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## OLR Bill Analysis

### sSB 1536

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

#### **SUMMARY**

This bill authorizes ranked choice voting (RCV) for presidential preference primaries starting January 1, 2028, and for municipal elections and all other primaries starting January 1, 2027, except when prohibited by the state's election laws. Under the bill, RCV is a system of casting and counting votes for a particular office where (1) each voter can rank candidates based on their preferences (with "1" indicating their highest preference), (2) one or more rounds of counting are used to determine which candidates advance to the next round of tabulation based on those preferences, and (3) the candidate with the greatest number of votes after all rounds of counting wins.

Specifically, starting in 2027, for offices where only one candidate is chosen, the bill authorizes municipalities to adopt RCV by charter or ordinance for municipal elections, and major parties to adopt RCV for primaries under their party rules. A municipality or major party must implement the bill's procedures when adopting RCV. As under existing law, unchanged by the bill, candidates for offices or party nominations not subject to RCV must receive a plurality of votes (i.e. the most).

The bill also establishes specific procedures for implementing RCV generally and, starting in 2028, for major parties adopting it for presidential preference primaries under their party rules. It also makes corresponding changes for political party nominating conventions using RCV.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2027

## **§ 1 — RCV GENERAL ADMINISTRATION**

### ***Ballots and Tabulators***

The bill requires the secretary of the state to set the type of ballot to be used in authorized RCV elections or primaries, its layout and orientation, and any instructions appearing on it. Further, any RCV ballot must be approved by the secretary.

The bill requires an RCV ballot, if possible, to list all qualified candidates in a manner allowing voters to rank them by order of preference. If it is not possible to do so, the secretary must allow voters to rank at least five candidates, and must uniformly apply this limitation to all eligible voters for that office.

For primaries, candidates must be ordered on the ballot as existing law requires (see BACKGROUND). For municipal elections, existing law considers a candidate's party designation to (1) determine the candidate's order on the ballot, (2) determine whether a party achieved minor party status for a particular race (see BACKGROUND), and (3) allow for cross endorsements. For these purposes, the bill requires RCV ballots to indicate a candidate's party designation, allowing voters to rank candidates under a specific designation.

Relatedly, state law requires that voting tabulators be able to process ballots under certain conditions and produce certain voting information, such as preventing a voter from voting for more than one candidate for the same office unless otherwise allowed. The bill requires that voting tabulators used for authorized RCV primaries and elections be able to comply with the bill's procedures.

### ***Procedures***

The bill establishes the following requirements for RCV contests in which voters nominate or elect only one candidate.

***Voting Tabulation.*** In the first round of counting, the bill requires that a ballot be counted for the highest-ranked active candidate. Under the bill, an "active candidate" is a candidate on the ballot (or registered

as a write-in candidate) who has not won, been eliminated in an earlier round, or withdrawn.

If three or more active candidates remain after the first round, the active candidate with the fewest votes after all votes have been tabulated is eliminated, and the remaining active candidates proceed to the next round. The votes for the eliminated candidate are transferred to the remaining active candidates based on the rank expressed on the ballots. This process continues until there are less than three active candidates. Once this has occurred, the active candidate with the most votes wins.

***Tie Votes.*** If there is a tie between the candidates with the fewest votes, and one must be eliminated, the elimination is determined by lot, as set in the secretary's regulations that she must adopt (see below). If there is a tie between the final two candidates, the tie is broken in accordance with the applicable state law.

***Voter Ranking Issues.*** Under the bill, a voter's ballot is not counted if it ranks no active candidate (i.e. an undervote). If a ballot skips a number when ranking candidates or ranks the same candidate at different ranks (e.g., cross-endorsed candidates), the ballot is counted for the highest-ranked active candidate. If all the candidates a voter ranked are no longer active, or if a voter ranked two candidates at the same level (e.g., ranked two different candidates as their second choice) and all higher-ranked candidates are no longer active (i.e. an inactive ballot), the voter's ballot is no longer counted.

