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COMMITTEE ON GOVERNMENTAL OPERATIONS
Hon. Fernando Cabrera, Chair

December 7, 2020

Oversight: Ranked Choice Voting Implementation in NYC

Int. No. 1994:	By Council Members Ampry-Samuel, Kallos, Yeger, Dromm, Van Bramer, Reynoso, Powers, Chin, Barron, Louis, Ayala, Levin, Constantinides, Rosenthal, Lander, Adams, Rivera, Levine, Cabrera, Miller, Moya and Vallone
Title:	A Local Law in relation to a voter education campaign regarding ranked choice voting
Preconsidered Int. :	By Council Member Lander
Title:	A Local Law to amend the New York city charter, in relation to the reporting of unofficial election night results for ranked choice elections
Charter:	Amends section 1057-G, subdivision c, paragraph 13, and subdivision f, paragraph 1

I. INTRODUCTION

On December 7, 2020, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold an oversight hearing entitled "Ranked Choice Voting Implementation in NYC." The Committee will also hear two pieces of legislation: Int. No. 1994, sponsored by Council Member Ampry-Samuel, in relation to a voter education campaign regarding ranked choice voting; and Preconsidered Int., sponsored by Council Member Lander, in relation to the reporting of unofficial election night results for ranked choice elections. Among those invited to testify are representatives from the Board of Elections in the City of New York ("NYCBOE"), the New York City Campaign Finance Board ("CFB"), the Mayor's DemocracyNYC office, the Civic Engagement Commission, advocacy organizations, and members of the public.

II. BACKGROUND

a. Overview of New York City's RCV System

On November 5, 2019, New York City voters overwhelming approved a ballot measure to adopt three election-related amendments to the New York City Charter.[1] The most significant of these amendments was the addition of section 1057-G, instituting ranked choice voting ("RCV") for local special and primary elections.[2] Under RCV, instead of voting for a single candidate in each contest, voters may rank up to five candidates in their order of preference.[3] If one candidate receives more than 50 percent of the first-choice votes, that candidate will be declared the winner.[4] If no candidate receives 50 percent of the first-choice votes, the last-place candidate will be

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[1] *See* Board of Elections in the City of New York, Statement and Return Report for Certification, General Election 2019 (2019), https://legistar.council.nyc.gov/View.ashx?M=F&ID=7953071&GUID=1CB8282C-EC0E-48BC-8386-0130F05D2A5A.
[2] *See* Charter § 1057-G.
[3] Charter § 1057-G(d)(1).
[4] Charter § 1057-G(e)(1).

eliminated, and voters who ranked the last-place candidate first will be treated as having voted for their second-choice candidate.[5] This process will repeat until only two candidates remain, at which point the candidate with the most votes will be declared the winner.[6]

Under section 1057-G, RCV will be used for all primary and special elections for Mayor, Public Advocate, Comptroller, Borough President, and City Council.[7] RCV will not be used for local general elections, or for elections for any other office.[8] Section 1057-G will become effective on January 1, 2021, meaning that all local primary and special elections occurring on or after that date will be required to utilize RCV.[9]

b. Preparing for the Implementation of RCV in New York City

The first RCV election in the City will be the special election to fill the vacant City Council seat in District 24. This election has been scheduled for Tuesday, February 2, 2021,[10] although early voting will begin on January 23.[11] Three additional RCV elections to fill vacancies in Council Districts 31, 11, and 15 are expected to be scheduled in February or March, as Donavan Richards was sworn in as Queen Borough President on December 2, 2020, and Council Members Cohen and Torres are both expected to resign in the coming weeks in order to assume other elected offices.[12] New Yorkers who do not live in one of these four Council Districts will likely have their

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[5] Charter § 1057-G(e)(2).

[6] *Id.*

[7] *See* Charter § 1057-G(a) (definition of "ranked choice election").

[8] *Id.*

[9] Charter § 1057-G.

[10] Office of the Mayor, Mayor de Blasio Declares Special Election Date for the 24th Council District in Queens (November 2020), https://www1.nyc.gov/office-of-the-mayor/news/767-20/mayor-de-blasio-declares-special-election-date-the-24th-council-district-queens.

[11] *See* N.Y. Elec. Law § 8-600(1).

