (1) 10 days after completion of the review of ballots by the state
21 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
22 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

23 (2) 60 days after certification of the results of a general or special
24 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
25 SUBSECTION].

26 * **Sec. 12.** AS 15.20.207(k) is amended to read:

27 (k) The director shall make available through a free access system to each
28 voter voting a questioned ballot a system to check to see whether the voter's ballot was
29 counted and, if not counted, the reason why the ballot was not counted. The director
30 shall make this information available through the free access system not less than

31 (1) 10 days after certification of the results of a primary election [, OR

1 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
2 SPECIAL RUNOFF ELECTION]; and

3 (2) 30 days after [THE] certification of the results of a general or
4 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
5 THIS SUBSECTION].

6 * **Sec. 13.** AS 15.20.211(d) is amended to read:

7 (d) The director shall mail the materials described in (c) of this section to the
8 voter not later than

9 (1) 10 days after completion of the review of ballots by the state
10 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
11 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

12 (2) 60 days after certification of the results of a general or special
13 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
14 SUBSECTION].

15 * **Sec. 14.** AS 15.20.211(f) is amended to read:

16 (f) The director shall make available through a free access system to each
17 voter whose ballot was subject to partial counting under this section a system to check
18 to see whether the voter's ballot was partially counted and, if not counted, the reason
19 why the ballot was not counted. The director shall make this information available
20 through the free access system not less than

21 (1) 10 days after certification of the results of a primary election [, OR
22 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
23 SPECIAL RUNOFF ELECTION]; and

24 (2) 30 days after [THE] certification of the results of a general or
25 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
26 THIS SUBSECTION].

27 * **Sec. 15.** AS 15.25.010 is amended to read:

28 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
29 state executive and state and national legislative offices shall be nominated in a
30 primary election by direct vote of the people in the manner prescribed by this chapter.

31 **All candidates at the primary election shall be selected by ranked-choice voting.**

1 The director shall prepare and provide a primary election ballot for each political
 2 party. A voter registered as affiliated with a political party may vote that party's ballot.
 3 A voter registered as nonpartisan or undeclared rather than as affiliated with a
 4 particular political party may vote the political party ballot of the voter's choice unless
 5 prohibited from doing so under AS 15.25.014. A voter registered as affiliated with a
 6 political party may not vote the ballot of a different political party unless permitted to
 7 do so under AS 15.25.014.

8 * **Sec. 16.** AS 15.25.060 is amended by adding a new subsection to read:

9 (d) The director shall include instructions on primary election ballots directing
 10 the voter to rank candidates for an office in order of preference and to rank as many
 11 choices as the voter wishes, but not to assign the same ranking to more than one
 12 candidate.

13 * **Sec. 17.** AS 15.25.100 is amended to read:

14 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
 15 director shall place the name of the candidate receiving the **largest** [HIGHEST]
 16 number of votes for an office by a political party on the general election ballot. **If two**
 17 **candidates tie in having the largest number of votes for an office a ranked-choice**
 18 **primary ballot, the director shall place on the general election ballot the name of**
 19 **only one of the candidates who tied for that office, to be determined by lot under**
 20 **AS 15.20.530.**

21 * **Sec. 18.** AS 15.40.142(c) is amended to read:

22 (c) In an election year in which a candidate for the vacant office is not
 23 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more
 24 than 90, days before the date of

25 (1) the primary election, the special election shall be held on the date
 26 of the primary election [WITH ANY SUBSEQUENT SPECIAL RUNOFF
 27 ELECTION UNDER AS 15.40.141 TO BE HELD ON THE DATE OF THE
 28 GENERAL ELECTION]; or

29 (2) the general election, the special election shall be held on the date of
 30 the general election [WITH ANY SUBSEQUENT SPECIAL RUNOFF ELECTION
 31 UNDER AS 15.40.141 TO BE HELD ON THE FIRST TUESDAY THAT IS NOT A

1 STATE HOLIDAY OCCURRING NOT LESS THAN 60 DAYS AFTER THE
2 SPECIAL AND GENERAL ELECTION].

3 * **Sec. 19.** AS 15.40.160 is amended to read:

4 **Sec. 15.40.160. Proclamation.** The governor shall issue the proclamation at
5 least 50 days before the

6 [(1)] special election [; AND

7 (2) IF A SPECIAL RUNOFF ELECTION IS REQUIRED UNDER
8 AS 15.40.141(a), SPECIAL RUNOFF ELECTION].

9 * **Sec. 20.** AS 15.40.165 is amended to read:

10 **Sec. 15.40.165. Term of elected senator.** At the special election, [OR, AS
11 PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United
12 States senator shall be elected to fill the remainder of the unexpired term. The person
13 elected shall take office on the date the United States Senate meets, convenes, or
14 reconvenes following the certification of the results of the special election [OR
15 SPECIAL RUNOFF ELECTION] by the director.

