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582

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011
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Introduced by M. of A. LANCMAN, CLARK, GALEF, M. MILLER -- Multi-Spon-
  sored 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Short title. This act shall be known and may be cited as
 2 the "NYC instant run-off voting act".
 3   S 2. Legislative findings. The legislature hereby finds and declares
 4 that the run-off system of voting in primary elections for the offices
 5 of mayor, comptroller and public advocate in New York city is unduly
 6 expensive and generates an unacceptably low turnout of voters.   Addi-
 7 tionally, the absence of any run-off system at all for the offices of
 8 borough president and council member has resulted in candidates being
 9 elected with much less than a majority of the votes cast, and signif-
10 icantly dilutes minority voting power when multiple minority candidates
11 compete for the same office. In an "instant run-off" system, voters rank
12 candidates by order of preference, and if no candidate receives a major-
13 ity of first-place votes, the top two candidates have the votes of elim-
14 inated candidates redistributed to them in order of each voter's prefer-
15 ence. The candidate with the most votes after this "second round" is the
16 winner. An instant run-off voting system eliminates the need for a cost-
17 ly and sparsely attended second election, rewards candidates who broaden
18 their appeal as widely as possible, and promotes minority representation
19 by limiting the dilution of minority voting power when multiple minority
20 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.

                                                          LBD03806-01-1

 1   S 3. Section 6-162 of the election law, as amended by chapter 424 of
 2 the laws of 2010, is amended to read as follows:
 3   S 6-162. [Primary; New York City, run-off. 1. In the city of New York,
 4 when no candidate for the office of mayor, public advocate or comp-
 5 troller receives forty percent or more of the votes cast by the members
 6 of a political party for such office in a city-wide primary election,
 7 the board of elections of such city shall conduct a run-off primary
 8 election between the two candidates receiving the greatest number of
 9 votes for the same office.
10   2. In any jurisdiction that authorizes a run-off election after a
11 primary election, if one of the two candidates receiving the greatest
12 number of votes for the same office files with the local board of
13 elections a certificate of withdrawal within three days following such
14 primary election, the board shall accept and certify the withdrawal and
15 declare the remaining candidate the winner and no such run-off primary
16 election shall be held. Such certificate of withdrawal shall be in affi-
17 davit or affirmation form as determined by the state board of
18 elections.] INSTANT RUN-OFF VOTING IN NEW YORK CITY. 1. ELECTIONS FOR
19 MUNICIPAL OFFICE IN THE CITY OF NEW YORK SHALL USE AN "INSTANT RUN-OFF
20 VOTING" SYSTEM.
21   2. ON EVERY BALLOT USING INSTANT RUN-OFF VOTING, THE VOTERS SHALL BE
22 GIVEN THE OPPORTUNITY TO RANK CANDIDATES IN THE ORDER OF THEIR PREFER-
23 ENCE.
24   3. THE FOLLOWING PROCEDURES SHALL BE USED TO DETERMINE WINNERS IN
25 INSTANT RUN-OFF VOTING:
26   (A) THE BALLOTS SHALL BE COUNTED INITIALLY ACCORDING TO THE FIRST
27 CHOICE MARKED ON EACH BALLOT. IF ONE CANDIDATE RECEIVES A MAJORITY OF
28 THE VOTES CAST, THE BOARD OF ELECTIONS SHALL CERTIFY THAT CANDIDATE AS
29 THE WINNER.
30   (B) IF AT THE END OF THE INITIAL ROUND OF COUNTING, NO CANDIDATE
31 RECEIVED A MAJORITY OF FIRST CHOICES, ALL CANDIDATES SHALL BE ELIMINATED
32 EXCEPT THE TWO CANDIDATES WITH THE GREATEST NUMBER OF FIRST CHOICES. THE
33 BOARD OF ELECTIONS SHALL THEN CONDUCT A SECOND, FINAL ROUND OF COUNTING
34 IN WHICH BALLOTS THAT RANK ELIMINATED CANDIDATES AS A FIRST CHOICE AND
35 THAT INDICATE ONE OF THE UNELIMINATED CANDIDATES AS AN ALTERNATIVE
36 CHOICE SHALL BE COUNTED AS VOTES FOR WHICHEVER OF THE UNELIMINATED
37 CANDIDATES IS RANKED HIGHER ON EACH BALLOT. IN THE SECOND ROUND, EACH
38 BALLOT IS COUNTED AS ONE VOTE FOR THE HIGHEST RANKED CANDIDATE ON THAT
39 BALLOT WHO HAS NOT BEEN ELIMINATED. THE CANDIDATE WITH THE GREATER
40 NUMBER OF VOTES IN THE SECOND ROUND SHALL BE CERTIFIED AS THE WINNER.
41   (C) IN CASE OF A TIE BETWEEN CANDIDATES SUCH THAT TWO OR MORE CANDI-
42 DATES HAVE AN EQUAL NUMBER OF FIRST CHOICES AND MORE THAN TWO CANDIDATES
43 QUALIFY FOR THE SECOND ROUND, INSTANT RUN-OFF VOTING SHALL BE USED TO
44 DETERMINE WHICH TWO CANDIDATES SHALL ADVANCE TO THE SECOND ROUND.
45   S 4. Subdivision 5 of section 3-705 of the administrative code of the
46 city of New York is REPEALED.
47   S 5. Subdivision 6 of section 3-709 of the administrative code of the
48 city of New York is REPEALED.
49   S 6. This act shall take effect immediately.