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:

Section 1. Section 6-162 of the election law is REPEALED and a new section 6-162 is added to read as follows:

§ 6-162. Primary; New York City, instant run-off voting. 1. In the city of New York, any city-wide primary elections for the office of mayor, public advocate or comptroller, in which more than two candidates appear on the ballot for the same office, shall be conducted by instant run-off voting.

2. For the purposes of this section, the term "instant run-off voting" means an election in which voters may rank up to five candidates in order of preference, first, second and so on, and in which tabulation proceeds in up to two rounds as follows: If the candidate with the most votes receives a vote total less than fifty percent plus one vote, the two candidates with the most votes proceed to a second round of ballot-counting. In such second round, each ballot is counted as a vote for whichever of the two advancing candidates is ranked higher by that voter. Any ballot that does not rank either of the two advancing candidates shall not be counted in the second round. The candidate with the most votes in the second round shall be declared the winner.

3. That portion of the ballot pertaining to elections conducted by instant run-off voting shall allow a voter to rank candidates in order of choice in a way that is clear and easy to understand and shall include the opportunity to rank no more than one write-in candidate. To 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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that voter's first choice in the same manner as for offices not elected by instant run-off voting.

4. Instructions on the ballot for elections conducted by instant run-off voting must conform substantially to the following specifications, subject to modification based on ballot design, usability testing and voting machines: "Vote for candidates by indicating your first-choice candidate and ranking additional candidates in order of preference. Indicate your first choice by indicating a number "1" beside a candidate's name, your second choice by indicating a number "2" beside a candidate's name, your third choice by marking the number "3" beside a candidate's name and so on. You may choose to rank only one candidate, but ranking another candidate as a lower choice will not hurt your first choice. You may rank the same candidate more than once, but the additional ranking does not help that candidate. Do not mark the same number beside more than one candidate. Do not skip numbers."

5. The board of elections, with the approval of the state board of elections, may provide for the use of mechanical, electronic or other devices for sorting and counting ballots and tabulating results and may modify the form of the ballots, and the method of sorting, counting, and invalidating ballots and the tabulating and recounting of votes with respect to offices elected by instant run-off voting, provided that any change made substantially conforms to this chapter.

§ 2. Subdivision 2 of section 7-114 of the election law is amended by adding a new paragraph (c) to read as follows:

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

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