16 * **Sec. 21.** AS 15.40.170 is amended to read:

17 **Sec. 15.40.170. Term of elected representative.** At the special election, [OR,
18 AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a
19 United States representative shall be elected to fill the remainder of the unexpired
20 term. The person elected shall take office on the date the United States house of
21 representatives meets, convenes, or reconvenes following the certification of the
22 results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

23 * **Sec. 22.** AS 15.58.020(a) is amended by adding a new paragraph to read:

24 (13) the following statement written in bold in a conspicuous location:

25 In each race, you may vote for any candidate listed. If
26 the race is for the offices of governor and lieutenant governor,
27 the candidates with the highest number of votes will be elected.
28 If the race is for state or national legislative office, the candidate
29 will be selected through a ranked-choice voting process and the
30 candidate with the largest number of votes will be elected. For a
31 ranked-choice election, you must rank the candidates in the

1 numerical order of your preference, ranking as many candidates
2 as you wish. Your second, third, and subsequent ranked choices
3 will be counted only if the candidate you ranked first does not
4 receive enough votes to continue on to the next round of
5 counting, so ranking a second, third, or subsequent choice will
6 not hurt your first-choice candidate. Your ballot will be counted
7 regardless of whether you choose to rank one, two, or more
8 candidates for each office, but it will not be counted if you
9 assign the same ranking to more than one candidate for the
10 same office.

11 * **Sec. 23.** AS 15.58.020 is amended by adding a new subsection to read:

12 (c) Notwithstanding (a) of this section, if a pamphlet is prepared and published
13 under AS 15.58.010 for a primary election, the pamphlet must contain the following
14 statement written in bold in a conspicuous location, instead of the statement provided
15 by (a)(13) of this section:

16 In each race, you may vote for any candidate listed.
17 Rank the candidates for each office in the numerical order of
18 your preference, ranking as many candidates as you wish. Your
19 second, third, and subsequent ranked choices will be counted
20 only if the candidate you ranked first does not receive enough
21 votes to continue on to the next round of counting, so ranking a
22 second, third, or subsequent choice will not hurt your first-
23 choice candidate. Your ballot will be counted regardless of
24 whether you choose to rank one, two, or more candidates for
25 each office, but it will not be counted if you assign the same
26 ranking to more than one candidate for the same office. The
27 candidate on the ballot who receives the largest number of votes
28 for a state office, United States senator, or United States
29 representative will advance to the general election.

30 * **Sec. 24.** AS 15.80.010 is amended by adding a new paragraph to read:

31 (46) "ranked-choice voting" means the method of casting and

1 tabulating votes at a primary or special primary election in which voters rank
2 candidates in order of preference and in which tabulation proceeds in sequential
3 rounds in which last-place candidates are defeated and the candidates with the largest
4 number of votes and the second-largest number of votes are nominated to appear on
5 the general election ballot.

6 * **Sec. 25.** AS 15.40.141, 15.40.142(b), and 15.40.150 are repealed.

7 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE
10 ELECTION SYSTEMS THROUGH ADOPTION OF A RANKED-CHOICE PRIMARY. (a)
11 For a period of not less than one full election cycle immediately following the effective date
12 of this Act, the director of elections shall, in a manner reasonably calculated to educate the
13 public, inform voters of the changes made to the state's election systems in this Act.

14 (b) In this section, "election cycle" means the 24-month period commencing on
15 January 1 of odd-numbered years and ending on December 31 of even-numbered years.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 390
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB390-OOG-DOE-3-21-18
Title: RANKED-CHOICE PRIMARY ELECTIONS
Sponsor: PARISH
Requester: House Community & Regional Affairs

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	337.0		337.0	337.0	337.0	337.0	337.0	337.0
Commodities	200.0		50.0					
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	537.0	0.0	387.0	337.0	337.0	337.0	337.0	337.0

Fund Source (Operating Only)

1004 Gen Fund (UGF)	537.0		387.0	337.0	337.0	337.0	337.0	337.0
Total	537.0	0.0	387.0	337.0	337.0	337.0	337.0	337.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 6,005.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version

Prepared By: Josephine Bahnke, Director
Division: Division of Elections
Approved By: Shawn Henderson, Administrative Director
Agency: Division of Administrative Services, Office of the Governor

Phone: (907)465-4611
Date: 03/21/2018 10:00 AM
Date: 03/22/2018

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. HB390

Analysis

Under this legislation, the Division would be required to count ballots for all races in the primary election using rank-choice and for special and general elections, count ballots for the races of the Legislature and United States Congress using rank-choice and for the race of Governor and Lt. Governor by majority vote.