***Recanvass.*** Existing law generally requires that if the difference in votes between the top two candidates is (1) less than 0.5% of the total number of votes cast for the office, but not more than 1,000 votes for a primary or not more than 2,000 votes for an election, or (2) less than 20 votes, a recanvass (i.e. recount) must be conducted. To determine if an automatic recount is triggered under these provisions for an RCV election or primary, the bill requires evaluating the difference between the total votes of the winning candidate and the remaining active candidate.

**Regulations**

The secretary of the state must adopt regulations to implement these provisions.

**§§ 3 & 4 — PARTY CONVENTION-SPECIFIC PROVISIONS**

When a major party adopts RCV as part of its rules, the bill requires that the party's chairperson or authorized representative notify the secretary of the state, or her designee, in accordance with the process and timeline she established.

For parties that have adopted RCV, the bill also establishes certain exemptions or procedures when endorsing candidates for nomination to state or district office or state legislator at political party conventions. Specifically, the provisions below apply when choosing among three or more candidates and only one candidate may be endorsed (a covered convention).

***Voting and Records.*** Whenever a vote is taken on a party's endorsement between two or more candidates, current law requires the convention's clerk or secretary to conduct it by roll call and record each delegate's vote. The bill eliminates this requirement for covered conventions.

Additionally, similar to the existing law for roll call votes, the bill requires a convention's clerk or secretary to (1) keep an accurate written record of the vote totals received by each active candidate in each RCV round, as well as the round-by-round totals; (2) announce the round-by-round and final results; and (3) file these records at the state central committee headquarters. The records must be kept for at least 180 days after the convention adjourns and be available for public inspection at all reasonable times.

***Eligibility Threshold.*** Various state laws require candidates to receive a certain percentage of any roll call vote at a convention in order to meet the law's requirements. For example, the law allows any candidate who received at least 15% of the vote to qualify to run in the party's primary. The law also requires a candidate to receive at least 15%

of the vote in order to qualify for a public campaign finance grant from the Citizens' Election Program. The bill specifies that in these and other similar situations under state law, the required percentage may be calculated based on the percentage of votes a candidate received in any RCV round at a covered convention.

### **§§ 5-7 — PRESIDENTIAL PREFERENCE PRIMARY**

A presidential preference primary is a type of primary election in which voters indicate their preference for a particular candidate to be the party's nominee for the presidency. State law requires the parties with the largest and second-largest number of enrolled members in the state to hold a presidential preference primary if the names of two or more candidates are placed on the party's ballot (CGS §§ 9-463 & -464).

In a presidential preference primary, voters do not directly select the party's nominee. Instead, they vote for a particular candidate, and based on the vote results, state parties award delegates based on the party's system of allocating delegates. These delegates then vote to formally select a candidate as the presidential nominee at the party's national convention.

#### ***Applicable Laws (§ 6)***

The law generally requires that presidential preference primaries, including any tabulations or generation of returns, be conducted, as nearly as practicable, in a manner set by the secretary of the state, with the state's laws on absentee balloting and political party nominations. Currently, they must do so unless the state's laws concerning presidential primaries say otherwise. The bill also requires these primaries be conducted under these laws unless required otherwise to implement RCV as the bill defines it.

#### ***Delegate Certification (§ 5)***

By law, a party's chairman must submit a written certification to the secretary of the state with the number of delegates the party is entitled to under its rules. If any delegates are to be chosen from districts, the certification must also include the number of delegates allocated to each district and the number selected at large.

Additionally, the law allows a party to make rules (1) establishing a formula for allocating delegates based on the percentage of the vote they receive or (2) for the candidate with the most votes to receive all the delegates (i.e. winner-take-all). If a formula is used, the chairman must include it in the certification along with all necessary information to apply it. The secretary may request a written interpretation or explanation of the formula's application.

Currently, this certification must be submitted at least 14 days before a primary. The bill instead requires the secretary to establish the process and deadline for these certifications.

By law, if the chairman does not certify to the secretary how the delegates will be distributed, the secretary must determine the allocation of delegates generally in accordance with the party rules. The law, unchanged by the bill, establishes procedures for the secretary to make this determination when RCV is not used.

