

House Bill 1085

By: Representatives Gullett of the 19th, Sainz of the 180th, Moore of the 95th, Williams of the 145th, Evans of the 57th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for the option for municipalities to adopt
3 and use instant runoff voting for their elections; to provide for definitions; to provide for
4 procedures and methodology; to provide for rules and regulations; to provide for
5 modifications; to provide for applicability; to provide for related matters; to provide for an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
10 elections generally, is amended by adding a new article to read as follows:

11 "ARTICLE 16

12 21-2-700.

13 (a) As used in this article, unless the context otherwise indicates, the term:

(1) 'Batch elimination' means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

(2) 'Continuing ballot' means a ballot that is not an exhausted ballot.

(3) 'Continuing candidate' means a candidate who has not been defeated.

(4) 'Exhausted ballot' means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.

(5) 'Highest continuing ranking' means the highest ranking on an elector's ballot for a continuing candidate.

(6) 'Instant run-off voting count' means the ranked-choice counting process described in this article and in rules adopted by the Secretary of State or State Election Board consistent with and pursuant to this article.

(7) 'Last-place candidate' means the candidate with the fewest votes in a round of the instant run-off voting count.

(8) 'Mathematically impossible to be elected,' with respect to a candidate, means either:

(A) The candidate cannot be elected because the candidate's vote total in a round of the instant run-off voting count plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or

(B) The candidate has a lower vote total than a candidate described in subparagraph (A) of this paragraph.

(9) 'Overvote' means a circumstance in which an elector has ranked more than one candidate at the same ranking.

(10) 'Ranking' means the number assigned on a ballot by an elector to a candidate to express the elector's preference for such candidate. Ranking number one shall be the highest ranking, ranking number two shall be the next-highest ranking, and so on.

41 (11) 'Round' means an instance of the sequence of vote counting steps established in
42 subsection (b) of this Code section and in rules adopted by the Secretary of State or State
43 Election Board consistent with and pursuant to this article.

44 (12) 'Skipped ranking' means a circumstance in which an elector has left a ranking blank
45 and ranks a candidate at a subsequent ranking.

46 (b) Except as provided in subsections (c) and (d) of this Code section, the following
47 procedures shall be used to determine the winner of an election determined by instant
48 run-off voting. The instant run-off voting count shall proceed in rounds. In each round,
49 the number of votes for each continuing candidate shall be counted. Each continuing ballot
50 counts as one vote for its highest-ranked continuing candidate for that round. Exhausted
51 ballots shall not be counted for any continuing candidate. The round shall end with one of
52 the following two potential outcomes:

53 (1) If there are two or fewer continuing candidates, the candidate with the most votes is
54 declared the winner of the election; or

55 (2) If there are more than two continuing candidates, the last-place candidate is declared
56 to be defeated

57 and a new round shall begin.

58 (c) A tie under this Code section between last-place candidates in any round shall be
59 decided by lot, and the candidate chosen by lot shall be deemed as defeated. The result of
60 the tie resolution shall be recorded and reused in the event of a recount. A tie between
61 candidates for the most votes in the final round shall be decided through a special election
62 among the remaining candidates.

63 (d) Modification of an instant run-off voting ballot and instant run-off voting count may
64 be made by a county or municipality choosing to use instant run-off voting under this
65 article by the adoption of an ordinance at least 90 days before the election to:

66 (1) Limit the number of rankings to be allowed to no fewer than five; or

67 (2) Permit the defeat of two or more candidates simultaneously by batch elimination in
68 any round of counting.

69 21-2-701.

70 The Secretary of State or the State Election Board may adopt rules for the proper and
71 efficient administration of elections determined by instant run-off voting. Such rules may
72 include the design of and procedures for voting instant run-off ballots and procedures for
73 requesting and conducting recounts of the results as determined in the rounds of counting
74 described in Code Section 21-2-700.

75 21-2-702.

76 Instant run-off voting shall only be used in election contests that involve more than two
77 candidates.

78 21-2-703.

79 (a) Notwithstanding any law to the contrary, a municipality in this state may choose to
80 adopt instant run-off voting for use in elections for members of the governing authority in
81 accordance with this article. Such adoption of instant run-off voting shall be made by the
82 adoption of an ordinance by the governing authority.

83 (b) An ordinance to adopt instant run-off voting in municipal elections shall be made at
84 least 180 days prior to an election in which it is to be used.

85 (c) After an ordinance to adopt instant run-off voting is adopted, such choice shall remain
86 in effect until 180 days following the adoption of a subsequent ordinance rejecting the use
87 of instant run-off voting in elections.

88 (d) All municipal elections using instant run-off voting shall comply with the provisions
89 of this article."

90 **SECTION 2.**

91 This Act shall become effective on January 1, 2023.

92 **SECTION 3.**

93 All laws and parts of laws in conflict with this Act are repealed.