

## General Assembly

## Substitute Bill No. 1536

January Session, 2025



## AN ACT CONCERNING THE USE OF RANKED-CHOICE VOTING IN PARTY CAUCUSES, CONVENTIONS AND PRIMARIES, INCLUDING PRESIDENTIAL PREFERENCE PRIMARIES, AND IN CERTAIN MUNICIPAL ELECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective January 1, 2027*) (a) As used in this section:
- 2 (1) "Active candidate" means, with respect to a round of tabulation
- 3 under ranked-choice voting, a candidate (A) whose name appears on
- 4 the ballot or who is registered as a write-in candidate, and (B) who has
- 5 not been eliminated, is not a winning candidate and is not a withdrawn
- 6 candidate;
- 7 (2) "Inactive ballot" means, with respect to a given round of tabulation
- 8 and all subsequent rounds of tabulation under ranked-choice voting, a
- 9 ballot on which no vote is tabulated because (A) no candidate ranked on
- 10 the ballot remains an active candidate; or (B) two or more candidates are
- 11 ranked at the same order of preference and no other candidates that are
- 12 ranked higher remain as active candidates;
- 13 (3) "Ranked-choice voting" means a system of casting and tabulating
- 14 votes under which, with respect to a particular office, (A) each elector is
- able to rank candidates on the ballot in the order of such elector's
- preference, (B) one or more rounds of tabulation are used to determine
- active candidates in accordance with electors' preferences, and (C) the

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- active candidate with the greatest number of votes after all rounds of tabulation are complete is the winning candidate;
- 20 (4) "Rank" or "ranking" means an elector's vote expressed in 21 numerical order of such elector's preferences as to the candidates on the 22 ballot, where "1" indicates the highest preference and subsequent 23 numbers indicate lower preferences;
- (5) "Repeated ranking" means markings on a ballot whereby the same
   candidate is ranked at multiple, differing orders of preference;
- (6) "Skipped ranking" means markings on a ballot whereby an elector
   leaves a ranking unassigned but also ranks a candidate at a lower order
   of preference;
- 29 (7) "Undervote" means, with respect to all rounds of tabulation under 30 ranked-choice voting for a particular office, a ballot on which no vote is 31 cast due to no candidate being ranked;
- 32 (8) "Winning candidate" means the candidate with the greatest 33 number of votes, under ranked-choice voting, after all rounds of 34 tabulation are complete; and

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- (9) "Withdrawn candidate" means a person (A) whose candidacy has been withdrawn in accordance with the applicable provision of title 9 of the general statutes, and (B) in a presidential preference primary, who complies with all applicable party rules governing the timing, procedures or substance of candidate withdrawals or campaign suspensions.
- (b) (1) Except as prohibited by any provision of title 9 of the general statutes, the outcome of (A) any primary, other than a presidential preference primary, held on or after January 1, 2027, (B) any municipal election held on or after January 1, 2027, or (C) any presidential preference primary held on or after January 1, 2028, may be determined under ranked-choice voting.
- 47 (2) (A) For any primary or municipal election determined under

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ranked-choice voting for an office to which electors nominate or elect no more than one candidate, the provisions of subdivision (1) of subsection (d) of this section shall apply.

- (B) For any primary or municipal election determined under ranked-choice voting for offices other than those described in subparagraph (A) of this subdivision, the provisions of subdivision (1) of subsection (d) of this section shall not apply.
- (c) (1) (A) At each primary or municipal election conducted under ranked-choice voting, the Secretary of the State shall prescribe the type of ballot to be used, the instructions to appear on such ballot and the layout and orientation of such ballot. The use of any ballot at any such primary or municipal election shall be subject to the approval of the Secretary.
- (B) The ballot at each primary or municipal election conducted under ranked-choice voting, or the portion of such ballot used for rankedchoice voting, shall:
- (i) List all candidates duly qualified to appear on such ballot for such primary or municipal election and in such a manner as to allow each elector who is eligible to vote in such primary or municipal election to rank all such candidates in the order of such elector's preference. If such ballot cannot allow for ranking of all such candidates, the Secretary may limit ranking to not less than five candidates, provided such limitation by the Secretary shall be uniform with respect to all electors eligible to vote in such primary or municipal election;
- (ii) For any primary, list and identify candidates in the order and manner provided in subsections (a) to (c), inclusive, and (g) of section 9-437 of the general statutes, at a minimum; and
- (iii) For any municipal election, and for the purposes of sections 9-249a, 9-372, 9-373b, 9-380, 9-453d and 9-453t of the general statutes, indicate the party under which designation each candidate appears so as to enable the elector to specify the party designation of the candidate

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79 being ranked.

