

STATE OF KANSAS

---

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 210**, on page 1, following line 6, by inserting:

"New Section 1. As used in sections 1 through 5, and amendments thereto:

(a) "Exhausted" means an occurrence during an election using the ranked-choice method when a voter does not rank on the ballot any candidate that remains in the subsequent rounds.

(b) "Ranked-choice method" means a method of casting and tabulating votes that tabulates a single vote for each voter but simulates the ballot counts that would occur if all voters participated in a series of runoff elections, whereby voters are allowed to rank candidates according to the voter's preference and, if no candidate obtains a majority of first-choice votes, votes are transferred in sequential tabulations according to voters' preferences.

(c) "Ranking" means the number assigned on a ballot by a voter to a candidate in an election using the ranked-choice method to express the voter's preference for that candidate with the ranking of number one as the highest rank.

(d) "Round" means an instance of the sequence of voting tabulation steps in an election using the ranked-choice method.

New Sec. 2. (a) The legislature finds that the current plurality voting method used in Kansas allows a candidate to win an election with less than a majority of votes when there are more than two candidates for the office. In elections with many candidates, the plurality method may result in winners who received small percentages of votes and who are not widely supported by voters. For these winners, this may raise concerns about a lack of public support and

confidence and may therefore undermine the ability of those elected to govern effectively. Ranked-choice voting is an election method that allows voters the option to rank candidates as the voter's first, second and subsequent choices. Tabulation begins with each voter's first choice vote. If no candidate receives a majority of votes, the candidate with the fewest votes is eliminated and the tabulation is repeated by using the second choice of voters whose first choice was eliminated and the first-place vote of all other voters. If no candidate receives a majority in the second tabulation, the process is repeated by eliminating the candidate with the fewest votes and performing the tabulation using the next highest choice of voters who had chosen that candidate. If voters whose next-highest choice was previously eliminated, then the next-highest choice after the previously eliminated choice is counted. This process continues until a candidate earns a majority of the total votes or, if the runoff is exhausted without a majority of votes for one candidate, the candidate with a plurality will be declared the winner. Ranked-choice voting assures that elected officials have the support of a majority or near majority of voters because it allows voters to indicate their preferences among more than one candidate. Ranked-choice voting allows all voters to vote for their favorite candidate without fear of helping to elect their least favorite candidate.

(b) The purpose of the Kansas ranked-choice voting act is to authorize the use of the ranked-choice method of voting for all partisan primary and general elections, special elections and nonpartisan primary and general elections held in this state.

New Sec. 3. (a) On and after January 1, 2024, the ranked-choice method shall be used in the following state, county and municipal election contests:

- (1) Partisan, primary and general elections;
- (2) special elections; and
- (3) nonpartisan, primary and general elections.

(b) The secretary of state shall adopt rules and regulations consistent with the intent and purpose of the ranked-choice method to implement the use of mechanical, electronic or other means for configuring, marking, sorting and counting the ballots and tabulating and transferring the votes in an election using the ranked-choice method. Such rules and regulations shall be adopted by January 1, 2024.

(c) The ranked-choice method shall allow a voter to rank not more than four candidates for an office in order of preference. If more than one seat is to be filled by the same ballot, the voter may be limited to voting for not more than twice the number of candidates as seats to be filled. Instructions on the ballot shall include the following statement: "You may mark up to three alternate choices in order of preference. Marking a second choice cannot help defeat your first choice. Marking a subsequent choice cannot help defeat your higher-ranked choices." Voters shall be instructed to select only one candidate for each ranking preference level.

(d) The secretary of state, or the county election officer in consultation with the secretary of state, shall print informational materials containing a facsimile ballot that depicts the official ballot to be used in the election and voting instructions and procedures for the election using the ranked-choice method. The informational materials shall be:

(1) Posted near the entrance to the polling place where the information can be easily seen by voters prior to voting;

(2) posted in or near a voting booth;

(3) included in the instruction materials for absentee ballots;

(4) posted on the website of the office of elections or county clerk, as applicable; and

(5) included in any voter education materials distributed by the county election officer prior to the election using the ranked-choice method.

