

I, the Oregon-based VoteFair guy, am recommending the following wording for Section 3 of Oregon Senate Bill 791. The annotated version is available at: <https://www.rankedchoiceoregon.org/SenateBill0791SuggestedChanges.pdf>

[no change for paragraphs 1, 1a, 1b, and 1c]

(A) In 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) 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) If an elector ranks more than one candidate at the same ranking level, and if during tabulation two or more 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.

(D) After the first round, a majority is determined as at least one more than 50 percent of the votes cast for the nondefeated candidates in that round.

(E) 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) If the current round does not have a pairwise losing candidate then the candidate with the fewest votes is defeated.

(G) 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) 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) 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) 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) 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) 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) 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) 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) After the election results have been certified the Secretary of State shall publish [... see annotated version for this long paragraph ...].

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