#### ***Allocating Delegates (§§ 5 & 7)***

***Party Rules (§ 5).*** The bill allows a party to authorize RCV through its rules starting in 2028. If it does so, it must use RCV to allocate its delegates. The rules may establish procedures for awarding delegates based on RCV (whether by formula or winner-take-all). If the rules authorize a formula, it must be included in the certification along with the necessary information to apply it. The secretary may additionally request a written interpretation or explanation of a party's RCV rules or formula.

***Secretary Determination (§ 7).*** The bill establishes alternative allocation procedures for major parties that permit RCV but have not certified how its delegates will be allocated. As under existing law, under the bill, the secretary must determine (1) the number of delegates to be awarded at large, (2) those to be awarded by district (if any), and (3) the percentage of the vote received by each candidate in the state and each district. Each ballot must initially be deemed to count for the highest-ranked candidate and the vote awarded to delegates pledged to vote for that candidate, as required under the applicable party's rules or

state law.

By law, the secretary must also determine the number of votes cast for each candidate and the total number of votes cast, including the totals of each district, if applicable. Under the bill, for RCV primaries, these totals must be based on the final tabulation of votes.

To receive any delegates, a candidate must receive at least 15% of the total vote in the entire state or a specific district, as applicable. The tabulation is considered complete if the vote total for all active candidates is 15% or greater. If any active candidate has less than 15%, the candidate with the fewest votes is eliminated and that candidate's votes are transferred to the candidates ranked next by each ballot. Any rankings for withdrawn candidates are treated as rankings for eliminated candidates.

Once the tabulation is complete, the secretary must calculate the number of delegates to be awarded for each candidate by multiplying each candidate's vote percentage by the total number of delegates to be selected, rounding off to the nearest whole number.

If, due to the rounding, the total number of awarded delegates for all candidates does not match the authorized number of delegates, the secretary must add or subtract a delegate, as necessary, from the candidate who had the largest difference between the calculated number and the rounded number. She must continue this process for the candidates with the next largest differences until the number of allocated delegates equals the authorized number.

### ***Secretary's Instructions (§ 6)***

The bill requires the secretary to issue and publish on her office's website written instructions for implementing policies and procedures regarding tabulating and publishing preliminary, round-by-round, and final RCV results. (The bill does not establish a deadline by which the secretary must do so.) The instructions must also require that if a candidate withdraws on the day of the primary as allowed by law, any ballot cast before the primary ranking that candidate first must be

counted as a vote for the next-highest-ranked candidate on the ballot.

The instructions must also account for certain procedures requested in writing by a party's chairman if the party uses RCV. The secretary must do so if the requested procedures are reasonable, compatible with the use of RCV ballots, and can be implemented using existing voting tabulators, including any associated hardware and software.

## **BACKGROUND**

### ***Ballot Order for Primary Candidates***

State law generally requires the secretary to (1) place the party-endorsed candidate in the first row of the ballot and mark the name with an asterisk and (2) order all other candidates alphabetically based on the candidate's last name (CGS § 9-437).

### ***Minor Party Status***

Under Connecticut's election system, candidates running for office can get their names on the ballot in one of three ways: (1) nomination by a major party, (2) nomination by a minor party, and (3) nomination by a nominating petition. The law differentiates how a candidate may gain ballot access depending on whether the party is major or minor.

Under current law, a "minor party" is one that is not a major party and whose candidate for the office in question received, under the same party designation, at least 1% of the votes cast for the same office at the last regular election. In other words, unlike major parties, minor parties qualify for ballot access on a case-by-case basis and cannot nominate candidates to offices for which they have not achieved minor party status.

By law, if the party does not have minor party status for a particular office, a person may run under the party's designation only by submitting a signed petition to the secretary of the state. Under current law, it must be signed by (1) 1% of the qualified electors for the same office in the last-preceding election or (2) 7,500 qualified electors (1% is usually the lower threshold and therefore the one most petitioners must meet). For example, if a person is running for state senator, the petition



must be signed by a total number of voters that equals 1% of all the voters that cast a ballot for the same state senate race in the last election.

***Related Bill***

sSB 1156, favorably reported by the Government Administration and Elections Committee, allows minor parties to nominate candidates for all elections if any candidate running for statewide office under that party's designation receives at least 1% of the vote for that office.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13      Nay 6      (03/27/2025)