

## **LEGAL PUBLICATION**

Pursuant to D.C. Official Code § 1-1001.16(d)(2)(C), which provides that the D.C. Board of Elections shall “[p]ublish the summary statement, short title, legislative form, and, if the measure is an initiative measure, the fiscal impact statement, on [its] website[.]”, the Board hereby publishes the summary statement, short title, legislative form, and fiscal impact statement<sup>1</sup> for Initiative Measure No. 83, the “Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024.”

## **INITIATIVE MEASURE**

NO. 83

## **SHORT TITLE**

Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024

## **SUMMARY STATEMENT**

If enacted, the Initiative would both:

- (a) implement ranked choice voting to allow voters to rank up to five candidates according to their preference in each contest for any office (other than political party offices); and
- (b) permit any voter who is not registered with a political party to vote in the primary election of that voter’s choosing for all offices (other than political party offices).

This Initiative will not be implemented unless the D.C. Council separately chooses to appropriate funds for the projected costs.

## **LEGISLATIVE TEXT**

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024.”

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699, D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (38) through (48) to read as follows:

“(38) “Active candidate” means a candidate who has not been defeated or elected and has not withdrawn their candidacy prior to election day pursuant to applicable law.

“(39) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidates.

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<sup>1</sup> The fiscal impact statement was issued on August 11, 2023, prior to the date the Board adopted the formulations for Initiative Measure No. 83.

“(40) “Inactive ballot” means a ballot on which no active candidate is ranked, contains an overvote at the highest ranking of active candidates, or contains 2 or more sequential skipped rankings before its highest-ranked active candidate.

“(41) “Overvote” means an instance in which a voter has ranked more than one candidate at the same ranking.

“(42) “Ranked choice voting” means a method of casting and tabulating votes whereby the voters rank candidates according to the order of their choice, and vote counting proceeds in rounds in which candidates are eliminated or elected.

“(43) “Rank” means to assign a number to each candidate for an office corresponding to the voter’s preference for that candidate relative to the other active candidates for that office, with the number “1” denoting the highest preference, followed by “2” and then “3” and then “4” and then “5.”

“(44) “Ranking” means the number assigned by a voter to a candidate to express the voter’s choice for that candidate, with the number “1” denoting the highest ranking, followed by “2” and then “3” and then “4” and then “5”.

“(45) “Round” means an instance of the sequence of voting tabulation beginning with section 8a(d) for any single-winner contest, section 8a(e) for any general election for members of the Council at-large, and section 8a(f) for any applicable presidential preference primary election.

“(46) “Skipped ranking” means an instance of a voter leaving a ranking unassigned and ranking a candidate at a subsequent ranking.

“(47) “Threshold for receiving delegates” means the percentage of votes necessary for a candidate to receive delegates in a presidential preference primary election conducted under section 8a(f).

“(48) “Undervote” means a ballot that does not contain any candidates at any ranking in a particular contest.”.

(b) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

(1) Subsection (a)(12) is amended as follows:

(A) Subparagraph (B) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) A new subparagraph (C) is added to read as follows:

“(C) Notifying all voters who are not registered with a political party and have not previously requested a mail-in ballot for any primary election of the ability to request a mail-in ballot and of the means for doing so;”.

(2) Subsection (b)(4) is amended to read as follows:

“(4) The Board shall:

“(A) Arrange the ballot for the presidential preference primary so as to enable each voter to indicate the voter’s rankings for:

(i) Presidential nominee or uncommitted presidential preference (if provided for by applicable party rule); and

(ii) The slate of delegates and alternates pledged to support each presidential nominee or uncommitted presidential preference; and

“(B) Clearly indicate on the ballot the name of either the candidate for nomination for President which a slate or candidate for delegate supports or the person who shall manage an uncommitted slate of delegates.”.

(c) A new section 8a is added to read as follows:

“Sec. 1-1001.08a. Ranked choice voting.

“(a) Notwithstanding any other provision of this act, beginning with the June 2026 primary election and for all subsequent elections thereafter, ranked choice voting as provided for by this section shall be used for each primary, special, and general election involving 3 or more qualified candidates for electors for President and Vice President of the United States, Mayor, Attorney General, Chairman of the Council, Delegate to the House of Representatives, members of the Council, members of the State Board of Education, United States Senator, United States Representative, Advisory Neighborhood Commissioner, or any other elected official as defined in section 2(13).

