

FIRST REGULAR SESSION

HOUSE BILL NO. 739

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOODS.

1556H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to ranked-choice voting.

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 115.440, to read as follows:

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

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

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

6 **(3) "Elected office", any office that requires voters go to the polls to elect**
7 **candidates including, but not limited to, national offices such as United States President,**
8 **United States Senator, or United States Representative; statewide offices such as**
9 **governor, lieutenant governor, attorney general, secretary of state, state treasurer, state**
10 **auditor, supreme court judge, circuit court judge, or associate circuit court judge; state**
11 **of Missouri general assembly representatives and senators; local offices of any county,**
12 **township, city, town, village, fire district, library district, port authority, school district,**
13 **or special district; or offices of any other political subdivision not listed;**

14 **(4) "Exhausted ballot", a ballot on which all votes cast are for candidates who**
15 **have been eliminated by instant runoff vote;**

16 **(5) "Instant runoff voting", a procedure of voting that requires a candidate to**
17 **receive a majority rather than a plurality of all votes cast for an elected office before the**

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.

18 candidate is elected and that allows voters to cast votes for candidates on a ranked-
19 choice ballot;

20 (6) "Ranked-choice ballot" or "ballot", a ballot that allows voters to cast a vote
21 for multiple candidates in order of preference by assigning a rank to each candidate for
22 the office.

23 2. All primary and general elections in the state of Missouri shall use ranked-
24 choice ballots and instant runoff voting. No candidate for any office shall be elected
25 under this chapter unless such candidate receives a majority of the votes cast in the
26 election for such office.

27 3. Votes for all candidates for office shall be counted and recorded as provided in
28 this section and shall be certified in the following manner:

29 (1) Each ranked-choice ballot shall be counted as one vote for the continuing
30 candidate whom the voter selects as the voter's highest preference. A candidate shall
31 not receive a vote after the candidate has been eliminated in instant runoff voting. A
32 candidate for whom the voter noted a lower preference shall not receive a vote unless
33 and until that candidate is the continuing candidate with the highest preference on the
34 voter's ranked-choice ballot;

35 (2) If a candidate receives a majority of all votes cast in the first count of instant
36 runoff votes, that candidate shall be certified as the winner;

37 (3) If no candidate receives a majority of votes after the first count, the
38 candidate who received the fewest votes shall be eliminated and each vote cast for such
39 eliminated candidate shall be redistributed to the continuing candidate selected on each
40 ballot as the voter's next highest preference. If, after this redistribution of votes, any
41 continuing candidate receives a majority of the votes cast on the continuing ballots, that
42 continuing candidate shall be certified as the winner;

43 (4) If no candidate receives a majority of votes cast on the continuing ballots
44 after the procedure in subdivision (3) of this subsection, the continuing candidate who
45 received the fewest votes shall be eliminated. Each vote cast for such eliminated
46 candidate shall be redistributed to the continuing candidate selected on each ballot as
47 the voter's next highest preference. This process of eliminating the candidate with the
48 fewest votes and redistributing the eliminated candidate's votes to the voter's next
49 highest preferred continuing candidate shall be repeated until a candidate receives a
50 majority of the votes cast on the continuing ballots;

51 (5) If the total number of votes for the two candidates receiving the lowest
52 number of votes is fewer than the number of votes received by the continuing candidate
53 with the third lowest number of votes, those candidates with the lowest number of votes

54 shall be eliminated simultaneously and their votes transferred to the next ranked
55 continuing candidate on each ballot; and

56 (6) A tie between two or more candidates shall be resolved by weighting the
57 preference of votes for each candidate and decided in favor of the candidate who
58 received more votes at a higher preference. If a tie still exists between two or more
59 candidates, the tie shall be resolved by a coin flip conducted by the elections commission
60 and votes for the eliminated candidate shall be redistributed.

61 4. For elections in which more than one candidate is to be elected to an office in a
62 multiple-seat district or on a governing body that includes multiple at-large seats, a
63 ranked-choice ballot shall be used. The ballots shall be counted and certified in the
64 following manner:

65 (1) Each candidate shall be treated separately to determine the highest
66 preference among the candidate field;

67 (2) The candidate who received the fewest first choice votes shall be eliminated
68 and each vote cast for such eliminated candidate shall be redistributed to the continuing
69 candidate selected on each ballot as the voter's next highest preference;

70 (3) The process under subdivision (2) of this subsection shall be repeated until
71 only two candidates remain and one candidate receives the majority of votes;

72 (4) Ties will be resolved by applying the method described in subdivision (6) of
73 subsection 3 of this section; and

74 (5) After a candidate receives a majority of votes under subdivision (3) of this
75 subsection, such candidate shall be certified and removed from the candidate pool. The
76 process in this subdivision shall be repeated until all seats are filled.

77 5. If the voting system used by a municipality or political subdivision cannot
78 feasibly accommodate choices equal to the total number of candidates running for each
79 office, the election authorities may limit the number of choices a voter may rank to no
80 fewer than three per open seat. The ballot shall in no way interfere with a voter's ability
81 to cast a write-in vote for a candidate.

82 6. No exhausted ballot shall be counted after it is exhausted. If a ranked-choice
83 ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted
84 if the rank assigned to multiple candidates is reached in the tabulation process. If a
85 voter casts a ranked-choice ballot but skips a rank, the voter's vote shall be transferred
86 to that voter's next ranked choice.

87 7. Any election dispute regarding the implementation of a limit on the number of
88 ranked candidates on a ballot under subsection 5 of this section shall be first appealed to
89 the secretary of state for a final order and thereafter may be appealed to any court of

90 **competent jurisdiction. All other election disputes shall proceed as established in this**
91 **chapter.**

92 **8. All statutes and regulations governing voting procedures and ballots under**
93 **this chapter shall govern instant runoff voting and ranked-choice ballots.**

94 **9. The secretary of state shall conduct a voter education campaign to familiarize**
95 **voters with the instant runoff voting system and ranked-choice ballots.**

96 **10. Beginning January 1, 2024, any voting machine not compatible with ranked-**
97 **choice voting that is removed from the election authority's inventory due to mechanical**
98 **malfunction, wear and tear, or any other reason shall not be replaced. No additional**
99 **voting machines not compatible with ranked-choice voting shall be added to the election**
100 **authority's inventory. The provisions of this subsection shall not require the breach of**
101 **an existing contract.**

102 **11. Ranked-choice voting shall be applied by an election authority when a**
103 **sufficient inventory of ranked-choice voting compatible equipment is acquired through**
104 **the replacement of existing equipment under subsection 10 of this section.**

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