In addition, for the period of one full election cycle (24-month period), the division will be required to educate the public and inform voters of the changes due to this legislation. The Division anticipates spending \$200,000 in the first year to conduct outreach to voters with an educational mailer and another \$50,000 in the second year to educate and inform voters on this new voting style through the use of multi-media.

The current tabulation system used by the Division does not accommodate a ranked-choice process for counting ballots. The existing system can only tabulate one-round of candidates. Therefore, to meet the requirements of this legislation, the Division would need to replace our existing tabulation system with a system that would accommodate ranked-choice voting to electronically accumulate election results for multiple rounds of counting.

In 2017, the Division was provided a discussion quote from our current vendor, Dominion Voting Systems to replace our current system with newer equipment using the same precinct based system. The quoted cost for replacement was \$5,755,445. In a follow up conversation with Dominion regarding ranked choice voting, the vendor indicated that this would cost an additional \$250,000 for the ranked choice voting module.

The Division's current annual hardware and license fees amount to \$152,104, with a new system the cost will increase to \$488,930 which is a difference of \$336,826 per year.

21 March 2018

Charles M. Biles, Ph.D.
Professor of Mathematics, Emeritus
Humboldt State University
Arcata, CA 95521

Please permit me to extend a special thank you to co-chairs Justin Parish and Tiffany Zulkosky, and the entire House Committee on Community and Regional Affairs for the State of Alaska, for this invitation to give input regarding HB 390, the Ranked-Choice Voting bill.

My expertise is that of an academic whose primary research concerns the History of Congressional Apportionment. Associated topics include districting and voting. All are essential components in a larger picture framed by the question, what is Representation in our American democracy? History, from the time of the Framers of our Constitution, has evolved answers on the premise that the source of governmental power must come from *the people*.

Fundamental to American democracy is the right to vote. The ballot is the people's main voice box for representation. The structure of the ballot determines how much input an individual voter has in an election.

The current system of structuring the ballot is to list the options (or candidates) with the instruction, Vote for One. If there are only two options, then there is no problem. The winner is simply determined by majority vote.

However, a problem exists when there are three or more options. In this event, the Vote for One instruction is the most limiting among ballot possibilities, allowing the smallest voice for a voter. The voter gets to say something about one candidate, and then the input is over. As a result, a substantial number vote strategically rather than honestly out of concern for "throwing away their vote." Vote for One does not allow many voters to support their candidate of first choice without the fear that they will elect their least-liked candidate.

The worst-case scenario of Vote for One is that the least desirable candidate may win the election because the winner is simply the plurality winner. If there are three candidates, then two well-liked candidates may split the popular vote 33% to 31%, leaving a widely-disliked candidate the winner with 36% of the vote.

The confusion and agony of strategy vs. honesty when there are three or more ballot options can be overcome by replacing Vote for One by Ranked-Choice Voting (RCV).

The ballot would still list the same options, but the instruction to the voter is to rank the options rather than merely choose one. Thus, opportunity for voter input is extended to each ballot option, not restricted to just one option.

Of course, if a voter simply wants to just vote for one, then they only need to mark their first choice; hence, the Vote for One structure still remains for voters who want that structure. With RCV, voters who want to make additional input may continue by ranking their 2nd, 3rd, etc., choices. This supports the voter who wants to be a greater participant in our democratic republic.

There are clear advantages to ranked-choice voting.

1. Voters get to provide more input and thus have more say-so in the election. Voter apathy induced by the belief that their vote doesn't really count or doesn't matter is diminished. When no candidate wins a majority of the vote in the first round of counting, then those additional ranks make a difference! The final winner is a majority, not just a plurality, winner.
2. Voters get the opportunity to vote for candidates they support, not just vote for someone as a way to vote against another they oppose most.
3. Voters can vote honestly without the guilt of throwing their vote away or playing a spoiler role and enabling their least-liked candidate to win.
4. Voters get to decide how much input they want to have given the ballot options by choosing how many candidates to rank, from one to all.
5. Ranked-choice voting decreases the probability that the least-desired candidate wins the election.

I applaud Alaska for taking the rights and input of voters seriously and considering Ranked-Choice Voting. In the early phase of the development of this nation, voting rights were usually limited to white males, at least 21 years old, who were propertied and Protestant. The evolution of voting rights in America now provides equal voting opportunity to all adult citizens in good standing. It is time that we further include the structure of the ballot in voting rights and upgrade that structure to Ranked-Choice Voting.

Thank you for your considerations.

Charles M. Biles, Ph.D.
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Humboldt State University
Arcata, CA 95521

Testimony on House Bill 390
By Grace Ramsey, March 20, 2018

Co-Chair Parish and Co-Chair Zulkosky,

I am writing to express FairVote's support for HB 390, which would allow ranked choice voting to be used for: primary elections for state executive, state legislative offices, and national legislative offices, and general and special elections for state and national legislative offices. FairVote is a national nonpartisan organization that educates and advocates for electoral system reforms, like ranked choice voting, that improve democracy in our elections.