- (2) Notwithstanding the provisions of section 9-242 of the general statutes, at each primary or municipal election conducted under ranked-choice voting, the voting tabulator shall be so constructed as to comply with the provisions of this section.
- (d) (1) Except as provided in subdivision (2) of this subsection, at each primary or municipal election for an office to which electors nominate or elect no more than one candidate, and conducted under ranked-choice voting, each ballot shall be tabulated as one vote cast for the highest-ranked active candidate on such ballot and tabulation shall proceed in sequential rounds such that:
- (A) In a round with three or more active candidates, the candidate with the least number of votes at the completion of tabulation shall be eliminated, the vote for such eliminated candidate shall be transferred to a remaining active candidate in accordance with the ranked preference expressed on such ballot and all remaining active candidates shall advance to the next round; and
- (B) In a round with fewer than three active candidates, the candidate with the greatest number of votes at the completion of tabulation shall be declared the winning candidate and no further rounds shall be required.
- (2) (A) If at the completion of tabulation a tie occurs between candidates with the least number of votes and tabulation is unable to proceed until such tie is resolved, the candidate to be eliminated shall be determined by lot in accordance with regulations adopted under subsection (f) of this section.
- (B) If at the completion of tabulation a tie occurs between candidates with the greatest number of votes, such tie shall be resolved in accordance with the provisions of (i) section 9-446 of the general statutes in the case of a primary other than a presidential preference primary, (ii) section 9-332 of the general statutes in the case of a municipal election,

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- or (iii) chapter 154 of the general statutes in the case of a presidential preference primary.
- 112 (C) (i) If a ballot is an inactive ballot with respect to any round, no vote shall be tabulated on such ballot for such round.
- (ii) If a ballot is an undervote, no vote shall be tabulated on such ballotfor all rounds.
- (iii) If a ballot contains any repeated ranking or skipped ranking with respect to any round, the vote shall be tabulated on such ballot for the highest-ranked active candidate.

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- (e) For any primary or municipal election conducted under ranked-choice voting, the provisions of section 9-445 or 9-311a of the general statutes, as applicable, shall apply to the difference between the vote for the winning candidate over the vote for the active candidate having the next highest number of votes.
- (f) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.
- Sec. 2. Section 9-173 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2027*):
- (a) In the election for Governor, Lieutenant Governor, Secretary of the
   State, Treasurer, Comptroller and Attorney General, the person
   receiving the greatest number of votes for each of said offices,
   respectively, shall be declared elected. If no person has a plurality of the
   votes for any of said offices, the General Assembly shall choose such
   officer.
  - (b) In the election for senator in Congress, the person receiving the greatest number of votes for such office shall be declared elected; but, if no person has a plurality of the votes for said office, the Governor may make a temporary appointment of a senator in Congress to serve for the ensuing two years unless the General Assembly directs a special election

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- for a senator in Congress, to be held during said period, to fill the vacancy occasioned by such failure to elect.
- (c) In all elections of representatives in Congress, state senators, state representatives and judges of probate, the person having the greatest number of votes shall be declared elected. [Unless otherwise]
- (d) (1) Except as provided in subdivision (2) of this subsection or by
   other law, in all municipal elections a plurality of the votes cast shall be
   sufficient to elect.
- (2) A municipality may, by charter or ordinance, (A) adopt rankedchoice voting, as defined in section 1 of this act, for the conduct of any
  municipal election held on or after January 1, 2027, for any office to
  which electors elect no more than one candidate, and (B) implement
  ranked-choice voting procedures, as provided in section 1 of this act, at
  such election.
- Sec. 3. (NEW) (*Effective January 1, 2027*) (a) As used in this section, state office" and "district office" have the same meanings as provided in section 9-372 of the general statutes.

