

## **THE VOTER CHOICE ACT**

An Initiative to Give Voters the Option to Rank Candidates in Oregon

**Be it enacted by the people of the State of Oregon:**

### **SECTION 1. FINDINGS AND POLICY**

- (1) The people of Oregon find that preferential voting, a system that gives voters the option to rank candidates rather than only vote for one candidate, has led to:
  - a. Better outcomes for voters.
  - b. Government that better represents the will of the people.
  - c. Elections that encourage more diverse voices to run for office.
  - d. Election results that are more fair and trusted.
  - e. These positive effects of preferential voting have been true across rural and urban areas - confirmed through conversations with thousands of voters, by a large body of research, and by trusted non-partisan sources specializing in improving our elections.
- (2) The purpose of this Voter Choice Act is to give voters a greater voice in our elections, by giving Oregonians the option to rank the candidates running for major offices, including major party primaries, and to provide guidance and guidelines to assist counties or cities where local governments or voters choose to adopt preferential voting to improve their elections.
- (3) It is the policy of the State of Oregon that:
  - a. When one person is elected to a single office, the winner of that election should receive the majority of votes cast, that elections be opened to new voices, and that elections result in better government through giving voters the option to express their voice about multiple candidates on their ballots.
  - b. In races where ranking is available, voters may choose to rank as few or as many candidates as they wish – including voting as they did before by marking only one choice.
- (4) The results of preferential voting elections should be transparent. County Clerks shall be required to make provisional and final first round results available publicly as soon as possible and, in any case, no later than other election results, and the Secretary of State shall publish round-by-round results for all statewide and federal elections and for any election contest spanning more than one county which is conducted by preferential voting.
- (5) The provisions of this Act, adopting a preferential voting system, shall be interpreted consistently with the findings, purposes and policy objectives stated in this section and shall not be limited by any policy set forth in Oregon law that could conflict with or be interpreted to conflict with the purposes and policy objectives stated in this section.

## SECTION 2: OFFICES ELECTED BY PREFERENTIAL VOTING

- (1) Election contests for each of the following offices shall be conducted by preferential voting:
  - a. President of the United States.
  - b. United States Senator and Representative in Congress.
  - c. Governor, Secretary of State, State Treasurer and Attorney General.
  - d. State Representative, Oregon Legislative Assembly.
  - e. State Senator, Oregon Legislative Assembly.
  - f. Commissioner of the Bureau of Labor and Industries.
  - g. Judge of the Supreme Court, Court of Appeals, circuit court and Oregon Tax Court.
- (2) Primary elections for the nomination of major party candidates to a partisan office identified in subsection 1 of this section shall be conducted using preferential voting.
- (3) The election to fill the nonpartisan position of Commissioner of the Bureau of Labor and Industries shall be held in May and conducted using preferential voting.

## SECTION 3: PREFERENTIAL VOTING BALLOT

- (1) In any contest conducted by preferential voting, the ballot shall give voters the option of ranking candidates in order of choice.
- (2) The ballot shall allow voters to rank as many choices as there are qualified candidates, including qualified write-in candidates.
- (3) Instructions on the ballot must conform substantially to the following specifications, subject to usability testing and modification based on ballot design and voting system: "Vote by indicating your first-choice candidate and, at your option, ranking additional candidates in order of preference. Indicate your first choice by marking the number "1" beside a candidate's name, your 2nd choice by marking the number "2" beside a candidate's name, your 3rd choice by marking the number "3" beside a candidate's name, and so on. Rank as many or few choices as you wish. Indicating 2nd and later preferences will not count against your first choice. Do not skip numbers, and do not mark the same number beside more than one candidate."

## SECTION 4: PREFERENTIAL VOTING TABULATION

- (1) SINGLE-WINNER TABULATION. In any contest for one office conducted by preferential voting, the winner of the nomination or election shall be determined in the manner set forth in this section.
  - a. 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 until a candidate receives a majority of votes.