“(b) Each ballot shall allow a voter to rank up to 5 candidates, including a write-in candidate, or as many candidates as there are in the contest if fewer than 5.

“(c) Each ballot shall contain instructions informing the voter of the following, subject to usability testing and modification by the Board based on ballot design and voting machine capability:

“(1) That the voter may rank candidates in the order of the voter’s preference;

“(2) That the voter may rank as many candidates as the voter wishes, up to 5 candidates;

“(3) How to properly mark the ballot and indicate the voter’s candidate rankings;

“(4) That assigning a lower ranking to a candidate will not harm the chances of candidates whom the voter assigned higher rankings; and;

“(5) That the voter should not give more than one candidate the same ranking, rank a candidate more than once, or skip a ranking.

“(d) In any single contest conducted by ranked choice voting, other than a general election for at-large members of the Council and any presidential preference primary election conducted under subsection (f) of this section, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, with each round proceeding sequentially as follows:

“(1) If a candidate has a majority of votes among active candidates in a round of tabulation, that candidate shall be elected or nominated, and tabulation shall be complete; or

“(2) If no candidate has a majority of votes among active candidates in a round of tabulation:

“(A) The active candidate with the fewest votes shall be defeated;

“(B) Each vote for the defeated candidate shall be transferred to each ballot’s next-ranked active candidate; and

“(C) A new round of tabulation shall begin with the step set forth in paragraph (1) of this subsection.

“(e) In any general election contest for at-large members of the Council, in which there shall be 2 winners, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, with each round proceeding sequentially as follows:

“(1) If there are 2 or fewer active candidates, the candidates shall be elected, and tabulation shall be complete; or

“(2) If there are more than 2 active candidates:

“(A) The active candidate with the fewest votes shall be defeated;

“(B) Each vote for the defeated candidate shall be transferred to each ballot’s next-ranked active candidate; and

“(C) A new round of tabulation shall begin with the step set forth in paragraph (1) of this subsection.

“(f) In any presidential preference primary election in which delegates are awarded to multiple candidates on a proportional basis, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, with each round proceeding sequentially as follows:

“(1) If the percentage of total votes cast for each active candidate is above the party’s threshold for receiving delegates, then tabulation shall be complete; or

“(2) If there are any active candidates whose percentage of the vote total is below the party’s threshold for receiving delegates:

“(A) The active candidate with the fewest votes shall be defeated;

“(B) Each vote for the defeated candidate shall be transferred to each ballot’s next-ranked active candidate; and

“(C) A new round of tabulation shall begin with the step set forth in paragraph (1) of this subsection.

“(g) In any presidential preference primary election that awards delegates to a single candidate on a winner-take-all basis, tabulation shall proceed under subsection (d) of this section.

“(h) Nothing in this section shall be construed to preclude a political party from allocating delegates according to its own rules.

“(i) In any round of tabulation in a contest conducted by ranked choice voting:

“(1) An inactive ballot shall not count for any candidate; and

“(2) An undervote shall not count for any candidate.

“(j) If 2 or more active candidates are tied for the fewest votes and tabulation cannot continue until one such candidate is eliminated, the candidate to be eliminated shall be determined by lot immediately under an automated procedure to be established by the Board. Except as otherwise provided in subsection (1) of this section, if 2 or more candidates are tied for the greatest number of votes and the tie must be broken to determine the winner or nominee, that tie shall be resolved pursuant to section 10(c).

“(k)(1) If there are fewer than 3 qualified candidates on the ballot in a primary, general, or special election for electors for President and Vice President of the United States, Mayor, Attorney General, Chairman of the Council, Delegate to the House of Representatives, members of the Council other than those covered by paragraph (2) of this subsection, members of the State Board of Education, United States Senator, United States Representative, Advisory Neighborhood Commissioner, or any other elected official as defined in section 2(13), that election shall not be conducted by ranked choice voting. Except as otherwise provided in subsection (1) of this section, in such elections, the ballot shall allow voters to select a single candidate, and the candidate receiving the most votes shall be nominated or elected.

“(2) If there are fewer than three qualified candidates on the ballot in a general election for at-large members of the Council, that election shall not be conducted by ranked choice voting. In such elections, the ballot shall allow voters to select 2 candidates, and the 2 qualified candidates receiving the most votes shall be elected.

