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:

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

ARTICLE 18

RANKED CHOICE VOTING; NONPARTISAN PRIMARY ELECTIONS

Section 18-100. Definitions.
18-102. Ranked choice voting method for nonpartisan primary elections.
18-104. Procedures.
18-106. Ballots.
18-108. Voter education.
18-110. Construction.

§ 18-100. Definitions. For purposes of this section, "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 by preference 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. The process shall be repeated until two candidates remain on the ballot. The final two candidates shall advance to the general election.

§ 18-102. Ranked choice voting method for nonpartisan primary elections. 1. The state board of elections is hereby authorized to 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

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

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

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

2. Any person who meets the primary election qualifications may petition as a candidate in such primary election as a member of the party in which such candidate is registered.

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

§ 18-106. 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 based on preference. 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, your fourth choice by marking the number "4" beside a candidate's name and your fifth choice by marking the number "5" beside a candidate's name. You may choose to rank only one candidate, but ranking additional candidates will not hurt the chances of your first-choice candidate. You may not rank more than five candidates. 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.

§ 18-108. Voter education. The state 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 primary 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 and shall apply to all primary elections on or after January 1, 2025.