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- (b) At any political party convention held for the endorsement of any candidate for nomination to state or district office or the office of state senator or state representative, if such political party has adopted ranked-choice voting, as defined in section 1 of this act, pursuant to its party rules, for the purpose of making such endorsement, as between three or more candidates, to which the delegates at such convention endorse no more than one such candidate:
- (1) The call of a roll and the recording of the vote of each delegate entitled to vote and voting shall not be required; and
- (2) The determination of the per cent of the votes of the convention delegates present and voting on any roll-call vote, as described in section 9-386 of the general statutes, and of any similar reference to the per cent of such votes, including in sections 9-400 and 9-706 of the

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general statutes, shall be the number of votes received in any round of tabulation by each active candidate, as defined in section 1 of this act, in the round as a percentage of the votes received by all active candidates in the round.

- (c) In all such proceedings for the making of an endorsement for nomination to a state or district office, the clerk or secretary of such convention shall keep a true record, in writing, of the number of votes received by each active candidate in each round of tabulation and of the round-by-round totals and shall, at the conclusion of the voting and tabulation process, announce the round-by-round and final results. Such clerk or secretary shall file such record at the headquarters of the state central committee, where it shall be preserved for a period of one hundred eighty days after the adjournment of such convention, and such record shall be open to public inspection at all reasonable times.
- Sec. 4. Section 9-444 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2027*):
  - (a) (1) In the case of a primary for state or district office, each person certified by the Secretary of the State as provided in section 9-440, to have received the greatest number of votes of the electors eligible to vote in a primary for any office shall be deemed to have been chosen as the nominee of such party to such office.
  - (2) In the case of a primary for a municipal office, the moderator, or the head moderator, as the case may be, shall declare nominated the person having the greatest number of votes for such office and, if more than one person is to be nominated for the same office, he shall declare nominated the persons having the greatest number of votes for such office up to the number to be chosen.
  - (3) In the case of a primary for members of a town committee, such moderator shall declare elected the persons having the greatest number of votes for such positions up to the number to be chosen for such positions.

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201 (4) In the case of a primary for justice of the peace, such moderator 202 shall declare elected each person on the slate having the greatest number 203 of votes for such offices. [In]

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- (b) (1) Except as provided in subdivision (2) of this subsection, in all primaries, a plurality of the votes cast shall be sufficient to nominate or elect, as the case may be.
- 207 (2) A major party may, pursuant to its party rules, (A) adopt ranked-208 choice voting, as defined in section 1 of this act, for the conduct of any 209 primary held on or after January 1, 2027, for any office to which electors 210 nominate no more than one candidate, and (B) implement ranked-211 choice voting procedures, as provided in section 1 of this act, at such 212 primary. The chairperson or authorized representative of any such 213 party shall provide notice to the Secretary of the State, or the Secretary's 214 designee, of such party's adoption in accordance with a process and 215 timeline established by the Secretary for the provision of such notice.
- Sec. 5. Section 9-473 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2027*):
- 218 (a) The secretary shall establish a process and deadline for the 219 certification, by the chairman of each party to the secretary, of the 220 number of delegates to which such party is entitled.
  - (b) Not later than the [fourteenth day before the day of the primary] deadline established by the secretary pursuant to subsection (a) of this section, the chairman of each party shall certify in writing to the secretary the number of delegates to which such party is entitled pursuant to its rules. If such rules provide that such delegates are to be chosen from districts, the chairman shall also certify the number of delegates allocated to each district and the number to be selected at large, if any. Such rules (1) may [(1)] provide for ranked-choice voting, as defined in section 1 of this act, at any presidential preference primary held on or after January 1, 2028, and (2) may (A) prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for, or received in any round of tabulation under

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233 ranked-choice voting by, such candidates at the primary, or [(2)] (B) 234 require that all delegates shall be allocated to the candidate [receiving] 235 for whom the greatest number of votes were cast, or by whom the 236 greatest number of votes were received in any round of tabulation 237 under ranked-choice voting, notwithstanding such candidate's 238 percentage of the total votes cast for all candidates. If such rules 239 prescribe a formula for the allocation of delegates to candidates based 240 upon the percentages of the total votes cast for, or received in any round 241 of tabulation under ranked-choice voting by, such candidates at the 242 primary, the chairman shall also certify such formula and all 243 information necessary for the application of such formula to the results 244 of the primary.

