

House Bill 285

By: Representatives Cantrell of the 22<sup>nd</sup>, Barr of the 103<sup>rd</sup>, Clark of the 147<sup>th</sup>, and Werkheiser of the 157<sup>th</sup>

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 elections and primaries generally, so as to provide for instant run-off voting in the election  
3 of presidential electors; to provide for the implementation of instant run-off voting; to  
4 provide for the promulgation of rules and regulations; to provide for procedures; to provide  
5 for definitions; to provide for related matters; to repeal conflicting laws; and for other  
6 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 elections and  
10 primaries generally, is amended by revising Code Section 21-2-10, relating to election of  
11 presidential electors, as follows:

12 "21-2-10.

13 At the November election to be held in the year ~~1964~~ 2024 and every fourth year thereafter,  
14 there shall be elected by the electors of this state, utilizing instant run-off voting as  
15 provided for in Article 16 of this chapter, persons to be known as electors of President and  
16 Vice President of the United States and referred to in this chapter as presidential electors,

17 equal in number to the whole number of senators and representatives to which this state  
18 may be entitled in the Congress of the United States."

19 **SECTION 2.**

20 Said chapter is further amended by revising subsection (f) of Code Section 21-2-501, relating  
21 to number of votes required for election, as follows:

22 "(f) Except for presidential electors, to be elected to public office in a general election, a  
23 candidate must receive a majority of the votes cast in an election to fill such public office.  
24 To be elected to the office of presidential electors, ~~no a~~ slate of candidates shall be required  
25 to receive a majority of the votes cast, ~~but that slate of candidates shall be elected to such~~  
26 ~~office which receives the highest number of votes cast~~ utilizing instant run-off voting as  
27 provided for in Article 16 of this chapter."

28 **SECTION 3.**

29 Said chapter is further amended by adding a new article to read as follows:

30 "ARTICLE 16

31 21-2-700.

32 As used in this article, unless the context otherwise indicates, the term:

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

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

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

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

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

42 (6) 'Instant run-off voting count' means the ranked-choice counting process described in  
43 this article and in rules adopted by the Secretary of State.

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

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

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

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

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

56 (10) 'Ranking' means the number or numeric position that an elector assigns to a  
57 candidate on a ballot to express such elector's preference for that candidate. Ranking  
58 number one shall be the highest ranking, ranking number two shall be the next-highest  
59 ranking, and so forth.

60 (11) 'Round' means an instance in the sequence of vote counting steps established in  
61 subsection (b) of Code Section 21-2-701 and in rules adopted by the Secretary of State.

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

64 21-2-701.

65 (a) Except as provided in subsections (b) and (c) of this Code section, the following  
66 procedures are to be used to determine the winner of an election determined by instant  
67 run-off voting where the law requires instant run-off voting to be utilized. The instant  
68 run-off voting count shall proceed in rounds. In each round, the number of votes for each  
69 continuing candidate shall be counted. Each continuing ballot counts as one vote for its  
70 highest-ranked continuing candidate for that round. Exhausted ballots are not counted for  
71 any continuing candidate. The round then ends with one of the following two potential  
72 outcomes:

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

75 (2) If there are more than two continuing candidates, the last-place candidate is defeated  
76 and a new round begins.

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

82 (c) Modification of an instant run-off voting ballot and instant run-off voting count may  
83 be made by the State Election Board by the adoption of rules and regulations at least 90  
84 days before a primary or election to:

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

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

88 21-2-702.

89 (a) The Secretary of State or the State Election Board may adopt rules for the proper and  
90 efficient administration of elections determined by instant run-off voting. Such rules may  
91 include procedures for requesting and conducting recounts of the results, as determined in  
92 the rounds of counting described in Code Section 21-2-701.

93 (b) The Secretary of State shall have the sole authority to determine the design of and  
94 procedures for voting instant run-off ballots, including whether to place ranked-choice and  
95 nonranked choice contests on the same or separate ballot pages, provided that such ballots  
96 shall comply with the provisions of law contained in this chapter regarding ballot layout  
97 and order of candidates as nearly as practicable. Except as provided in subsection (c) of  
98 Code Section 21-2-701, the ballot design for instant run-off voting shall allow the elector  
99 to rank as many listed candidates as he or she wishes for an office, as well as one qualified  
100 write-in candidate.

101 21-2-703.

102 Instant run-off voting shall only be used in election contests that involve more than two  
103 candidates and where the General Assembly has, otherwise in this chapter, directed that  
104 this article be utilized."

105 **SECTION 4.**

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