With both the Democratic and Republican primary elections this upcoming August and the general election in November, ranked choice voting could provide voters in Alaska with the opportunity to have a greater choice and a stronger voice in their elections.

In a ranked choice voting election, voters rank candidates in order of choice. All first choices are counted, and if a candidate has a majority, that candidate wins, just as in any election. If not, the candidate with the fewest votes is eliminated. Everyone who voted for that candidate has their vote instantly go to their next choice, and the process repeats until one candidate has more than half the vote. It's easy as 1-2-3 for voters.

Alaska's current system works best when only two candidates are on the ballot, but as we've seen that is not a political reality. When there are more than two candidates on the ballot in a plurality system, independent or third party candidates are often labeled as spoilers and voters are forced to vote strategically rather than voting their conscience. Under a ranked choice system, independent or third party candidates are able to enter the race, but the spoiler effect would be eliminated and voters are able to voice their true preference.

Ranked choice voting is used in cities and states across the country. Research shows that it is liked and understood in the communities where it is used. Since Oakland and San Francisco moved to a ranked ballot, they have seen increased voter participation in a system that now ensures a majority mandate. In 2013 and 2014, a Rutgers-Eagleton poll surveyed likely voters in seven RCV cities and 14 control cities. In RCV cities, 89% of those surveyed found RCV ballots easy to understand. Understanding of RCV was comparable to understanding of plurality voting. In the 11 survey cities in California (four with RCV and seven control cities), more voters reported understanding ranked choice voting than California's top two primary runoff system. Clear majorities of voters also supported keeping their ranked choice voting system in all seven RCV cities.

Ranked choice voting is an intuitive solution to the problems seen in our elections. It is proven in practice, with more communities interested in its benefits each year. I strongly recommend HB 390 so Alaska can ensure elections are more efficient and have more representative outcomes.

Thank you for this opportunity to testify. We look forward to any way we can be helpful in the future, including connecting you with the retired election officials running the RankedChoiceVoting.org project on ranked choice voting and ballot-counting. Please don't hesitate to contact me at gramsey@fairvote.org if you have any questions.

Sincerely,
Grace Ramsey
Deputy Director of Outreach and Advocacy



March 27, 2018

Alaska House of Representatives Community and Regional Affairs Committee
Representatives Justin Parish and Tiffany Zulkosky, Co-Chairs

Testimony on
House Bill 390 Ranked-Choice Primary Elections
by Karen Brinson Bell, Ranked Choice Voting Resource Center
Election Administration Consultant
Former Elections Director, Transylvania County, NC
Former District Elections Technician, State Board of Elections of North Carolina

Dear Co-Chair Zulkosky and Members of the House Community and Regional Affairs Committee:

On behalf of the Ranked Choice Voting Resource Center, thank you for the opportunity to comment on House Bill 390.

Having worked together overseeing statewide, municipal, and district ranked choice voting (RCV) elections, the Ranked Choice Voting Resource Center Consulting Team is focused on expanding the resources and information available regarding the administration of and education about this voting method. We have developed a repository of best practices and first-hand experiences through our website www.rankedchoicevoting.org and our Model Implementation Plan. We provide webinars, podcasts, and presentations at no cost to assist election administrators, policy makers, candidates, and the public to identify whether RCV is an option for a jurisdiction and to assist with implementation plans including processes for tabulating results, voter education, and more.

We work closely with usability experts, equipment vendors, local clerks, audit specialists, and others. The more we learn, the clearer it becomes that RCV elections have and will work efficiently and effectively in our nation's elections, including the elections for Alaska as outlined in House Bill 390. RCV has emerged as a solution for promoting majority support, broader representation through voter choice, inclusive leadership, and civility. Our role is not advocacy focused; rather, we aim to provide resources that allow jurisdictions to overcome the perception that implementing and conducting RCV is too difficult.

Ranked choice voting has been a part of the U.S. elections process for more than 100 years. Invented in Europe in the 1850s as a proportional representation system, it was adapted to single-winner or instant runoff form in the 1870s by MIT professor William Ware. Shortly thereafter, Australia adopted the system and continues to use RCV today, along with countries such as Scotland, Ireland, and Malta. In 1915, Ashtabula, Ohio, became the first U.S. city to implement RCV, and by the 1940s, RCV was in two dozen cities across six states. However, by 1962, 23 of these 24 cities had repealed RCV for reasons largely related to party bosses realizing it was difficult to control council members once elected and newly introduced lever voting machines could not be used. Yet Cambridge, Massachusetts, has continued to use RCV for more than 70 years for city council and school board elections, and 10 additional U.S. cities currently use RCV as well. There are also five states and the city of Springfield, Illinois, that use RCV for military and overseas voting. And in June the voting method will be used statewide in Maine, while future use has been approved for Benton County, OR, and in seven other cities across the country.

