## HB 2004  -1, -2     STAFF MEASURE SUMMARY

## House Committee On Rules

| | |
|---|---|
| **Prepared By:** | Melissa Leoni, LPRO Analyst |
| **Meeting Dates:** | 3/16, 3/21, 5/16 |

**WHAT THE MEASURE DOES:**

Establishes ranked choice voting (RCV) as voting method to determine major political party nomination and election to the office of President of the United States, United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, and Attorney General. Authorizes cities, counties, metropolitan service districts, and any local government and service districts to use RCV to elect candidates for office and allows RCV to be used to nominate candidates for any partisan office. Eliminates nominating election for Commissioner of Bureau of Labor and Industries and moves election to general election using RCV. Requires Secretary of State (SOS) to adopt rules in consultation with county clerks and elections officers and provide guidance to local governments and service districts. Directs SOS to analyze election laws to determine need for additional legislation and report to Legislative Assembly by September 15, 2024. Identifies manner of determining winner of nomination or election using RCV, including conducting successive rounds of instant runoff retabulation and method where more than one person is elected to a single office. Specifies requirements for election of U.S. President and Vice President consistent with National Popular Vote interstate compact. Applies to elections and nominations occurring on or after January 1, 2026.

**ISSUES DISCUSSED:**
- Cost of implementation to county clerks for certification of systems and hardware and software updates
- Impact of ranked choice voting (RCV) on low-turnout elections
- Perceived complexity of RCV and history of use in other jurisdictions
- History of measure development and why certain offices are included

**EFFECT OF AMENDMENT:**

-1  Replaces the measure. Establishes ranked choice voting (RCV) as voting method to determine major political party nomination and election to the office of President of the United States, United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, and Attorney General. Authorizes cities, counties, metropolitan service districts, school districts, and any local government and service districts to use RCV to elect candidates for office and allows RCV to be used to nominate candidates for any partisan office. Eliminates nominating election for Commissioner of Bureau of Labor and Industries and for offices of judge of the Supreme Court, Court of Appeals, circuit court, and Oregon Tax Court, and moves election for all to general election using RCV. Identifies manner of determining winner of nomination for or election to office using RCV, including process for tallying of ballots by rounds and method where more than one person is elected to a single office. Requires Secretary of State (SOS) to adopt rules, including for RCV tally process; provide guidance to local governments and districts on RCV implementation; and establish program to educate electors about RCV elections. Directs SOS to analyze election laws to determine laws inconsistent with effective and efficient implementation of RCV and report to Legislative Assembly by September 15, 2024. Specifies requirements for appointment of presidential electors under National Popular Vote interstate compact and RCV. Applies to elections and nominations occurring on or after January 1, 2026.

-2  Replaces the measure. Establishes ranked choice voting (RCV) as voting method to determine major political party nomination and election to the office of President of the United States, United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, and Attorney General. Eliminates

nominating election for Commissioner of Bureau of Labor and Industries and instead establishes RCV as method used at primary election to determine election for office. Authorizes cities, counties, metropolitan service districts, school districts, and any local government and service districts to use RCV to elect candidates for office and allows RCV to be used to nominate candidates for any partisan office.

Identifies manner of determining winner of nomination for or election to office using RCV, including process for tallying of ballots by rounds and method where more than one person is elected to a single office. Allows any home rule jurisdiction to use any manner of RCV adopted between November 8, 2016 and effective date to determine elections to office in that jurisdiction instead of manner prescribed in measure. Specifies requirements for appointment of presidential electors under National Popular Vote interstate compact and RCV.

Requires Secretary of State (SOS), in consultation with county clerks and elections officers, to: (1) adopt rules, including on number of qualified candidates to be ranked on ballot, ballot tally processes, and when a full recount for an election conducted by RCV is required; (2) provide guidance to local governments and districts on RCV implementation; and (3) establish program to educate electors about RCV elections.

Directs SOS, in consultation with county clerks. to analyze election laws to determine existing laws inconsistent with effective and efficient implementation of RCV elections. Requires SOS and county clerks to report to Legislative Assembly on analysis and on certain RCV implementation expenditures and costs by March 15, 2025, and September 15, 2026.

Makes operative and applies to elections and nominations occurring on or after December 10, 2026. Refers act to people for their approval or rejection at next regular general election.

*FISCAL: May have fiscal impact, but no statement yet issued.*
*REVENUE: May have revenue impact, but no statement yet issued.*

**BACKGROUND:**

Ranked choice voting (RCV) requires voters to rank candidates by preference instead of voting for just one person. A candidate wins by receiving a majority of the first-preference votes cast. When there is no majority winner, this method allows for an instant runoff. The candidate with the lowest number of first-preference votes is eliminated and the second preference votes from those ballots are allocated to the remaining candidates and tabulated. This process continues until a candidate achieves a majority of the votes cast.

Two states, one county, and 52 cities, including San Francisco and New York, have adopted RCV for elections.  In 2016, Maine became the first state to authorize RCV for statewide races, using it in 2018 for all state and federal primaries and general congressional elections. In 2020, voters in Alaska approved a measure to replace Alaska's partisan primary with a "top-four" primary system and use RCV for the general election. Alaska voters used RCV for the first time on August 16, 2022, for a special U.S. House election. In Oregon, RCV was approved by Benton County voters in November 2016 and was first used in the November 2020 general election for county commissioner.

Six other states (Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina) allow voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to use RCV to vote an instant runoff ballot for an original election where a runoff election may be held shortly afterwards, and the ability of UOCAVA voters to receive, vote, and return a ballot by the run-off date is not guaranteed.

House Bill 2004 establishes RCV for nomination and election to the office of President of the United States, U.S. Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, and Attorney General. HB 2004 also authorizes cities, counties, metropolitan service districts, and any local government and service districts to use RCV to elect candidates for office and nominate candidates for any partisan office. The measure also

---

eliminates the nominating election for Commissioner of Bureau of Labor and Industries and moves election to general election using RCV.

---