

# STATE OF NEW YORK

10963

## IN ASSEMBLY

September 9, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --  
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing a ranked  
choice voting method for presidential elections

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

1 Section 1. The election law is amended by adding a new article 18 to  
2 read as follows:

### ARTICLE 18

#### RANKED CHOICE VOTING FOR PRESIDENTIAL ELECTIONS

##### Section 18-100. Definitions.

3 18-102. Ranked choice voting method for presidential elections.

4 18-104. Ranked choice voting method; ballots.

5 18-106. Ranked choice voting method; procedures.

6 18-108. Voter education.

7 18-110. Construction.

8 § 18-100. Definitions. "Ranked choice voting method" shall mean a  
9 method of casting and tabulating votes that simulates the ballot counts  
10 that would occur if all voters participated in a series of runoff  
11 elections, whereby the voters rank candidates according to the order of  
12 their choice and, if no candidate has received a majority of votes, the  
13 candidate with the fewest first choice votes shall be eliminated and the  
14 remaining candidates advance to another counting round. In every round,  
15 each ballot shall be counted as one vote for the highest ranked advanc-  
16 ing candidate.

17 § 18-102. Ranked choice voting method for presidential elections. 1.  
18 Ranked choice voting for presidential elections. Beginning with the two  
19 thousand twenty-four election, all presidential elections shall be  
20 conducted using the ranked choice voting method.

21 2. The state board of elections is hereby authorized to promulgate  
22 rules and regulations mandating all county board of elections to conduct  
23 all presidential elections, including general elections, special  
24 elections, and primaries to be held in the year two thousand twenty-four  
25

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

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1 and for all presidential elections held thereafter, utilizing the ranked  
2 choice voting method.

3 § 18-104. Ranked choice voting method; ballots. 1. Notwithstanding  
4 the provisions of article seven of this chapter, or of any other  
5 provision of law to the contrary, ballots in an election for president  
6 and vice president of the United States shall conform to the provisions  
7 of this section. The ballot shall be simple and easy to understand and  
8 allow a voter to rank candidates in order of choice. A voter shall  
9 include no more than one write-in candidate among such voter's ranked  
10 choices.

11 2. Instructions on the ballot shall conform substantially to the  
12 following specifications, although subject to modification, based on  
13 ballot design and voting machine:

14 "Vote for candidates by indicating your first-choice candidates in  
15 order of preference. Indicate your first choice by marking the number  
16 "1" beside a candidate's name, your second choice by marking the number  
17 "2" beside a candidate's name, your third choice by marking the number  
18 "3" beside a candidate's name and so on, for as many choices as you  
19 wish. You may choose to rank only one candidate, but ranking additional  
20 candidates will not hurt the chances of your first-choice candidate. Do  
21 not mark the same number beside more than one candidate. Do not rank the  
22 same candidate more than once. Do not skip numbers."

23 3. A sample ballot for an election subject to the ranked choice voting  
24 method shall illustrate the voting procedure for the ranked choice  
25 voting method. Such a sample ballot shall be included with each absen-  
26 tee ballot.

27 4. The board of elections shall ensure that the necessary voting  
28 system, vote tabulation system, or other similar or related equipment  
29 shall be available to accommodate the ranked choice voting method where  
30 the ranked choice voting method is required by this article.

31 5. When a candidate is nominated for an office to be filled at the  
32 election by more than one party, the voting machine shall be so adjusted  
33 that a candidate's name appears in each row or column containing gener-  
34 ally the names of candidates for other offices nominated by any such  
35 party.

36 § 18-106. Ranked choice voting method; procedures. The following  
37 procedures shall apply in determining the winner in an election subject  
38 to the ranked choice voting method:

39 1. The first choice marked on each ballot shall be counted initially  
40 by election officials. If one candidate receives a majority of the  
41 votes, excluding blank and void ballots, that candidate shall be  
42 declared elected.

43 2. If no candidate receives a majority of first-choice votes at the  
44 end of the initial count, the candidate receiving the fewest first-  
45 choice votes shall be eliminated. Each vote cast for the eliminated  
46 candidate shall be transferred to the candidate who was the voter's next  
47 choice on the ballot.

48 (a) If a candidate is nominated by more than one party or independent  
49 body, the vote totals from each party line containing that candidate  
50 shall be treated separately in the first round solely for the purpose of  
51 determining each party's vote share.

52 (b) If a candidate is nominated by more than one party or independent  
53 body, the vote totals from each party line containing that candidate  
54 shall be treated as combined in every round for the purposes of deter-  
55 mining if any candidate has a majority and determining which candidate  
56 to eliminate.

1 (c) For the purposes of section 12-100 of this chapter, if a winning  
2 candidate is nominated by more than one party or independent body and  
3 such parties or independent bodies nominated more than one slate of  
4 candidates for elector of president and vice president of the United  
5 States, the electors of the party or independent body whose party line  
6 received the most votes of such parties or independent bodies that nomi-  
7 nated the winning candidate in the final round shall be elected.

8 3. Candidates with the fewest votes shall continue to be eliminated,  
9 with the votes for such candidates being transferred to the candidate  
10 who was each voter's next choice on the ballot until a candidate  
11 receives a majority of the votes, excluding blank and void ballots. When  
12 a candidate receives a majority of the votes, such candidate shall be  
13 declared the winner.

14 4. If a ballot has no more available choices ranked on it, such ballot  
15 shall be declared exhausted. Where a ballot skips two or more consec-  
16 utive numbers, such ballot shall be declared exhausted where the skip-  
17 ping of numbers begins on such ballot. A ballot with the same number for  
18 two or more candidates shall be declared exhausted where the double  
19 numbers begin on such ballot.

20 5. Where a tie is reached between candidates for last place, and thus  
21 elimination, occurring at any stage in the tabulation, the tie shall be  
22 resolved so as to eliminate the candidate who received the least number  
23 of votes at the previous stage of tabulation. In the case of a tie to  
24 which a previous stage does not apply, or such previous stage was also a  
25 tie, the tie shall be resolved by drawing lots. However, if the tie  
26 occurs when there are only two candidates remaining, the tie shall be  
27 resolved in accordance with the provisions of this article.

28 § 18-108. Voter education. The board of elections shall conduct a  
29 voter education campaign on the ranked choice voting system to familiar-  
30 ize voters with the ballot design, method of voting, and advantages of  
31 determining a majority winner in a single election.

32 § 18-110. Construction. All elections held by the ranked choice voting  
33 method pursuant to this article shall be subject to all the other  
34 provisions of this chapter and all other applicable laws relating to  
35 elections, so far as is applicable and not inconsistent with this arti-  
36 cle.

37 § 2. This act shall take effect immediately.