(e) Prior to the printing of ballots for an election using the ranked-choice method, the

county election officer shall make a sample ballot available on the website of the county election officer. The sample ballot shall be accessible for public review on the website for not less than 15 calendar days prior to printing of the ballots.

New Sec. 4. (a) To determine the winners in an election using the ranked-choice method, election officials shall initially count the ballots according to the first choice marked on each ballot. If, at the end of the initial count, one candidate receives a majority of the first-choice votes cast, then that candidate shall be declared the winner for the office that the candidate seeks election.

(b) If, at the end of the initial count, no candidate receives a majority of the first-choice votes cast, the county election officer shall declare that no candidate has received a majority of first-choice votes and that the candidate with the fewest first-choice votes is defeated. The county election officer shall re-calculate the votes using the continuing candidate with the next highest ranking on each of the ballots for each voter who had selected the defeated candidate as the voter's first choice. If, after the first round of re-calculating votes, one candidate receives the majority of votes cast, that candidate shall be declared the winner. If no candidate has received a majority of votes cast for the office, the process of eliminating a candidate who has received the fewest number of votes, re-calculating the eliminated candidate's votes, including any previously re-calculated votes, based on the next highest rankings for continuing candidates of voters who had voted for the eliminated candidate and tabulating results, shall continue until one candidate receives a majority of the votes cast or the majority of the votes cast for the two remaining candidates.

(c) The ranked-choice method may be accelerated, at the discretion of the county election officer by eliminating all candidates with fewer than 1% of the first-choice votes cast. In an accelerated process pursuant to this subsection, the first-choice votes on ballots cast for

eliminated candidates shall be re-calculated to the candidates who remain in the race and received the voters' next highest rankings on those ballots.

New Sec. 5. (a) Each voter's ballot shall count for not more than one candidate per seat in each round of tabulation. Once a ballot in an election using the ranked-choice method has no more available choices ranked on it, the ballot shall be deemed exhausted.

(b) A voter shall mark only one candidate for each ranking preference level on the ballot and shall not mark a candidate for more than one ranking preference level on the ballot. If a ballot in an election using the ranked-choice method skips a ranking by leaving a ranking blank and then ranking a candidate at a subsequent ranking, the ballot shall be deemed exhausted when the blank ranking level is reached. A ballot that gives two or more candidates the same ranking shall be deemed exhausted when that ranking is reached, unless only one of the candidates so ranked is a continuing candidate. A ballot that selects a candidate for more than one level of ranking shall be declared exhausted after the first such ranking level is reached. Blank and spoiled votes shall not be tabulated.

(c) If a tie between candidates for elimination based on the fewest number of votes occurs during any round of tabulation, the tie shall be resolved by eliminating the candidate who received the fewest number of combined first-choice votes and re-calculated votes at the previous round of tabulation. In the case of a tie to which a previous round of tabulation does not apply, or where the previous round of tabulation was also a tie, the tie shall be resolved by drawing lots. However, if a tie occurs when there are only two candidates remaining, the tie shall be resolved by a flip of a coin. The drawing of lots or flip of a coin shall be performed in the manner agreed by the tied candidates or, if the candidates do not agree, in the manner directed by the county election officer.

(d) If more than one office is open in an election, the calculation of a majority of votes

to win an office shall be modified based upon the number of seats available. The number of votes constituting a majority shall be the total number of votes cast divided by the number of available seats plus one, plus one more vote. This calculation is expressed as  $(x / y + 1) + 1 = z$ , where x is the total number of votes cast, y is the number of seats open for the office and z is the number of votes required to win.

(e) A space on the ballot shall be reserved for write-in candidates. If the total number of combined votes for all write-in candidates is lower than the lowest total number of votes for a listed candidate, all write-in candidates shall be eliminated and votes recalculated as provided in this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "to" by inserting "ballots and voting procedures; establishing ranked-choice voting; providing for ranked-choice ballot form, marking and counting;"

Senator \_\_\_\_\_