(c) The chairman of a party shall furnish to the secretary, upon request, a written interpretation or explanation of any ranked-choice voting provided for by such party's rules, or any application of [such] a delegate allocation formula prescribed, under subsection (b) of this section.

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- Sec. 6. Section 9-476 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2027*):
  - (a) Except as otherwise provided in this chapter or required for the purposes of implementing ranked-choice voting, as defined in section 1 of this act, the provisions of chapter 145 and chapter 153 concerning absentee voting at primaries, conduct of primaries and return and tabulation of the vote at such primaries shall apply as nearly as practicable and in the manner prescribed by the Secretary of the State, to a presidential preference primary.
  - (b) On and after January 1, 2028, if a party's rules so provide pursuant to subdivision (1) of subsection (b) of section 9-473, as amended by this act, each presidential preference primary shall be conducted under ranked-choice voting. The secretary shall issue written instructions for the implementation of policies and procedures regarding tabulation and publication of preliminary and final results, including round-by-round

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results. Such instructions shall provide that if a candidate withdraws as of the day of the primary in accordance with applicable law, any ballot cast prior to the day of the primary on which such candidate was the highest-ranked candidate shall be counted as a vote for the next highest-ranked candidate on such ballot. Such instructions shall take into account any procedures requested in writing by the chairman of the party holding such primary, which procedures are reasonable, compatible with the use of ranked-choice voting ballots and capable of being implemented using existing voting tabulators, including any associated hardware and software. The secretary shall post all such written instructions on the Internet web site of the office of the Secretary of the State.

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(c) The primary officials of each party for each polling place shall be as specified in section 9-436, except that (1) the appointment of assistant registrars of voters and absentee ballot counters shall be permitted but not required, (2) the minimum number of official checkers shall be one, (3) the minimum number of voting tabulator tenders shall be one for each two voting tabulators in use, (4) if two parties are holding primaries and the registrars of voters of such parties so agree, such registrars of voters may jointly appoint (A) one moderator of both primaries and (B) one enrolled member of either party to serve as head moderator of both primaries, (5) notwithstanding any reduction in the number of primary officials as permitted by this section, any duty required of primary officials by the general statutes may be performed by one or more primary officials, at the direction of the registrar of voters of the party of such officials, and (6) the registrar of voters shall have the sole power to appoint such officials. In making such appointments the registrar shall attempt, to the extent practicable, to provide representation for each candidate at each polling place. The provisions of section 9-436a shall apply to each candidate whose name appears on the ballot, except that each such candidate, through such candidate's authorized or known representative, may submit to the registrar of voters the name of one designee as candidate checker for each polling place, and the registrar of voters shall appoint such

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299 designee as candidate checker for such candidate.

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- (d) Notwithstanding the provisions of section 9-438, the polls shall be open for voting at the primary between the hours of six o'clock a.m. and eight o'clock p.m.
- 303 (e) The moderator or head moderator of the primary in each town shall prepare duplicate head moderator returns in the manner provided by section 9-440, but notwithstanding the provisions of said section, the 306 moderator or head moderator may electronically transmit such returns 307 not later than eleven fifty-nine o'clock p.m. on primary day, provided a hard copy is mailed to the [Secretary of the State] secretary not later than 308 309 two o'clock p.m. of the day following the primary or shall hand deliver 310 one of such returns to either the [Secretary] secretary or the state police by two o'clock p.m. of the day following the primary. Any moderator or 312 head moderator, as the case may be, who fails to deliver such returns to either the [Secretary] secretary or the state police by such time shall pay 313 314 a late filing fee of fifty dollars.
- 315 Sec. 7. Section 9-484 of the general statutes is repealed and the 316 following is substituted in lieu thereof (*Effective January 1, 2027*):
  - (a) If a party's chairman did not certify (1) a formula pursuant to section 9-473, as amended by this act, or (2) a requirement that all delegates shall be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates, the secretary shall determine the number of delegates to be so allocated to each candidate of each such party in accordance with the provisions of this section, provided such allocations when the party rules do not provide for ranked-choice voting shall be made under subsection (b) of this section and such allocations when the party rules do provide for ranked-choice voting shall be made under subsection (c) of this section. As used in this section, "ranked-choice voting", "active candidate" and "withdrawn candidate" have the same meanings as provided in section 1 of this act.
    - (b) [Such determination shall be made separately for delegates to be

