STATE OF NEW YORK

4495

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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 Assembly, do enact as follows:

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

ARTICLE 18

RANKED CHOICE VOTING METHOD

Section 18-100. Definitions.

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

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

18-106. Ranked choice voting method; ballots.

18-108. Ranked choice voting method; procedures.

18-110. Voter education.

18-112. Construction.

§ 18-100. Definitions. 1. "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 cast, then the candidate with the fewest first choice votes is eliminated and the remaining candidates advance to another counting round. In every round, each ballot is counted as one vote for the highest ranked advancing candidate.

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

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

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§ 18-102. Ranked choice voting method for state elections. 1. The state board of elections is hereby authorized to promulgate rules and regulations mandating all county board of elections to conduct all state elections, including general elections, special elections and primaries, to be held in the year two thousand twenty-three and for all state elections held thereafter, utilizing the ranked choice voting method.

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

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

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

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

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

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

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

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

3. A sample ballot for an office subject to the ranked choice voting method shall illustrate the voting procedure for the ranked choice voting method. Such a sample ballot shall be included with each absentee ballot.

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

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

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately and shall apply to all elections held in the state on or after January 1, 2023.