- b. If an active candidate has a majority of votes in a round, the candidate with the greatest number of votes is nominated or elected and the tallying of ballots is complete for that office.
- c. If no active candidate has a majority of votes in a round:
  - i. The active candidate with the fewest votes is defeated and is no longer an active candidate;
  - ii. Votes that had been counted for the defeated candidate are transferred to each ballot's next highest-ranked active candidate; and
  - iii. Ballots are retallied and a new round of vote tallying begins in the manner described in this subparagraph.
- (2) **MULTI-WINNER TABULATION.** In any contest where more than one person is to be elected to a single office, the candidates elected shall be determined by a proportional methodology adopted by rule by the Secretary of State. Any rules adopted under this subsection shall provide that candidates are elected to office on the basis of thresholds determined by the number of people to be elected to the single office.
- (3) **TIES.** If two or more candidates are tied with the fewest votes, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated shall be determined by lot. Election officials may resolve prospective ties between candidates prior to tabulation after all votes are cast.
- (4) A person other than the Secretary of State, county clerk, a member of a counting board, or any other elections official designated by the secretary or county clerk may not tally ballots cast for the nomination for or election to an office conducted using preferential voting as set forth in this Act.

## SECTION 5: LOCAL ELECTIONS

- (1) This measure may not be construed to:
  - a. Limit or otherwise restrict the authority of any home rule jurisdiction to adopt a system of preferential voting for the nomination for or election to any office in that jurisdiction;
  - b. Require a home rule jurisdiction to adopt a preferential voting system; or
  - c. Limit, restrict or preempt the authority of any home rule jurisdiction that, on or after November 8, 2016, and prior to the effective date of this Act, adopted an alternative preferential voting procedure (including those referred to by the local jurisdiction as “ranked choice voting”) or require the local jurisdiction to comply with any rules adopted or guidance issued by the Secretary of State to local jurisdictions seeking to adopt a system of preferential voting to fill offices in that local jurisdiction.
- (2) Unless otherwise prohibited by home rule charter or law, any local jurisdiction may adopt a preferential voting system to determine the election to any office within that jurisdiction.

## SECTION 6. PRESIDENTIAL ELECTIONS

- (1) This measure may not be interpreted to preclude or otherwise restrict or limit a major political party from selecting delegates for President of the United States according to party rules that are not inconsistent with the ORS Chapter 248.
- (2) The Secretary of State, in consultation with county clerks and elections officers as defined in ORS 255.005, shall adopt rules necessary for the implementation of this section. Prior to adopting rules relating to the nomination of candidates for President of the United States, the secretary shall also consult with, and receive input from, the Oregon chairperson from each major political party.
- (3) If the National Popular Vote interstate compact set forth in section 1, chapter 356, Oregon Laws 2019, governs the appointment of presidential electors and the election of presidential electors in this state is determined by preferential voting as set forth in this Act:
  - a. The determination of which candidates for the position of presidential electors shall be declared elected in this state shall be made in accordance with the provisions of the National Popular Vote interstate compact; and
  - b. The “final determination” of the presidential vote count reported and certified to the member states of the compact and to the federal government shall be the votes received in the final round of statewide 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 statewide tabulation.

SECTION 7. DEFINITIONS. For the purposes of this Act, the following terms have the following meanings:

- (1) “Active candidate” means any candidate who has not withdrawn, been defeated or been nominated or elected.
- (2) “Highest-ranked active candidate” means the active candidate assigned to a higher ranking than any other active candidate.
- (3) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2” and then “3” and so on.
- (4) “Round” means an instance of the sequence of voting tabulation beginning with Section 4(1)(a) for single winner contests or Section 4(2) for multi- winner contests.

## SECTION 8: IMPLEMENTATION

- (1) The Secretary of State shall analyze the election laws of this state to determine whether existing laws are inconsistent with the effective and efficient implementation of preferential voting elections. The secretary shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to elections no later than September 15, 2025.

- (2) The Secretary of State shall by rule establish a program to educate electors about how preferential voting will be conducted in elections held in this state. The program established under this section shall:
  - a. Involve community-based organizations;
  - b. Be culturally appropriate; and
  - c. Be available to electors in English and in the five most commonly spoken languages in the state, other than English, that have been identified by the secretary under ORS 251.167.
- (3) The Secretary of State, in consultation with county clerks and elections officers as defined in ORS 255.005, shall:
  - a. Adopt rules to implement this section; and
  - b. Provide formal and informal guidance to cities, counties, metropolitan service districts organized under ORS chapter 268 and local governments and local service districts as defined in ORS 174.116 regarding the implementation of this section if they elect to adopt a preferential voting system.

#### SECTION 9. MISCELLANEOUS

- (1) This Act shall apply to all of the primary and general elections described in Section 2 of this Act beginning with the May 2026 primary election.
- (2) If any provision of this Act, or the application of any provision of this Act to any person, office, or circumstance, is held to be unconstitutional, the remainder of this Act and the application of its provision to any person, office, or circumstance, shall not be affected by the holding.