

# STATE OF NEW YORK

1009

2021-2022 Regular Sessions

## IN ASSEMBLY

January 7, 2021

Introduced by 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 Assembly, 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.

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

18-104. Ranked choice voting method; ballots.

18-106. Ranked choice voting method; procedures.

18-108. Voter education.

18-110. Construction.

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

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

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

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1 2. The state board of elections is hereby authorized to promulgate  
2 rules and regulations mandating all county board of elections to conduct  
3 all presidential elections, including general elections, special  
4 elections, and primaries to be held in the year two thousand twenty-four  
5 and for all presidential elections held thereafter, utilizing the ranked  
6 choice voting method.

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

15 2. Instructions on the ballot shall conform substantially to the  
16 following specifications, although subject to modification, based on  
17 ballot design and voting machine:

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

27 3. A sample ballot for an election subject to the ranked choice voting  
28 method shall illustrate the voting procedure for the ranked choice  
29 voting method. Such a sample ballot shall be included with each absen-  
30 tee ballot.

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

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

40 § 18-106. Ranked choice voting method; procedures. The following  
41 procedures shall apply in determining the winner in an election subject  
42 to the ranked choice voting method:

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

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

52 (a) 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 separately in the first round solely for the purpose of  
55 determining each party's vote share.

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

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

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

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

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

33 § 18-108. Voter education. The board of elections shall conduct a  
34 voter education campaign on the ranked choice voting system to familiar-  
35 ize voters with the ballot design, method of voting, and advantages of  
36 determining a majority winner in a single election.

37 § 18-110. Construction. All elections held by the ranked choice voting  
38 method pursuant to this article shall be subject to all the other  
39 provisions of this chapter and all other applicable laws relating to  
40 elections, so far as is applicable and not inconsistent with this arti-  
41 cle.

42 § 2. This act shall take effect immediately.