“(l) If the appointment of presidential electors following any general election for President of the United States is governed by the National Popular Vote Interstate Agreement Act of 2010, effective December 7, 2010 (D.C. Law 18-274; D.C. Official Code § 1-1051.01) (“Act”), then, in any general election for President and Vice President of the United States using ranked choice voting:

“(1) The certification of the appointment of electors shall be made in accordance with the provisions of the Act;

“(2) The final determination of the presidential vote count reported and certified to the States that have enacted the Act, for purposes of the Act, shall be:

“(A) In an election using ranked choice voting pursuant to subsection (d) of this section, the votes received in the final round of tabulation by each slate of candidates for the offices of President and Vice President of the United States that received votes in the final round of tabulation; or

“(B) In an election not using ranked choice voting pursuant to subsection (k) of this section, the votes received by each slate of candidates for the offices of President and Vice President of the United States; and

“(3) If two or more slates of candidates for the offices of President and Vice President of the United States are tied for the greatest number of votes, the tie shall remain unresolved.

“(m) The Board shall issue such regulations as are necessary to conduct elections using ranked choice voting.”.

(d) Section 9 (D.C. Official Code § 1-1001.09) is amended as follows:

(1) Subsection (b)(2) is amended to read as follows:

“(2) The Board shall permit any duly registered voter to vote by mail-in ballot, for any reason, under such rules as the Board may issue. The Board shall permit a voter not registered with a political party to vote by mail-in ballot in a primary election if such voter has requested such a ballot for a specific primary election held by a political party or for that specific election and all future elections in which the voter may be eligible to vote, in accordance with such rules as the Board may issue.”.

(2) Subsection (g) is amended to read as follows:

“(g)(1) No person shall vote more than once in any election.

“(1A) A duly registered voter who is not registered as affiliated with any political party shall be permitted to vote in a primary election held by a single political party of that voter’s choice, for all offices other than:

“(A) National committeemen and national committeewomen;

“(B) Delegates to conventions and conferences of political parties other than delegates to nominate candidates for the Presidency and Vice Presidency of the United States;

“(C) Alternates to the officials referred to in subparagraphs (A) and (B) of this paragraph, where permitted by political party rules; and

“(D) Such members and officials of local committees of political parties as may be designated by the duly authorized local committees of such parties for election at large or by ward in the District of Columbia.

“(2) A name written on a ballot in any election shall not be counted as valid unless the individual whose name is written on the ballot has complied with the requirements of section 8(r).”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.


(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** August 23, 2023

**SUBJECT:** Fiscal Impact Statement – Ranked Choice Voting and Semi-Closed Primaries Act of 2024

**REFERENCE:** Draft Initiative as provided to the Office of Revenue Analysis on August 2, 2023

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**Conclusion**

Funds are not sufficient in the fiscal year 2023 budget and the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the proposed initiative. The Board of Elections (Board) will require additional funding beginning in fiscal year 2025 to implement both ranked choice voting and semi-closed primaries by the June 2026 primary election. The Board of Elections requires approximately \$1.2 million in fiscal year 2025 and \$1.5 million over the four-year financial plan period.

The initiative’s implementation is subject to the inclusion of the required financial resources in an approved budget and financial plan.

**Background**

The initiative would approve a ranked choice voting system for the District of Columbia. Under ranked choice voting (also known as an instant runoff), registered voters select multiple candidates and rank them in the voter’s order of preference. If no candidate receives fifty percent of the votes after the first vote counting, then the candidate with the lowest number of votes is eliminated and the voters who ranked that candidate first have their votes reallocated to their second choice. The vote counting process continues, eliminating the lowest vote recipients until a candidate crosses the fifty percent threshold.

The initiative requires the District to begin using ranked choice voting starting with the June 2026 primary election and thereafter for each election involving the president and vice president of the United States, Mayor, Attorney General, Chairperson of the Council, members of the Council, members of the State Board of Education, U.S. Senator, U.S. Representative, Delegate to the U.S. House of Representatives, Advisory Neighborhood Commissioner, and any other elected office. Ranked choice voting should be used when there are more than three candidates for a particular office. Voters may rank up to five candidates. The initiative establishes the requirements for the Board to include on each ballot so that each voter understands how to make their selections. The initiative also establishes the vote counting processes for races in which more than one candidate can be

elected, such as an at-large Council election, or if delegates are proportionally allocated, such as for a presidential primary.