[12] Jarret Murphy, *With Five NYC Special Elections Ahead, Concerns Over Timing and Turnout*, City Limits (November 16, 2020), https://citylimits.org/2020/11/16/with-five-nyc-special-elections-ahead-concerns-over-timing-and-turnout/.

first opportunity to vote in an RCV election in June, when the City will conduct primary elections for the offices of Mayor, Comptroller, Public Advocate, Borough President, and City Council.

i. NYCBOE's Preparations

NYCBOE administers elections in New York City.[13] It is a body created by the state Election Law and consists of 10 Commissioners: one Democrat and one Republican from each borough, selected by party leaders and appointed by the City Council.[14] Commissioners serve four-year terms[15] and may be removed by the Governor for cause.[16] Commissioners are required to appoint an Executive Director and a Deputy Executive Director, whose duties are to manage the operations of NYCBOE under the supervision of the Commissioners.[17] The Board's Executive Director is Michael J. Ryan and its Deputy Executive Director is Dawn Sandow.[18]

NYCBOE is responsible for, among other things: conducting voter registration; maintaining and updating voter records; processing and verifying candidate petitions; processing requests for absentee ballots; operating poll sites; maintaining and deploying voting equipment; and canvassing and certifying the vote in each election.[19] NYCBOE must issue an annual report to the City,[20] and the Board's budget is under the control of the Council and Mayor.[21] For procurement purposes, NYCBOE is treated as an agency of the City and must comply with the rules and regulations of the City's Procurement Policy Board and applicable state law.[22]

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[13] *See* About the NYC Board of Elections, NYC Board of Elections, https://vote.nyc/page/about-nyc-board-elections (last accessed Nov. 6, 2019).

[14] N.Y. Elec. Law § 3-200(1), (3).

[15] N.Y. Elec. Law § 3-202(1).

[16] N.Y. Elec. Law § 3-200(7).

[17] N.Y. Elec. Law § 3-300.

[18] Commissioners & Management, NYC Board of Elections, https://vote.nyc/page/commissioners-management (last accessed Nov. 6, 2019).

[19] *See* About the NYC Board of Elections, NYC Board of Elections, https://vote.nyc/page/about-nyc-board-elections (last accessed July 28, 2019).

[20] N.Y. Elec. Law § 3-212(4).

[21] *See* N.Y. Elec. Law §§ 3-208, 3-300; 4-136(1).

[22] N.Y. Elec. Law §4-136(3).

Section 1057-G of the Charter requires NYCBOE to "take all necessary steps" to ensure the timely implementation of RCV.[23] To date, the Board has taken a number of important steps to prepare for the rollout of RCV in 2021, although much more work remains to be done. Among other things, the Board will need to finalize the design of the first RCV ballots, acquire RCV tabulation software, obtain any necessary state approvals for such software, promulgate rules for the hand counting of RCV ballots, and train poll workers on the administration of RCV elections.

1. *Finalizing the Design of RCV Ballots*

Under Section 1057-G, the Board must determine the design of RCV ballots in accordance with the requirements of the Charter and the Election Law.[24] In its RCV Implementation Plan—submitted to the Speaker in June 2020 pursuant to the Charter[25]—the Board included a sample RCV ballot produced by its vendor.[26] Consistent with the requirements of the Charter, RCV races on the sample ballot were organized in the form of a grid, listing each candidate in the leftmost column, and allowing voters to rank up to five candidates in their order of preference.[27] The following image shows how RCV races are laid out on the sample ballot provided by the Board:

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[23] Charter § 1057-G(i).
[24] Charter § 1057-G(d).
[25] Charter § 1057-G(i).
[26] *See* Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).
[27] *See* Charter § 1057-G(d)(2), (3).

The Charter also requires the Board to determine the content of RCV ballot instructions.[28] Such instructions must include, at a minimum, text that reads substantially as follows:

INSTRUCTIONS

Rank candidates in the order of your choice. Mark the (insert "oval" or "square") in the "1st choice" column for your first-choice candidate. Mark the (insert "oval" or "square") in the "2nd choice" column for your second-choice candidate, and so on. (Provide illustration of correctly marked voting positions here.) To rank a candidate whose name is not printed on the ballot, mark (insert "an oval" or "a square") next to the box labeled "write-in" and print the name clearly, staying within the box. You may mark as many or as few candidates as the numbered columns allow, but do not mark more than one (insert "oval" or "square") per candidate. Ranking a second-choice candidate, third-choice candidate, and so on will not hurt your first-choice candidate. Do not mark more than one (insert "oval" or "square") in any

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[28] Charter § 1057-G(d).

