

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1502
Ways and Means

(Delegate Hixson)

Elections - Instant Runoff Method of Voting

This bill establishes an instant runoff method of voting intended to ensure majority rule in an election.

The bill takes effect January 1, 2009.

Fiscal Summary

State Effect: General fund expenditures would increase significantly prior to the 2010 and 2012 elections to implement an instant runoff method of voting. Implementing the new method of voting is anticipated to require revisions to various aspects of the election management process and a considerable voter outreach campaign to educate voters on the new method of voting. The extent of the increase in expenditures cannot be reliably estimated at this time.

Local Effect: Local election boards are expected to also experience increased expenditures for voter outreach and for election judge training costs.

Small Business Effect: None.

Analysis

Bill Summary:

Instant Runoff Method

The instant runoff method simulates the ballot counts that would occur if all voters participated in a series of runoff elections in which the candidate receiving the lowest number of votes in each election (or “round”) was taken off the ballot, until eventually one candidate received a majority of votes.

The rounds are simulated by giving each voter, when casting a ballot, the option of marking alternate runoff choices on their ballots. Ballots are then counted in rounds. The ballots are counted initially according to the first choice on each ballot. If a candidate receives a majority of votes, that candidate is certified as the winner. If one candidate does not receive a majority of votes, the candidate receiving the least votes is eliminated and the remaining candidates advance to another round. In every round, each ballot is counted as one vote for the top-ranked advancing candidate on that ballot. The rounds continue until a candidate receives a majority of votes, excluding blank votes, spoiled votes, and exhausted ballots. An exhausted ballot is a ballot that no longer contains available choices (advancing candidates).

The bill sets out • additional methods of eliminating candidates receiving low numbers of votes to accelerate the process; • applicable procedures when voters skip one or more numerical rankings on a ballot, give two or more candidates the same ranking, or rank the same candidate more than once; and • procedures for breaking a tie for last place in a round to decide which candidate is eliminated.

Procedural Requirements

To proceed to the instant runoff method once the initial ballot count in an election has not produced a majority of votes for one candidate, the board of canvassers must petition the Circuit Court for Anne Arundel County. The petition must be supported by a statement signed by a majority of the board of canvassers stating that no candidate received a majority of votes in the initial ballot count of first-choice votes. The circuit court then must appoint an instant runoff committee to tabulate the votes in the instant runoff rounds. When a candidate receives a majority or if the rounds are completed and no candidate receives a majority, the court must issue a certificate of election and forward it to the appropriate certification authority.

Voting Equipment Requirements

Voting equipment certified by the State Board of Elections must provide for marking, sorting, and counting ballots, and tabulating votes in sequential rounds using the instant runoff method. No funds or contracts may be issued for voting equipment unless the systems can be ready to implement the instant runoff method and any other ballot types in use within the United States within one year at no extra cost to the contracting or purchasing jurisdiction.

Determination of Number of Rankings/Ballot Instructions/Voter Information

The number of choices a voter may make on a ballot may be limited by SBE if the number of candidates for an office makes ranking all candidates impractical. However, if there are three or more candidates for an office, SBE must provide for at least three to be ranked.

Ballots must include the following instruction: “In addition to your first-choice candidate, you may mark alternate runoff choices if you wish. Marking a second choice cannot help defeat your first choice. Marking a subsequent choice cannot help defeat your top-ranked choices.”

Local boards must display sample ballots using fictitious names in each polling place to illustrate the voting procedures applicable in the instant runoff method.

Regulations/Voter Education

SBE must adopt regulations as necessary to implement the requirements of the bill and must conduct a voter education campaign to familiarize voters with the ballot design, instant runoff method, and the advantages of determining a majority winner in an election using the instant runoff method.

Applicability

The instant runoff method is used in each election for: President of the United States, Member of Congress, Governor and Lieutenant Governor, Attorney General, Comptroller, Maryland Senator, House of Delegates member from a single-member district, county executive, State’s attorney for any county, and member of a county council or school board elected from a single-member district.

Current Law: All elections for State and federal office require a plurality of votes to win. Currently, there is no requirement for candidates to receive a majority of all votes cast in an election.

State Fiscal Effect: General fund expenditures would increase significantly leading up to the 2010 elections to implement an instant runoff method of voting, with expenditure increases expected to begin in fiscal 2009. General fund expenditures are also expected to increase prior to the 2012 elections for continued voter outreach and possibly further revisions to documentation and SBE's election management system. The increases in costs, however, cannot be reliably estimated at this time.

SBE indicates it is difficult to determine the full extent of the changes that would need to be made to accommodate the new method of voting, though such a change would require revisions to regulations and documentation used in the election process (including judges manuals and canvassing instructions), SBE's election management system, and election procedures. A considerable voter outreach campaign would also be required, likely including advertising through television, radio, and print media, direct mailing, and staff outreach to various organizations.

In the event a new, paper-based voting system is implemented prior to the 2010 elections (Chapter 547/548 of 2007 require that the State's voting system provide a "voter-verifiable paper record" prior to the 2010 gubernatorial elections, subject to appropriation of sufficient funding in the fiscal 2009 budget) expenditure increases could be mitigated to an extent as changes would otherwise be being made, for example, to documentation and the election management system.

Local Fiscal Effect: Local boards are also expected to experience increased expenditures primarily due to voter education (in addition to SBE's voter education costs) and election judge training. Local boards likely would need additional staff or would need to hire a public relations firm to assist with voter education. In addition, SBE recommends, as a part of voter education, that a mandatory primary election specimen ballot mailer be sent to each voter to allow them to determine how they will rank candidates prior to voting.

SBE advises that election judge training has become more complex due to added security requirements and Help America Vote Act mandates. Adding subject matter on the instant runoff method to election judge training may increase time needed for training and therefore compensation costs for the judges.

Additional Information

Prior Introductions: SB 292 of 2006, an identical bill, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Allegany County, Baltimore City, Montgomery County, Maryland State Board of Elections, Department of Legislative Services

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mam/ljm

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