The initiative also allows prospective voters who are not registered with a particular party to request the ballot of a party to vote in the party's primary election (semi-closed primary). Currently, voters unaffiliated with a political party cannot vote in a primary election. The initiative requires the Board to proactively notify unaffiliated voters of their eligibility to request a ballot for a primary election of their choosing, including the ability to vote absentee. However, the initiative prohibits these voters from voting for a party's national committeeperson, delegates to a party convention or conference, any alternates for these roles, and any other members or officials of the local political party.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2023 budget and the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the proposed initiative. The Board requires approximately \$1.2 million in fiscal year 2025 and \$1.5 million over the four-year financial plan period.

To implement ranked choice voting, the Board of Elections will need to perform outreach and educate all registered voters, design and acquire new ballots, hire additional staff to support election day activities, and bring on additional staff or resources to support the tabulation of ranked choice votes. The Board's outreach efforts will include a mailing to all registered voters to ensure they understand how ranked choice voting works and its changes to the District's election experience. This mailing requires one-time resources of \$342,000 in fiscal year 2025. The Board also plans to provide voters with on-line and in-person training on using ranked choice ballots, and the projected cost of these trainings are \$50,000 in fiscal year 2025 and \$10,000 annually thereafter. The Board also requires \$58,000 for each election for election day staff support, appropriate ballot paper, and vote tabulation support. The Board can absorb the cost of designing the new ballots and the necessary tabulation software within the Board's existing budgeted resources.

The Board's implementation of semi-closed primaries will require a separate outreach and education effort, changes to voter registration systems and cards, and new ballots and election day needs. The Board's outreach on semi-closed primaries will also require a mailing to all registered voters at a cost of \$342,000 in fiscal year 2025. The Board's unique education efforts for semi-closed primaries will cost \$50,000 in fiscal year 2025 and \$10,000 annually thereafter. The Board requires one-time resources of \$367,000 in fiscal year 2025 to make necessary updates to the District's voter registration systems and update voter instructions on registration cards. The Board will need to design new ballots for voters who are not registered with a political party and ensure that the ballots are mailed to the 87,000 unaffiliated registered voters and available in-person on primary election day. These activities will cost \$151,000 in fiscal year 2026. The Board will also create a portal for unaffiliated registered voters to select which primary ballot they would like to receive. The Board can absorb the cost of developing the portal within the Board's existing budgeted resources. The total cost of implementing the initiative's semi-closed primary provisions is \$759,000 in fiscal year 2025 and \$930,000 over the four-year financial plan period.



**Ranked Choice Voting and Semi-Closed Primaries Act of 2024  
Implementation Costs  
Fiscal Year 2024 - Fiscal Year 2027  
(\$ thousands)**

	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Total</b>
<b>Ranked Choice Voting</b>					
<b>Outreach and Education<sup>a</sup></b>	\$0	\$392	\$10	\$10	<b>\$412</b>
<b>Election Administration Costs</b>	\$0	\$0	\$58	\$58	<b>\$116</b>
<b>Ranked Choice Voting Subtotal</b>	\$0	\$392	\$68	\$10	<b>\$528</b>
<b>Semi-Closed Primary</b>					
<b>Outreach and Education<sup>a</sup></b>	\$0	\$392	\$10	\$10	<b>\$412</b>
<b>Voter Registration Systems</b>	\$0	\$367	\$0	\$0	<b>\$367</b>
<b>Ballots<sup>b</sup></b>	\$0	\$0	\$151	\$0	<b>\$151</b>
<b>Semi-Closed Primary Subtotal</b>	\$0	\$759	\$161	\$10	<b>\$930</b>
<b>TOTAL INITIATIVE COSTS</b>	<b>\$0</b>	<b>\$1,151</b>	<b>\$229</b>	<b>\$78</b>	<b>\$1,458</b>

Table Notes

<sup>a</sup> Outreach and education includes one-time costs in fiscal year 2025 of \$342,000 for outreach and \$50,000 for education, and \$10,000 annually thereafter for ongoing education.

<sup>b</sup> The ballots cost includes mailing every voter a primary ballot for \$131,000 and \$20,000 to ensure voters can choose their preferred ballot during in-person voting.