

# STATE OF NEW YORK

4351

2023-2024 Regular Sessions

## IN ASSEMBLY

February 14, 2023

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 Assem-  
bly, 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 METHOD

##### Section 18-100. Definitions.

6 18-102. Ranked choice voting method for state elections.

7 18-104. Ranked choice voting method permitted for local  
8 elections.

9 18-106. Ranked choice voting method; ballots.

10 18-108. Ranked choice voting method; procedures.

11 18-110. Voter education.

12 18-112. Construction.

13 § 18-100. Definitions. 1. "Ranked choice voting method" shall mean a  
14 method of casting and tabulating votes that simulates the ballot counts  
15 that would occur if all voters participated in a series of runoff  
16 elections, whereby the voters rank candidates according to the order of  
17 their choice and, if no candidate has received a majority of votes cast,  
18 then the candidate with the fewest first choice votes is eliminated and  
19 the remaining candidates advance to another counting round. In every  
20 round, each ballot is counted as one vote for the highest ranked advanc-  
21 ing candidate.

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

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

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

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

10    § 18-104. Ranked choice voting method permitted for local elections.  
11 1. For all local elections to be held in the year two thousand twenty-  
12 five and for all local elections held thereafter, local governments are  
13 hereby permitted to conduct elections utilizing the ranked choice voting  
14 method for all local elections in the state.

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

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

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

28    § 18-106. Ranked choice voting method; ballots. 1. For offices subject  
29 to the ranked choice voting method, the ballot shall be simple and easy  
30 to understand and allow a voter to rank candidates for an office in  
31 order of choice. A voter may include no more than one write-in candidate  
32 among that voter's ranked choices for each office. If feasible, ballots  
33 shall be designed so that a voter may mark that voter's first choices in  
34 the same manner as that for offices not elected by the ranked choice  
35 voting method.

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

39    "Vote for candidates by indicating your first-choice candidates in  
40 order of preference. Indicate your first choice by marking the number  
41 "1" beside a candidate's name, your second choice by marking the number  
42 "2" beside a candidate's name, your third choice by marking the number  
43 "3" beside a candidate's name and so on, for as many choices as you  
44 wish. You may choose to rank only one candidate, but ranking additional  
45 candidates will not hurt the chances of your first-choice candidate. Do  
46 not mark the same number beside more than one candidate. Do not skip  
47 numbers."

48    3. A sample ballot for an office subject to the ranked choice voting  
49 method shall illustrate the voting procedure for the ranked choice  
50 voting method. Such a sample ballot shall be included with each absen-  
51 tee ballot.

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

1     § 18-108. Ranked choice voting method; procedures. The following  
2 procedures shall apply in determining the winner in an election for an  
3 office subject to the ranked choice voting method:

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

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

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

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

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

32     § 18-110. Voter education. Where a local government shall pass a  
33 resolution authorizing the ranked choice voting method, the governing  
34 body shall conduct a voter education campaign on the ranked choice  
35 voting system to familiarize voters with the ballot design, method of  
36 voting, and advantages of determining a majority winner in a single  
37 election. The governing body shall use public service announcements, as  
38 well as seek other media cooperation to the maximum extent practicable.

39     § 18-112. Construction. All state and local elections held by the  
40 ranked choice voting method pursuant to this article shall be subject to  
41 all the other provisions of this chapter and all other applicable laws  
42 relating to elections, so far as is applicable and not inconsistent with  
43 this chapter.

44     § 2. This act shall take effect immediately and shall apply to all  
45 elections held in the state on or after January 1, 2025.