STATE OF NEW YORK

1218

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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:

Section 1. The election law is amended by adding a new article 18 to 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-six 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.

LBD02125-01-3

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

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

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 rank the same candidate more than once. Do not skip numbers."

3. A sample ballot for an election 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 board of elections shall ensure that the necessary voting system, vote tabulation system, or other similar or related equipment shall be available to accommodate the ranked choice voting method where the ranked choice voting method is required by this article.

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

§ 18-106. Ranked choice voting method; procedures. The following procedures shall apply in determining the winner in an election 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, excluding blank and void ballots, that candidate shall be declared elected.

2. If no candidate receives a majority of first-choice votes 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.

(a) If a candidate is nominated by more than one party or independent body, the vote totals from each party line containing that candidate shall be treated separately in the first round solely for the purpose of determining each party's vote share.

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

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

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

4. If a ballot has no more available choices ranked on it, such ballot shall be declared exhausted. Where a ballot skips two or more consecutive numbers, such ballot shall be declared exhausted where the skipping of numbers begins on such ballot. A ballot with the same number for two or more candidates shall be declared exhausted where the double numbers begin on such ballot.

5. Where a tie is reached 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 article.

§ 18-108. Voter education. The board of elections 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.

§ 18-110. Construction. All 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 article.

§ 2. This act shall take effect immediately.