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column. If you do, your vote may not count. Any mark or writing outside the spaces

provided for voting may void the entire ballot. You have a right to a replacement

ballot. If you make a mistake, or want to change your vote, (insert "ask a poll worker

for a new ballot" or, for absentee ballots, "call the board of elections at (insert phone

number here) for instructions on how to obtain a new ballot").[29]

In addition, the Charter requires RCV ballots to include "line drawing illustrations" to supplement

the written ballot instructions.[30] Such illustrations must include, at a minimum, a depiction of the

correct way to mark an RCV ballot.[31]

The Board's RCV Implementation Plan did not include sample instructions or illustrations,

nor did it indicate how the Board plans to incorporate the required instructions and illustrations

into its overall ballot design.[32] Under the Election Law, the Board is required to transmit ballots to

military voters at least 45 days before a special election.[33] With the first special election to use

RCV scheduled for February 2, 2021, the Board will need to finalize the first RCV ballots before

Saturday, December 19, 2020.

2. *Acquiring RCV Tabulation Software*

Although the Board's existing ballot scanning machines are capable of scanning RCV

ballots, the Board will need to acquire new software in order to machine-tabulate the RCV ballots

once they are scanned. In its RCV Implementation Plan, NYCBOE noted that such software may

require "approval and/or certification" by the State Board of Elections before it can be used.[34]

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[29] Charter § 1057-G(d)(3).
[30] *Id.*
[31] *Id.*
[32] *See* Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).
[33] N.Y. Elec. Law § 10-108(1)(a).
[34] Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).

NYCBOE stated that it had "communicated with the State Board for a determination" as to whether such approval or certification would be necessary, and that it would proceed accordingly once it had received such determination.[35]

At a Committee oversight hearing on September 25, 2020, Executive Director Ryan testified that the Board had not yet received a determination from the State Board as to whether approval or certification of the RCV tabulation software would be required.[36] Mr. Ryan indicated that NYCBOE was waiting on this determination in order to initiate the procurement process.[37] However, during the same hearing, New York State Board of Elections Co-Chair Douglas Kellner, testifying in his personal capacity, stated that NYCBOE would need to identify a specific software product before the State Board could determine whether certification was necessary.[38] Mr. Kellner noted that certification may not be required if the tabulation software does not necessitate changes to the software that runs on the Board's ballot scanning machines.[39] He cautioned, however, that if certification is required, the process could take six months or longer to complete.[40]

On November 16, 2020, NYCBOE issued a bid solicitation for the RCV tabulation software that can be used in conjunction with its ES&S DS200 model ballot scanner.[41] Prospective

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[35] *Id.*

[36] *See* Transcript of the Minutes of the Committee on Governmental Operations, at 76-77 (September, 25, 2020), https://legistar.council.nyc.gov/View.ashx?M=F&ID=8847467&GUID=655F797A-676B-4F90-B722-EAA518E456B1.

[37] *See id.*

[38] *See id. at* 100-111.

[39] *See id.*

[40] *See id.*

[41] *See* New York City Department of Citywide Administrative Services, City Record Online, https://a856-cityrecord.nyc.gov/RequestDetail/20201113101.

vendors are required to submit their bids by December 7, 2020.[42] NYCBOE has stated publicly

that it expects to select a vendor in January—several weeks before the first RCV election.[43]

3. *Promulgating Rules for the Hand Counting of RCV Ballots*

The Election Law sets forth certain instances in which ballots must be hand counted. For

instance, under section 9-110, hand counting is required when a voter abandons a ballot at the

ballot scanner and poll workers are unable to scan the ballot because of an overvote or blank ballot

warning on the ballot scanner screen.[44] Under Section 1057-G, the Board must promulgate rules

for hand counting any RCV ballots in accordance with the Election Law.[45] Such rules must ensure

that any hand-counted ballots are tabulated together with the scanned ballots counted using the

RCV tabulation software.[46] The Board's RCV Implementation plan did not address how NYC

NYCBOE plans to hand count RCV ballots.[47] Moreover, as of December 2, 2020, the Board had

not published any rules regarding the hand counting of RCV ballots on its website.[48]

4. *Conducting Poll Worker Training*

Under the Election Law, prospective poll workers are required to complete a training

course before they are permitted to serve.[49] NYCBOE is responsible for administering the training

course,[50] and the State Board of Elections is responsible for determining the core curriculum.[51]

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[42] *Id.*

[43] Sally Goldberg, *Top Mayoral Candidate Admonishes New Voting System Amid Efforts to Delay It*, Politico (November 11, 2020), https://www.politico.com/states/new-york/albany/story/2020/11/21/top-mayoral-candidate-admonishes-new-voting-system-amidst-efforts-to-delay-it-1337593?nname=new-york-playbook&nid=0000014f-1646-d88f-a1cf-5f46b74f0000&nrid=0000016d-b7c4-d8c3-aded-f7fe9b3a0000&nlid=630317.