Having administered ranked choice voting elections in North Carolina, I can also share first-hand experience. When the state legislature established opportunities for municipalities to pilot RCV, I helped the city of Hendersonville in 2007 and 2009 with this voting method. Analysis by North Carolina State University of exit survey results after the first RCV election concluded RCV worked as intended, and more than 85% of those voters found RCV easy to understand. In 2010, I also helped administer both statewide and district level judicial vacancy elections with RCV. This successful implementation occurred in a 3-month window, utilized existing voting equipment, was part of a ballot that included non-RCV contests, and worked within the confines of the existing election budget. Only \$200 in actual funds was spent on marketing or voter education – we worked closely with the media, issued public service announcements, and added supplemental information to the statewide judicial voter guide. Last but not least, our most effective voter education tool proved to be written and verbal instruction to the voters when they presented themselves at the polling place and in absentee-by-mail materials.

In my current capacity, the consulting team and I have analyzed the RCV-capability of existing voting equipment and are currently in the testing phase for a Universal RCV Tabulator, which is available as free, open source software to any jurisdiction or voting system vendor. While Alaska's current voting system, AccuVote TSX and AccuVote OS, does not have built-in RCV capability, data can be exported for tabulation using the Universal RCV Tabulator. If Alaska moves forward with a new voting system, including all mail balloting, the latest voting systems from the four largest vendors in the United States are all RCV capable. However, none of these vendors have a product capable of optical character recognition as proposed in HB 390, so we would encourage an amendment to the bill to allow for methods currently within the voting systems, such as column or grid ballot designs. We can provide further assessment after more in-depth discussion about your election processes and any decisions regarding ranked choice voting, all mail balloting, and change in voting systems.

Upon passage of this legislation, the Ranked Choice Voting Resource Center team and I stand ready to provide assistance and resources for voter education, implementation practices, and tabulation procedures at no charge to Alaska's Division of Elections.

Thank you for the opportunity to provide testimony in support of HB390.

Sincerely,

Karen Brinson Bell

(828) 674-4972, karen.brinson@rankedchoicevoting.org

Additional Ranked Choice Voting Resource Center team members:

Gary Bartlett

Director

Former Executive Director, State Board of Elections of North Carolina

George Gilbert

Former Elections Director, Guilford County, NC

Connie Schmidt

Former Election Commissioner, Johnson County, KS

Former EAC Senior Technical Editor/Writer

What's Ranked Choice Voting?

Plurality Elections

Single-Round Plurality Elections

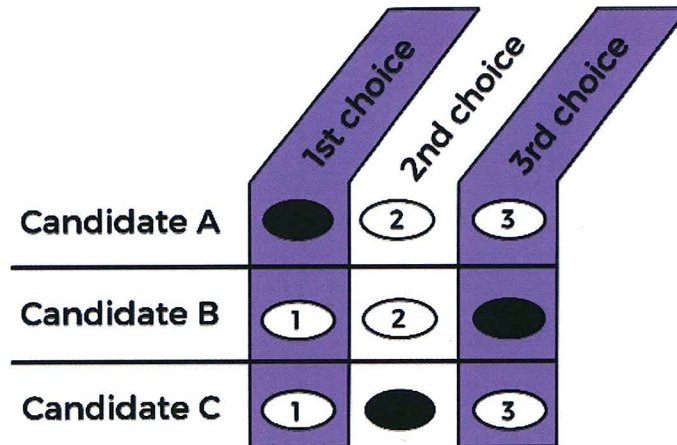
- In a plurality election with more than two candidates, a winner can be declared with less than majority of the vote.
- Recently, we have seen candidates elected with as little as 30% of the vote to win an election.

Ranked Choice Voting is...

**As easy as 1,
2, 3!**

1. Vote!

Voters to rank as many candidates as they want in order of choice.
First, second, third, and so on.



2. Count!

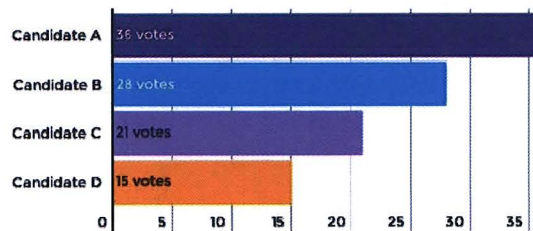
All first choices are counted, and if a candidate has a majority, then they win just like any other election.



