# STATE OF NEW YORK

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5261

2019-2020 Regular Sessions

# IN ASSEMBLY

February 8, 2019
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Introduced by M. of A. MOSLEY -- read once and referred to the Committee
  on Election Law

AN  ACT to amend the election law, in relation to instant run-off voting
  in the city of New York; and to repeal certain provisions of such  law
  relating thereto

  **The  People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:**

1    Section 1. Section 6-162 of the election law is  REPEALED  and  a  new
2  section 6-162 is added to read as follows:
3    *§  6-162.  Primary;  New  York City, instant run-off voting. 1. In the*
4  *city of New York, any city-wide primary  elections  for  the  office  of*
5  *mayor, public advocate or comptroller, in which more than two candidates*
6  *appear  on the ballot for the same office, shall be conducted by instant*
7  *run-off voting.*
8    *2. For the purposes of this section, the term "instant run-off voting"*
9  *means an election in which voters may rank  up  to  five  candidates  in*
10  *order  of  preference,  first, second and so on, and in which tabulation*
11  *proceeds in up to two rounds as follows: If the candidate with the  most*
12  *votes  receives  a vote total less than fifty percent plus one vote, the*
13  *two candidates with the most votes proceed to a second round of  ballot-*
14  *counting.  In  such  second  round, each ballot is counted as a vote for*
15  *whichever of the two advancing  candidates  is  ranked  higher  by  that*
16  *voter.  Any ballot that does not rank either of the two advancing candi-*
17  *dates  shall  not be counted in the second round. The candidate with the*
18  *most votes in the second round shall be declared the winner.*
19    *3. That portion of the ballot pertaining  to  elections  conducted  by*
20  *instant  run-off  voting shall allow a voter to rank candidates in order*
21  *of choice in a way that is  clear  and  easy  to  understand  and  shall*
22  *include  the opportunity to rank no more than one write-in candidate. To*
23  *the extent possible, ballots shall be designed so that a voter may  mark*

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

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1  **that voter's first choice in the same manner as for offices not elected**
2  **by instant run-off voting.**
3  **4. Instructions on the ballot for elections conducted by instant run-**
4  **off voting must conform substantially to the following specifications,**
5  **subject to modification based on ballot design, usability testing and**
6  **voting machines: "Vote for candidates by indicating your first-choice**
7  **candidate and ranking additional candidates in order of preference.**
8  **Indicate your first choice by indicating a number "1" beside a candi-**
9  **date's name, your second choice by indicating a number "2" beside a**
10 **candidate's name, your third choice by marking the number "3" beside a**
11 **candidate's name and so on. You may choose to rank only one candidate,**
12 **but ranking another candidate as a lower choice will not hurt your first**
13 **choice. You may rank the same candidate more than once, but the addi-**
14 **tional ranking does not help that candidate. Do not mark the same number**
15 **beside more than one candidate. Do not skip numbers."**
16 **5. The board of elections, with the approval of the state board of**
17 **elections, may provide for the use of mechanical, electronic or other**
18 **devices for sorting and counting ballots and tabulating results and may**
19 **modify the form of the ballots, and the method of sorting, counting, and**
20 **invalidating ballots and the tabulating and recounting of votes with**
21 **respect to offices elected by instant run-off voting, provided that any**
22 **change made substantially conforms to this chapter.**
23   § 2. Paragraph (c) of subdivision 2 of section 7-114 of the election
24 law, as amended by chapter 234 of the laws of 1976, is amended to read
25 as follows:
26   (c) On the front of the stub, above the perforated line at the top of
27 the paper ballot shall be printed the same instructions as on the gener-
28 al election ballot**, and additional instructions, if any, required under**
29 **section 6-162 of this chapter**.
30   § 3. This act shall take effect January 1, 2020.