[44] N.Y. Elec. Law § 9-110(2).

[45] Charter § 1057-G(g).

[46] *Id.*

[47] *See* Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).

[48] *See* Board of Elections in the City of New York, Publications & Forms, https://vote.nyc/page/publications-forms.

[49] N.Y. Elec. Law § 3-412(3).

[50] N.Y. Elec. Law § 3-412(1).

[51] N.Y. Elec. Law § 3-412(1-a).

The Board's RCV Implementation Plan did not discuss any adjustments to the poll worker training program to account for the City's new RCV system.[52] Nor did it address how poll workers would be expected to instruct voters participating in RCV elections.[53] However, NYCBOE has stated publicly that it intends to begin training poll workers on RCV immediately following the special election to fill the vacant City Council seat in District 12, which is scheduled for December 22, 2020.[54]

5. *Conducting Voter Education and Outreach*

Although the Charter makes the CFB primarily responsible for educating voters on RCV,[55] the Board indicated in its RCV Implementation Plan that it intended to "develop a public information campaign to educate voters about RCV and its implementation."[56] More specifically, the Board stated that it would,

> utilize[e] various traditional media and social media platforms to effectively communicate with voters, . . . conduct outreach and engagement efforts with community-based organizations, good government groups and other relevant stakeholders, . . . [and] conduct roundtable discussions and planning sessions with [such] groups to ensure that the public messaging is effective and encompasses the concerns of the broadest possible demographic cross-section and is appropriate targeted to reach the highest number of voters.[57]

The Board also noted that it would "disseminate the details of the public education plan as same are available."[58] To date, the Board has not disseminated any such details, although the Board

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[52] *See* Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).
[53] *See id.*
[54] *See* Carl Campanile, *Minority Pols Seek to Delay NYC Ranked Choice Voting Law*, New York Post (November 21, 2020), https://nypost.com/2020/11/21/minority-pols-seek-to-delay-nyc-ranked-choice-voting-law/.
[55] *See* Charter § 1057-G(h).
[56] Board of Elections in the City of New York, Plan for Achieving Timely Implementation of Ranked Choice Voting (RCV) (June 2020).
[57] *Id.*
[58] *Id.*

stated publicly that it intends to begin a voter education campaign immediately following the December 22, 2020 special election in Council District 12.[59]

ii. *CFB's Preparations*

The CFB is an independent, nonpartisan agency responsible for administering the City's Campaign Finance Act. Its Board consists of five members, two of which are appointed by the Speaker, two of which are appointed by the Mayor, and one of which—the Chairperson—is appointed by the Mayor in consultation with the Speaker.[60] In addition to administering the Campaign Finance Act, the CFB also plays a substantial role in voter education in New York City. Specifically, the CFB is responsible for overseeing candidate debates, conducting voter engagement and education through its NYC Votes campaign, and publishing an annual voter guide.[61]

Section 1057-G of the Charter requires the CFB to "conduct a voter education campaign to familiarize voters with ranked choice voting."[62] At a Committee oversight hearing on September 25, 2020, CFB Executive Director Amy Loprest testified that the CFB had created a planning roadmap for its voter education campaign and had begun preparing voter education materials that it expected to share with community partners in early 2021.[63] According to Ms. Loprest, such materials would include a train-the-trainer presentation, a toolkit for community organizers and volunteers, a one-pager explaining RCV, an FAQ document, and an explainer video on why this