2. Elect!

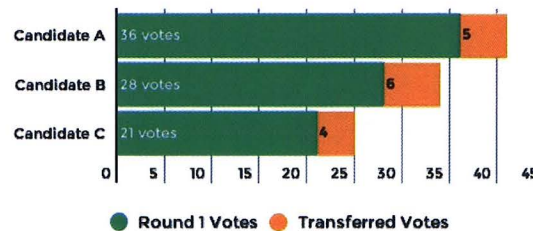
If nobody has a majority, the candidate with the fewest votes is eliminated. If your favorite is eliminated, your ballot counts for your next choice. This process continues until a candidate receives a majority of votes, and is declared the winner.

Round 1 Vote Share



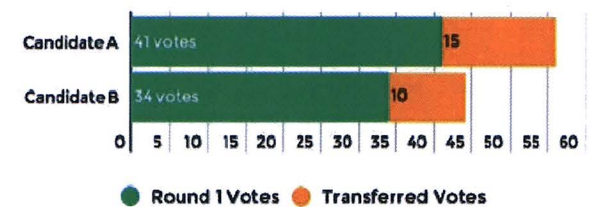
FairVote

Round 2 Vote Share



FairVote

Round 3 Vote Share



FairVote

Benefits of Ranked Choice Voting

- No more vote splitting or “spoiler” candidates
- No more “wasted” votes
- Increase in voter turnout
- Voters don’t have to guess who *might* make the runoff. They can simply vote their conscience.
- It can be used easily on modern voting equipment or with workarounds on older equipment.



Continued: Benefits of Ranked Choice Voting

- Candidates do best when they reach out positively instead of attacking opponents
- Candidates need to earn back-up support to win, not just first choices.
- A study has shown that voters in cities where RCV is used said they observed less negative campaigning.



Study conducted by Professors Caroline Tolbert and Todd Donovan. For more information follow this link <https://fairvote.app.box.com/v/APSA-Civility-Brief-2015>

The Impact of Ranked Choice Voting on Representation 2016 Study

- The introduction of RCV was associated with an increase in the probability of female candidates winning local office
- Women of color were not only more likely to run for office after RCV was introduced, but also were more likely to win
- RCV was also associated with an increase in the percentage of candidates of color running for city council races, but had no impact on the chances of candidates of color winning

Pictured: Denise Simmons (Mayor of Cambridge), Libby Schaff (Mayor of Oakland), Eric Mar (Former San Francisco Supervisor) Alondra Cano (Minneapolis City Councilor)



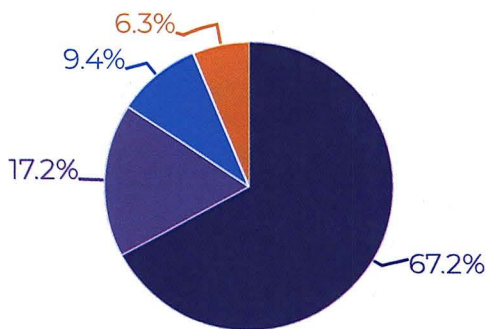
Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections

Exit Survey Analysis from March 6, 2018, (Released March 15, 2018)

Santa Fe's first use of ranked choice voting in its March 6, 2018 mayoral and city council elections contributed to higher-than-expected voter turnout and civil, substantive campaigns. In a five candidate "instant runoff" for mayor, winner Alan Webber increased his share of the vote from 39% to 66%. Results from a high and representative response exit survey conducted by FairVote New Mexico with the advice of UNM professor Lonna Atkeson demonstrate that voters understood and liked the new system and would like to continue its use. Among more than 1,300 respondents who had voted in an election with more than 20,600 voters, the survey found a series of positive impressions stemming from their experience with ranked choice voting.

Reaction to and use of Ranked Choice Ballot

How Understandable Respondents Found the RCV Ballot

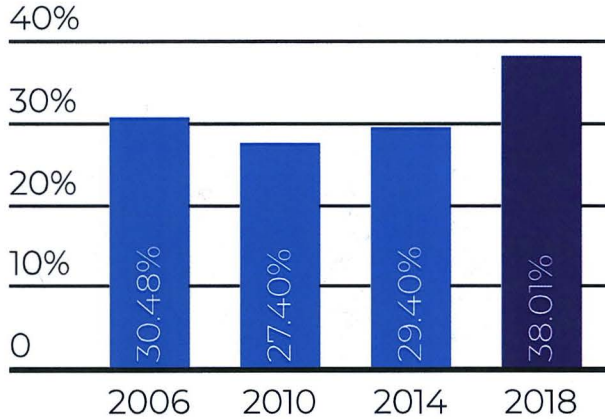


- Not at all confusing
- Not too confusing
- Somewhat confusing
- Very confusing

The City of Santa Fe committed to using ranked choice voting (RCV) in December 2017, less than three months before these March elections. Voters ended up using RCV effectively, including: 99.9 percent of voters in the mayoral race casting a valid first choice; 99.7 percent of all voters at the polls deciding to vote for mayor; 96 percent of those voters choosing to rank enough choices on their ballots to have their vote count for a candidate in the final "instant runoff" after the elimination of three candidates who collectively had earned more than 38 percent of mayoral votes; and far fewer voters skipping the two contested RCV city council races with three candidates than the one contested non-RCV race with two candidates. Findings in the survey included:

