

STATE OF NEW YORK

479

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. CARROLL, EPSTEIN -- 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 nonpartisan primary elections

The People of the State of New York, represented in Senate and Assembly, 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; NONPARTISAN PRIMARY ELECTIONS

Section 18-100. Definitions.

6 18-102. Ranked choice voting method for nonpartisan primary
7 elections.

8 18-104. Procedures.

9 18-106. Ballots.

10 18-108. Voter education.

11 18-110. Construction.

12 § 18-100. Definitions. For purposes of this section, "ranked choice
13 voting method" shall mean a method of casting and tabulating votes that
14 simulates the ballot counts that would occur if all voters participated
15 in a series of runoff elections, whereby the voters rank candidates by
16 preference and, if no candidate has received a majority of votes cast,
17 then the candidate with the fewest first choice votes is eliminated and
18 the remaining candidates advance to another counting round. In every
19 round, each ballot is counted as one vote for the highest ranked advanc-
20 ing candidate. The process shall be repeated until two candidates remain
21 on the ballot. The final two candidates shall advance to the general
22 election.

23 § 18-102. Ranked choice voting method for nonpartisan primary
24 elections. 1. The state board of elections is hereby authorized to
25 promulgate rules and regulations mandating all county boards of

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

LBD01100-01-3

1 elections to conduct all state, local and federal primary elections,
2 excluding the presidential primary, held in the year two thousand twen-
3 ty-five and each year thereafter, utilizing the ranked choice voting
4 method.

5 2. The provisions of this article shall apply only when more than two
6 candidates have been nominated or designated for an office enumerated in
7 subdivision one of this section.

8 § 18-104. Procedures. 1. All registered voters otherwise qualified to
9 vote shall be permitted to vote for the candidate of their choice in the
10 primary election regardless of such voter's political party affiliation.

11 2. Any person who meets the primary election qualifications may peti-
12 tion as a candidate in such primary election as a member of the party in
13 which such candidate is registered.

14 3. All candidates for a given office shall be listed on a single
15 primary ballot. Such ballot shall clearly designate the party in which
16 each candidate is registered. The top two candidates as determined by
17 the ranked choice voting method, shall advance to the general election,
18 regardless of political party affiliation. The winner shall be the
19 candidate receiving the greatest number of votes cast in the general
20 election.

21 § 18-106. Ballots. 1. For offices subject to the ranked choice voting
22 method, the ballot shall be simple and easy to understand and allow a
23 voter to rank candidates for an office based on preference. If feasible,
24 ballots shall be designed so that a voter may mark that voter's first
25 choices in the same manner as that for offices not elected by the ranked
26 choice voting method.

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

30 "Vote for candidates by indicating your first-choice candidates in
31 order of preference. Indicate your first choice by marking the number
32 "1" beside a candidate's name, your second choice by marking the number
33 "2" beside a candidate's name, your third choice by marking the number
34 "3" beside a candidate's name, your fourth choice by marking the number
35 "4" beside a candidate's name and your fifth choice by marking the
36 number "5" beside a candidate's name. You may choose to rank only one
37 candidate, but ranking additional candidates will not hurt the chances
38 of your first-choice candidate. You may not rank more than five candi-
39 dates. Do not mark the same number beside more than one candidate. Do
40 not skip numbers."

41 3. A sample ballot for an office subject to the ranked choice voting
42 method shall illustrate the voting procedure for the ranked choice
43 voting method. Such a sample ballot shall be included with each absen-
44 tee ballot.

45 § 18-108. Voter education. The state board of elections shall conduct
46 a voter education campaign on the ranked choice voting system to famil-
47 iarize voters with the ballot design, method of voting, and advantages
48 of determining a majority winner in a single election.

49 § 18-110. Construction. All primary elections held by the ranked
50 choice voting method pursuant to this article shall be subject to all
51 the other provisions of this chapter and all other applicable laws
52 relating to elections, so far as is applicable and not inconsistent with
53 this article.

54 § 2. This act shall take effect immediately and shall apply to all
55 primary elections on or after January 1, 2025.