Suggestions For Improving
Oregon Senate Bill 791

As currently written, Oregon Senate Bill 791 has weaknesses that will cause unfair election results, unnecessary delays in vote counting, higher voter-education costs, and widespread voter frustration. These suggested changes will improve Section 3 to eliminate these weaknesses.

The longer version of this document is at:

https://www.rankedchoiceoregon.org/SenateBill0791SuggestedChanges.pdf

It includes "Category Descriptions" that have names that match the names in square brackets.

This shortening is needed to avoid exceeding the size limit for testimony documents.

Suggested Wording Changes

[All of these suggested changes apply to **Section 3** of Oregon Senate Bill 791. The first four paragraphs remain unchanged.]

[Suggested additions use **bold** style, and deletions use ~~strike-through~~ style.]

(1) **[no change]** When a nomination for or an election to an office is determined by ranked choice voting, the winner of the nomination or election shall be determined in the manner set forth in this section.

(a) **[no change]** The ballot shall provide the elector the option to rank the candidates for the nomination for or election to the office in order of choice.

(b) **[no change]** If a candidate receives a majority of the first choice votes cast for the nomination for or election to the office, that candidate is nominated or elected.

(c) **[no change]** If no candidate receives a majority of the first choice votes cast for the nomination for or election to the office, the voter tally system or counting board shall conduct successive rounds of an instant runoff retabulation in which:

(A) **[Convoluted Sentence]** ~~The candidate with the fewest votes~~ [I]n each round in which no candidate receives a majority of the votes cast in that round **one candidate** is defeated, and the

votes cast in the successive rounds shall be retabulated among the nondefeated candidates until one candidate receives a majority of the votes cast in that round.

(**B**) **[position changed]** In each round, each elector's ballot shall count as a single vote for whichever candidate, if any, the elector has ranked highest who has not been defeated in a prior round.

(**C**) **[Multiple Candidates Ranked At The Same Preference Level] If an elector ranks more than one candidate at the same ranking level, and if during tabulation two or three or four of these candidates are nondefeated candidates and the ballot's higher-ranked candidates have been defeated, then these nondefeated equal-ranked candidates shall split this ballot's single vote to receive equal fractional or decimal amounts that add up to no more than one count per ballot. The Secretary of State shall determine how to handle ballots on which there are more than four nondefeated candidates at the same ranking level.**

(**D**) **[position changed]** After the first round, a majority is determined as at least one more than 50 percent of the votes cast for a candidate of the remaining candidates in **that** ~~a particular~~ round.

(**E**) **[Safety Net] If there is a round in which a candidate would lose every one-on-one comparison against every nondefeated candidate, then this candidate is designated as a "pairwise losing candidate" and this candidate is defeated during the round in which this case occurs.**

(**F**) **[Convoluted Sentence] If the current round does not have a pairwise losing candidate then** [t]he candidate with the fewest votes ~~in each round in which no candidate receives a majority of the votes cast in that round~~ is defeated.

(**G**) **[Safety Net] The losing candidate in a one-on-one comparison is the candidate for whom the number of ballots that rank this candidate lower than the other candidate is larger than the number of ballots that indicate the opposite preference between these two candidates.**

(**H**) **[Batch Elimination] At the start of tabulation, if preliminary counting information indicates that one or more candidates are clearly not popular according to criteria previously approved by the Secretary of State, and if the results will not change by defeating all these unpopular candidates together, then these unpopular candidates can be defeated together in the first retabulation round.**

(d) **[Flexible Ballot Marking] If an elector votes by marking a printed ballot in a way that can be interpreted in more than one way, then the marks shall be interpreted in the following ways:**

(A) **[Flexible Ballot Marking] If an elector does not mark a ranking level for a candidate, the ballot is tabulated as if the elector ranked each unranked candidate at the lowest ranking level.**

(**B**) **[Flexible Ballot Marking] If an elector marks more than one ranking level for the same candidate, the highest (most-preferred) of the marked ranking levels is used.**

(**C**) **[Multiple Candidates Ranked At The Same Preference Level] [Safety Net] When doing a one-on-one comparison, if an elector has marked both candidates at the same ranking level, this elector's ballot is not counted in this one-on-one comparison.**

(**e**) **[Number Of Ranking Levels] The number of ranking levels cannot exceed the number of candidates and cannot exceed the numeric limit that is specified for that jurisdiction. If not otherwise specified a limit of five ranking levels is used.**

(**f**) **[Write-In Candidates] An elector may include no more than one write-in candidate among that elector's ranked choices for each nomination or each election. During tabulation when a ballot contains the name of a write-in candidate, all the ballots on which the write-in candidate's name is not written are interpreted as if that write-in candidate is at the lowest ranking level.**

(**g**) **[Published Counts] After the election results have been certified the Secretary of State shall publish (make available to the public) all the counts that were used during the retabulation rounds and also publish the pairwise comparison counts for the candidates who are popular enough to have any possibility of winning. "Pairwise comparison counts" means the count of ballots that support the first candidate in a pair over the second candidate in that pair and the count of ballots that support the second candidate over the first candidate in that same pair. When a tabulated vote count is not an integer, the published vote count is rounded down to the nearest integer.**

(2) The Secretary of State may adopt **additional** rules necessary for the implementation of this section.