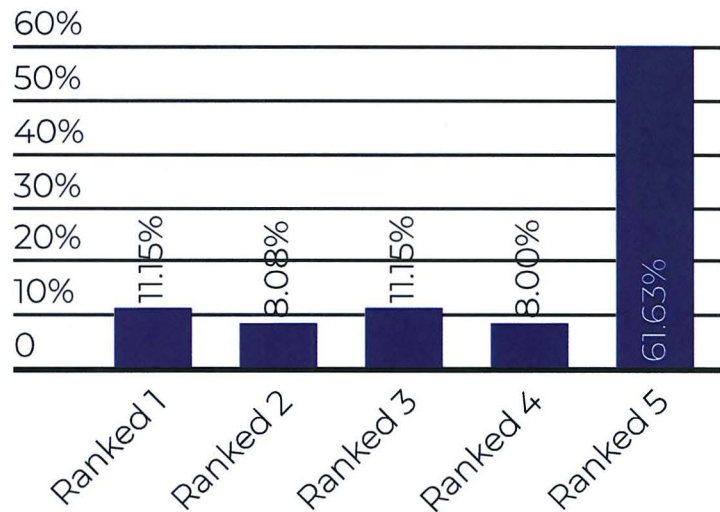
- More than 55 percent of respondents said they liked using the ranked choice voting ballot as compared to just under 24 percent who did not like it
- More than 67 percent of respondents said the ballot was "not at all confusing", as compared to only 6 percent who found it "very confusing"
- More than 61 percent of respondents reported that they chose to rank all five candidates, more than 80 percent reported ranking at least three candidates, and more than 88 percent reported ranking at least two;

Turnout* in Santa Fe Mayoral Elections over Time



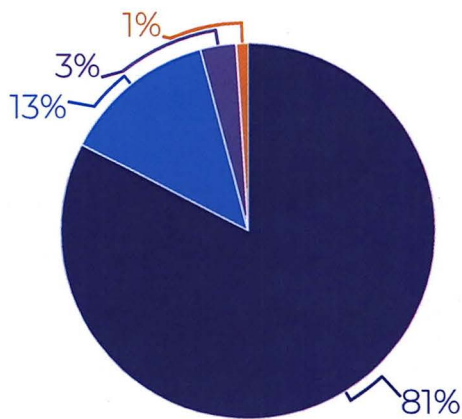
*Percent of registered voter turnout in mayoral election

How Many Candidates Respondents Said They Ranked



Confidence in elections in Santa Fe

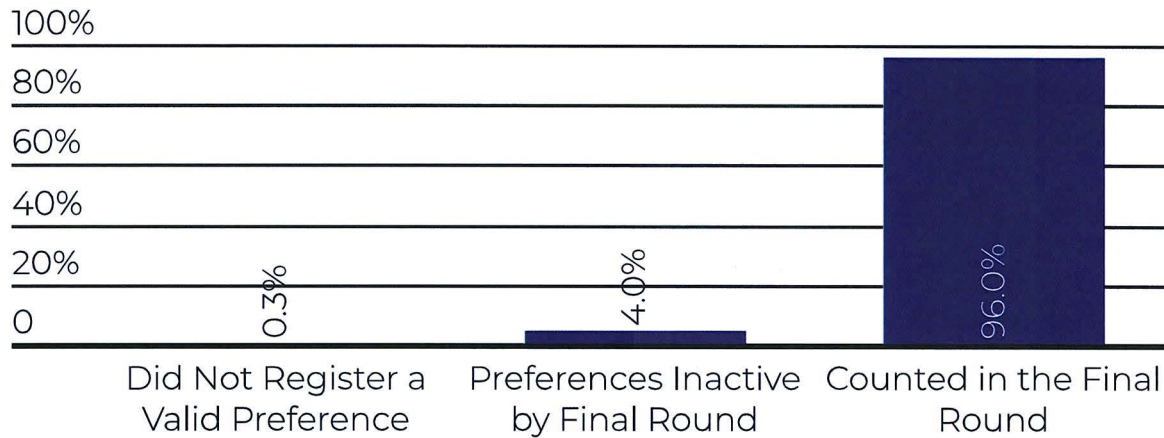
How Satisfied Respondents Were with their Voting Experience



A vitally important measure of the success of a system is voters' confidence in the elections overall. In the 2016 presidential election, a University of New Mexico exit survey found that barely 55 percent of voters reported that they were "very confident" their vote was counted as intended. The much higher percentage in this exit survey shows how effectively Santa Fe elections staff created an Election Day experience for voters that established confidence and how voters seem to feel better about ranked choice voting elections that provide them with a more expressive way to vote. Relevant findings

- More than 70 percent of voters said they were "very confident" their vote was counted as they intended, as compared to 55 percent in the November 2016 survey in New Mexico
- More than 94 percent of voters said they were satisfied with their voting experience.

