

STATE OF NEW YORK

2051

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON, EPSTEIN -- Multi-Sponsored by -- M. of A. NIOU, SEAWRIGHT -- 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 Assembly, 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 Section 6-162 of the election law is REPEALED and a new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. Subdivision 2 of section 7-114 of the election law is amended by
24 adding a new paragraph (c) to read as follows:

25 (c) On the front of the stub, above the perforated line at the top of
26 the paper ballot shall be printed the same instructions as on the gener-
27 al election ballot, and additional instructions, if any, required under
28 section 6-162 of this chapter.

29 § 3. This act shall take effect January 1, 2023.