

SECOND REGULAR SESSION

# HOUSE BILL NO. 2089

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ZIMMERMAN (Sponsor), OXFORD, DAUS, HARRIS (110),  
LeVOTA, NORR AND YAEGER (Co-sponsors).

Read 1st time February 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3204L.01I

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### AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be  
2 known as section 115.438, to read as follows:

**115.438. 1. As used in this section, the following terms mean:**

2 **(1) "Continuing ballot", a ballot that has not been exhausted by the instant runoff**  
3 **vote;**

4 **(2) "Continuing candidate", a candidate who has not been eliminated by the instant**  
5 **runoff vote;**

6 **(3) "Exhausted ballot", a ballot upon which all of the choices have been eliminated**  
7 **or upon which no more choices are indicated;**

8 **(4) "Instant runoff vote", a procedure of voting as described in this section that**  
9 **requires a candidate to receive a majority rather than a plurality of the votes cast for a**  
10 **particular office before the candidate takes office, and that allows voters to elect a**  
11 **candidate by casting ranked-choice ballots in the event no candidate for a state office**  
12 **receives a majority of the votes cast for such state office;**

13 **(5) "Ranked-choice ballot", a ballot that allows voters to vote for candidates and**  
14 **to rank a number of choices in order of preference equal to the total number of candidates**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 for each office in the event an instant runoff vote is required after the votes are first  
16 counted under this chapter;

17 (6) "State office", the offices of governor, lieutenant governor, secretary of state,  
18 state auditor, state treasurer, attorney general, state representative, and state senator.

19 2. All primary and general elections for state offices shall be by ranked-choice  
20 ballots and the instant runoff vote established in this section. No candidate for any state  
21 office shall be nominated or certified under this chapter unless such candidate has received  
22 a majority of the votes cast in the election for such state office.

23 3. Ranked-choice ballots shall be used for all primary and general elections for  
24 state office. If the voting system used cannot feasibly accommodate choices equal to the  
25 total number of candidates running for each state office, then the secretary of state may  
26 limit the number of choices a voter may rank to no fewer than three. The ballot shall in  
27 no way interfere with a voter's ability to cast a write-in vote for a candidate.

28 4. Votes for all candidates for state office shall be counted and recorded as provided  
29 in this chapter, and shall be certified in the following manner:

30 (1) If a candidate receives a majority of the first choices after the first count of votes  
31 under this chapter, that candidate shall be certified as the winner;

32 (2) If no candidate receives a majority after the first count, the candidate who  
33 received the fewest first choices shall be eliminated and each vote cast for that candidate  
34 shall be transferred to the next ranked candidate on that voter's ballot. If, after this  
35 transfer of votes, any candidate has a majority of the votes from the continuing ballots, that  
36 candidate shall be certified as the winner;

37 (3) If no candidate receives a majority of votes from the continuing ballots after a  
38 candidate has been eliminated and such candidate's votes have been transferred to the next  
39 ranked candidate, the continuing candidate with the fewest votes from the continuing  
40 ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next  
41 ranked continuing candidate on each voter's ballot. This process of eliminating candidates  
42 and transferring of votes to the next ranked continuing candidates shall be repeated until  
43 a candidate receives a majority of the votes from the continuing ballots;

44 (4) If the total number of votes of the two or more candidates credited with the  
45 lowest number of votes is less than the number of votes credited to the candidate with the  
46 next highest number of votes, those candidates with the lowest number of votes shall be  
47 eliminated simultaneously and their votes transferred to the next ranked continuing  
48 candidate on each ballot in a single counting operation;

49 (5) A tie between two or more candidates shall be resolved in accordance with this  
50 chapter.

51           **5. No exhausted ballot shall be counted in further stages of the tabulation. If a**  
52 **ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be**  
53 **declared exhausted when such multiple rankings are reached. If a voter casts a**  
54 **ranked-choice ballot but skips a rank, the voter's vote shall be transferred to that voter's**  
55 **next ranked choice.**

56           **6. All methods of voting and tabulating of votes for state offices authorized under**  
57 **this chapter shall accommodate ranked-choice ballots for instant runoff votes.**

58           **7. All statutes and regulations governing voting procedures and ballots under this**  
59 **chapter shall govern instant runoff voting and ranked-choice ballots as determined by the**  
60 **secretary of state.**

61           **8. The secretary of state shall conduct a voter education campaign to familiarize**  
62 **voters with the ranked-choice or instant runoff vote system.**

63           **9. The secretary of state shall promulgate rules to implement the provisions of this**  
64 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
65 **that is created under the authority delegated in this section shall become effective only if**  
66 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
67 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
68 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**  
69 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**  
70 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
71 **after August 28, 2008, shall be invalid and void.**

72           **10. Notwithstanding any other provision of law to the contrary, this section shall**  
73 **govern all primary and general elections for state office held after January 1, 2009.**

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