S T A T E O F N E W Y O R K

582

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LANCMAN, CLARK, GALEF, M. MILLER -- Multi-Sponsored by -- M. of A. GLICK, LUPARDO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "NYC instant run-off voting act"; and to repeal subdivision 5 of section 3-705 and subdivision 6 of section 3-709 of the administrative code of the city of New York relating to certain run-off elections in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "NYC instant run-off voting act".

S 2. Legislative findings. The legislature hereby finds and declares that the run-off system of voting in primary elections for the offices of mayor, comptroller and public advocate in New York city is unduly expensive and generates an unacceptably low turnout of voters. Additionally, the absence of any run-off system at all for the offices of borough president and council member has resulted in candidates being elected with much less than a majority of the votes cast, and significantly dilutes minority voting power when multiple minority candidates compete for the same office. In an "instant run-off" system, voters rank candidates by order of preference, and if no candidate receives a majority of first-place votes, the top two candidates have the votes of eliminated candidates redistributed to them in order of each voter's preference. The candidate with the most votes after this "second round" is the winner. An instant run-off voting system eliminates the need for a costly and sparsely attended second election, rewards candidates who broaden their appeal as widely as possible, and promotes minority representation by limiting the dilution of minority voting power when multiple minority candidates are on the ballot for the same office.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 3. Section 6-162 of the election law, as amended by chapter 424 of the laws of 2010, is amended to read as follows:

S 6-162. [Primary; New York City, run-off. 1. In the city of New York, when no candidate for the office of mayor, public advocate or comptroller receives forty percent or more of the votes cast by the members of a political party for such office in a city-wide primary election, the board of elections of such city shall conduct a run-off primary election between the two candidates receiving the greatest number of votes for the same office.

2. In any jurisdiction that authorizes a run-off election after a primary election, if one of the two candidates receiving the greatest number of votes for the same office files with the local board of elections a certificate of withdrawal within three days following such primary election, the board shall accept and certify the withdrawal and declare the remaining candidate the winner and no such run-off primary election shall be held. Such certificate of withdrawal shall be in affidavit or affirmation form as determined by the state board of elections.] INSTANT RUN-OFF VOTING IN NEW YORK CITY. 1. ELECTIONS FOR MUNICIPAL OFFICE IN THE CITY OF NEW YORK SHALL USE AN "INSTANT RUN-OFF VOTING" SYSTEM.

2. ON EVERY BALLOT USING INSTANT RUN-OFF VOTING, THE VOTERS SHALL BE GIVEN THE OPPORTUNITY TO RANK CANDIDATES IN THE ORDER OF THEIR PREFERENCE.

3. THE FOLLOWING PROCEDURES SHALL BE USED TO DETERMINE WINNERS IN INSTANT RUN-OFF VOTING:

(A) THE BALLOTS SHALL BE COUNTED INITIALLY ACCORDING TO THE FIRST CHOICE MARKED ON EACH BALLOT. IF ONE CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST, THE BOARD OF ELECTIONS SHALL CERTIFY THAT CANDIDATE AS THE WINNER.

(B) IF AT THE END OF THE INITIAL ROUND OF COUNTING, NO CANDIDATE RECEIVED A MAJORITY OF FIRST CHOICES, ALL CANDIDATES SHALL BE ELIMINATED EXCEPT THE TWO CANDIDATES WITH THE GREATEST NUMBER OF FIRST CHOICES. THE BOARD OF ELECTIONS SHALL THEN CONDUCT A SECOND, FINAL ROUND OF COUNTING IN WHICH BALLOTS THAT RANK ELIMINATED CANDIDATES AS A FIRST CHOICE AND THAT INDICATE ONE OF THE UNELIMINATED CANDIDATES AS AN ALTERNATIVE CHOICE SHALL BE COUNTED AS VOTES FOR WHICHEVER OF THE UNELIMINATED CANDIDATES IS RANKED HIGHER ON EACH BALLOT. IN THE SECOND ROUND, EACH BALLOT IS COUNTED AS ONE VOTE FOR THE HIGHEST RANKED CANDIDATE ON THAT BALLOT WHO HAS NOT BEEN ELIMINATED. THE CANDIDATE WITH THE GREATER NUMBER OF VOTES IN THE SECOND ROUND SHALL BE CERTIFIED AS THE WINNER.

(C) IN CASE OF A TIE BETWEEN CANDIDATES SUCH THAT TWO OR MORE CANDIDATES HAVE AN EQUAL NUMBER OF FIRST CHOICES AND MORE THAN TWO CANDIDATES QUALIFY FOR THE SECOND ROUND, INSTANT RUN-OFF VOTING SHALL BE USED TO DETERMINE WHICH TWO CANDIDATES SHALL ADVANCE TO THE SECOND ROUND.

S 4. Subdivision 5 of section 3-705 of the administrative code of the city of New York is REPEALED.

S 5. Subdivision 6 of section 3-709 of the administrative code of the city of New York is REPEALED.

S 6. This act shall take effect immediately.