How Ballots Counted in the Mayoral Election

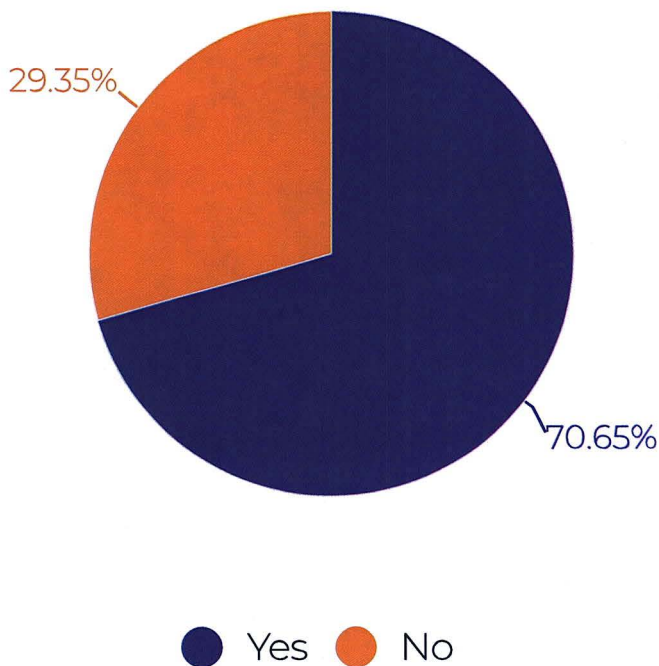


Support for ranked choice voting in Santa Fe elections

Support for Using Ranked Choice Voting in Future City Elections

Ranked choice voting was approved by 65% voters in Santa Fe in March 2008. With a changed electorate a decade later, support for RCV has apparently grown.

More than 70 percent of respondents said they thought RCV should be used in future city elections for mayor and city council.

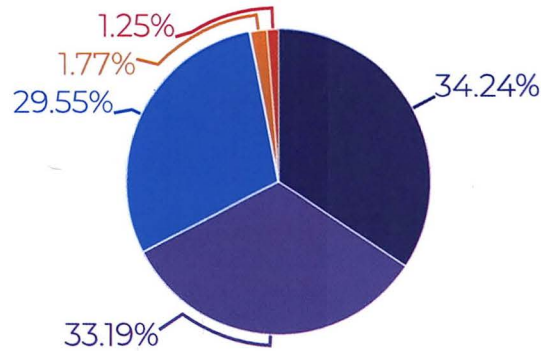


Effect on Candidates

Ranked choice voting rewards candidates who reach out positively to voters rather than running a barrage of ads smearing their opponents. Because ranking second and later choices can never hurt a voter's first choice, campaigns gain nothing by telling voters to rank only them. The survey results demonstrate that the campaigns understood these facts and campaigned well under the new system:

- More than 76 percent of voters had a candidate or campaign ask to be a second or third choice;
- More than 95 percent of voters reported that no campaign asked them to only vote for one; and
- More than 69 percent of voters reported that the candidates spent "very little time" or "none of the time" criticizing their opponents.

Tone of Candidate Campaigns Compared to Previous Mayors Races



- Much more positive
- Somewhat more positive
- About the same
- Somewhat more negative
- Much more negative

Comment from FairVote New Mexico Director Maria Perez:

"We at FairVote New Mexico are pleased to have the findings confirm our perception that Santa Fe voters like ranked choice voting and made effective use of their rankings to express their views and have their vote count. It also shows that the city, in partnership with us and many other community groups, conducted an effective voter outreach and education campaign."

"Our work is not over, of course. We will be active heading into the 2020 elections in Santa Fe to keep these numbers rising and working in partnership with city election officials toward that goal. Furthermore, with New Mexico using the same voting machines statewide, other cities will have an opportunity to give voters this same positive experience, with reduced negative campaigning, increased voter engagement, more civil and substantive discourse, and with certainty that winners earn a majority of the final round vote."

Methodology

The surveys were collected from voters leaving the polls on Election Day, March 6, 2018. Twenty-seven volunteers covered eight voting centers for the entire polling day and two for a half-day each. Respondents participated at random. Surveys were then collected and provided to Dr. Yury Bosin, who was responsible for data entry and returning data to FairVote New Mexico. FairVote New Mexico then worked with FairVote staff in generating the survey results.

For more information, please contact Maria Perez at FairVote New Mexico, mperez@fairvote.org and (505) 550-0647.