

# STATE OF NEW YORK

9771

## IN ASSEMBLY

February 11, 2020

Introduced by M. of A. O'DONNELL -- 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 general elections, special elections and  
primaries within the state

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 METHOD

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

6 18-102. Ranked choice voting method for state elections.

7 18-104. Ranked choice voting method permitted for local  
8 elections.

9 18-106. Ranked choice voting method; ballots.

10 18-108. Ranked choice voting method; procedures.

11 18-110. Voter education.

12 18-112. Construction.

13 § 18-100. Definitions. 1. "Ranked choice voting method" shall mean a  
14 method of casting and tabulating votes that simulates the ballot counts  
15 that would occur if all voters participated in a series of runoff  
16 elections, whereby the voters rank candidates according to the order of  
17 their choice and, if no candidate has received a majority of votes cast,  
18 then the candidate with the fewest first choice votes is eliminated and  
19 the remaining candidates advance to another counting round. In every  
20 round, each ballot is counted as one vote for the highest ranked advanc-  
21 ing candidate.

22 2. "Local government" shall mean a county, city, town, village, or  
23 school district.

24 § 18-102. Ranked choice voting method for state elections. 1. The  
25 state board of elections is hereby authorized to promulgate rules and  
26 regulations mandating all county board of elections to conduct all state  
27 elections, including general elections, special elections and primaries,

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

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1 to be held in the year two thousand twenty-two and for all state  
2 elections held thereafter, utilizing the ranked choice voting method.

3 2. The provisions of this article shall apply only when three or more  
4 candidates have been nominated or designated for a state elected office  
5 enumerated in subdivision one of this section.

6 § 18-104. Ranked choice voting method permitted for local elections.  
7 1. For all local elections to be held in the year two thousand twenty-  
8 two and for all local elections held thereafter, local governments are  
9 hereby permitted to conduct elections utilizing the ranked choice voting  
10 method for all local elections in the state.

11 2. In order to implement the ranked choice voting method as provided  
12 in subdivision one of this section, the governing body of the local  
13 government shall adopt a resolution implementing the ranked choice meth-  
14 od as authorized by this article. Such resolution shall be subject to a  
15 permissive referendum.

16 3. Such resolution shall be adopted by the governing board of the  
17 local government at least one hundred eighty days before the local  
18 election for which ranked choice voting shall be utilized.

19 4. The provisions of this article shall apply only when three or more  
20 candidates have been nominated or designated for an office enumerated in  
21 subdivision one of this section, and the governing body of the local  
22 government has enacted a resolution implementing the ranked choice  
23 voting method.

24 § 18-106. Ranked choice voting method; ballots. 1. For offices subject  
25 to the ranked choice voting method, the ballot shall be simple and easy  
26 to understand and allow a voter to rank candidates for an office in  
27 order of choice. A voter may include no more than one write-in candidate  
28 among that voter's ranked choices for each office. If feasible, ballots  
29 shall be designed so that a voter may mark that voter's first choices in  
30 the same manner as that for offices not elected by the ranked choice  
31 voting method.

32 2. Instructions on the ballot shall conform substantially to the  
33 following specifications, although subject to modification, based on  
34 ballot design and voting machine:

35 "Vote for candidates by indicating your first-choice candidates in  
36 order of preference. Indicate your first choice by marking the number  
37 "1" beside a candidate's name, your second choice by marking the number  
38 "2" beside a candidate's name, your third choice by marking the number  
39 "3" beside a candidate's name and so on, for as many choices as you  
40 wish. You may choose to rank only one candidate, but ranking additional  
41 candidates will not hurt the chances of your first-choice candidate. Do  
42 not mark the same number beside more than one candidate. Do not skip  
43 numbers."

44 3. A sample ballot for an office subject to the ranked choice voting  
45 method shall illustrate the voting procedure for the ranked choice  
46 voting method. Such a sample ballot shall be included with each absen-  
47 tee ballot.

48 4. The appropriate election official for a local government where the  
49 ranked choice voting method has been authorized by such local government  
50 shall insure that the necessary voting system, vote tabulation system,  
51 or other similar or related equipment shall be available to accommodate  
52 the ranked choice voting method.

53 § 18-108. Ranked choice voting method; procedures. The following  
54 procedures shall apply in determining the winner in an election for an  
55 office subject to the ranked choice voting method:

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

5 2. If no candidate receives a majority of first-choice votes cast at  
6 the end of the initial count, the candidate receiving the fewest first-  
7 choice votes shall be eliminated. Each vote cast for the eliminated  
8 candidate shall be transferred to the candidate who was the voter's next  
9 choice on the ballot.

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

16 4. If a ballot has no more available choices ranked on it, that ballot  
17 shall be declared exhausted. Where a ballot skips one or more numbers,  
18 that ballot shall be declared exhausted when the skipping of numbers is  
19 reached. A ballot with the same number for two or more candidates shall  
20 be declared exhausted when these double numbers are reached.

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

29 § 18-110. Voter education. Where a local government shall pass a  
30 resolution authorizing the ranked choice voting method, the governing  
31 body shall conduct a voter education campaign on the ranked choice  
32 voting system to familiarize voters with the ballot design, method of  
33 voting, and advantages of determining a majority winner in a single  
34 election. The governing body shall use public service announcements, as  
35 well as seek other media cooperation to the maximum extent practicable.

36 § 18-112. Construction. All state and local elections held by the  
37 ranked choice voting method pursuant to this article shall be subject to  
38 all the other provisions of this chapter and all other applicable laws  
39 relating to elections, so far as is applicable and not inconsistent with  
40 this chapter.

41 § 2. This act shall take effect immediately and shall apply to all  
42 elections held in the state on or after January 1, 2022.