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For allocations under this subsection when party rules do not provide
for ranked-choice voting, any percentage required to be determined, in
accordance with the provisions of this [section] subsection, shall be
rounded off to the nearest one-tenth of one per cent. As used in this
[section] subsection, "minimum percentage" means the ratio, expressed
as a percentage, that the number one bears to the total number of
delegates to be selected, but in no event shall such percentage exceed
twenty-five per cent.

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[(c)] (2) (A) The secretary shall calculate the minimum percentage, as defined in [subsection (b) of this section] subdivision (1) of this subsection, using the number of delegates to be selected at large and, if applicable, the number of delegates to be selected from each district respectively. Except as provided in this [subsection] subdivision, a candidate's percentage of the total votes cast for all candidates in the state or in a district [must] is required to equal or exceed such minimum percentage in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The secretary shall determine each candidate's percentage of the total votes cast for all candidates in the state and in each district. In the event two or more candidates have received a percentage of such total votes cast equal to or greater than the minimum percentage, the secretary shall calculate an adjusted percentage, which shall be each such candidate's percentage of the total votes cast for all such candidates, excluding the votes cast for all other candidates. The secretary shall then calculate the product of each such candidate's adjusted percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allocated to each such candidate except as hereinafter provided.

[(1)] (B) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off,

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and if necessary one delegate shall also be subtracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected.

[(2)] (C) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected.

[(d)] (3) In the event one or no candidate has received a percentage of the total number of votes cast for all candidates equal to or greater than the minimum percentage, the secretary shall calculate an adjusted percentage for each of the candidates receiving the greatest and second greatest number of votes cast for all candidates. The adjusted percentage shall be such candidate's percentage of the total number of votes cast for both such candidates, excluding the total number of votes cast for all other candidates. The secretary shall determine the number of delegates allocated to each candidate by using the same procedure as prescribed in [subsection (c) of this section] <u>subdivision (2) of this subsection</u>.

(c) (1) For allocations under this subsection when party rules do provide for ranked-choice voting, the secretary shall determine the number of delegates, if any, to be allocated at large to each candidate and, if applicable, the number of delegates, if any, to be allocated to each candidate from each district respectively. An active candidate's percentage of the votes received by all active candidates in the state or in a district is required to equal or exceed fifteen per cent in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The secretary shall determine each candidate's percentage of the votes received by all active candidates

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under ranked-choice voting in the state and in each district. Each ballot shall count as one vote for the highest-ranked candidate on such ballot and shall be deemed a vote for delegates pledged to support such candidate in accordance with party rules or applicable provisions of this title. Any rankings for withdrawn candidates shall be treated as rankings for eliminated candidates. If the vote total for any active candidate is less than fifteen per cent, the active candidate with the fewest votes shall be eliminated and the votes for the eliminated candidate shall be counted for each ballot's next highest-ranked active candidate. If the vote total of all active candidates is above fifteen per cent, tabulation shall be complete. For the purpose of section 9-482, votes cast for a candidate and each candidate's percentage of total votes shall be determined by the secretary on the basis of the votes received in the final round of tabulation. The secretary shall then calculate the product of each such active candidate's percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allocated to each such candidate except as hereinafter provided.

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(2) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off, and if necessary one delegate shall also be subtracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected.

(3) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the

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432 <u>sum of all delegates allocated to candidates equals the total number of</u>
 433 <u>delegates to be so selected.</u>

This act shall take effect as follows and shall amend the following		
sections:		
Section 1	January 1, 2027	New section
Sec. 2	January 1, 2027	9-173
Sec. 3	January 1, 2027	New section
Sec. 4	January 1, 2027	9-444
Sec. 5	January 1, 2027	9-473
Sec. 6	January 1, 2027	9-476
Sec. 7	January 1, 2027	9-484

GAE Joint Favorable Subst.

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