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[59] *See* Carl Campanile, *Minority Pols Seek to Delay NYC Ranked Choice Voting Law*, New York Post (November 21, 2020), https://nypost.com/2020/11/21/minority-pols-seek-to-delay-nyc-ranked-choice-voting-law/
[60] Charter §1052(a)(1).
[61] *See* New York City Campaign Finance Board, About the CFB, https://www.nyccfb.info/about.
[62] Charter § 1057-G(h).
[63] *See* Transcript of the Minutes of the Committee on Governmental Operations, at 86-87 (September, 25, 2020), https://legistar.council.nyc.gov/View.ashx?M=F&ID=8847467&GUID=655F797A-676B-4F90-B722-EAA518E456B1.

new method of voting benefits voters. Ms. Loprest noted that the CFB also planned to work with

its partners in the NYC Elections Consortium to ensure outreach to a broad range of communities.[64]

In connection with the September 25 hearing, the CFB also submitted written testimony,

which included the following prospective timeline for its voter education campaign:

- **Fall 2020**

    o Training our internal staff and creating materials to launch in 2021

    o Research into other RCV jurisdictions and voter education materials

    o Work with the Center for Civic Design on best practices

    o Work with the NYC Elections Consortium on creating a field plan

- **January 2021**

    o Launch train the trainer presentations

    o Launch toolkit for community organizations and volunteers

- **February 2021**

    o Launch explainer video about why this new voting method benefits voters

    o Release a one-pager translated into multiple languages

    o Release a voter FAQ on our website for organizations to use

- **March 2021 (special elections)**

    o Launch online Voter Guide with RCV content in early March

- **April 2021**

    o Adjust and refine materials for the June primary

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[64] Executive Director Loprest testified that CFB and Democracy NYC formed the NYC Elections Consortium in the lead up to the November 2020 general election. The Consortium brings together good government groups, community-based organizations, and voting advocates in order to disseminate accurate and consistent elections information to voters.

- **May 2021**

  o Release updated materials

- **June 2021**

  o Launch GOTV advertising campaign

  o Launch the Voter Guide with RCV content[65]

This timeline was submitted before the vacancy in Council District 24 arose. As noted above, the special election to fill that vacancy has now been scheduled for February 2, 2021, and will be the City's first RCV election. The CFB has stated that it intends to conduct targeted outreach for each of the City Council special elections in 2021, starting with the Council District 24 race.[66]

III.   LEGISLATIVE ANALYSIS

Int. No. 1994

Int. No. 1994 (Ampry-Samuel) would require the CFB to create and maintain a website with information regarding RCV. Materials on such website would be required to be available in English and in each of the ten designated citywide languages.[67] Such website would need to include, at a minimum, a brief video, a fact sheet, and a sample RCV ballot. The bill would also require the CFB to disseminate print and digital information materials on RCV as part of its NYC Votes campaign and include at least two pages dedicated to RCV in its Voter Guide.

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[65] Testimony of Amy Loprest, Executive Director, New York City Campaign Finance Board (Spetember 25, 2020), https://legistar.council.nyc.gov/View.ashx?M=F&ID=8819425&GUID=7D65386B-2522-4029-A1C8-042B4CEF0A2C.

[66] David Brand, NYC's First Ranked-Choice Voting Election is Coming to Queens. Are Voters Ready?, Queens Daily Eagle (November 10, 2020), https://queenseagle.com/all/nycs-first-ranked-choice-election-is-coming-to-queens-are-voters-ready.

[67] Currently, the ten designated citywide languages are Spanish, Chinese, Russian, Bengali, Haitian, Korean, Arabic, Urdu, French, and Polish. *See* NYC Mayor's Office of Immigrant Affairs, Language and Disability Access, https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page.

Int. No. 1994 would also require the CFB to produce educational materials regarding RCV and distribute such materials to each agency designated as a participating voter registration agency pursuant to section 1057-A of the Charter.[68] Such materials would need to include, fact sheets, printed promotional language, a brief video, language suitable for print and digital communications, explanatory graphics suitable for use in print and digital communications and on LinkNYC kiosks, and digital buttons and banners suitable for use on websites and social media.

Each agency receiving such materials from the CFB would be required to distribute such materials as part of its program for distributing voter registration forms. In addition, each agency would be required to submit a semi-annual report on its implementation of section 1057-A of the Charter would be required to include in such report the number of printed educational materials it distributed. The Mayor's Office of Operations would, in turn, be required to include this information in its report required by section 1057-A.

Under Int. No 1994, the CFB would also be required to establish training programs for employees of agencies designated as a participating voter registration agencies pursuant to section 1057-A, and employees of such agencies' contracted service providers, to receive guidance on how to incorporate RCV awareness into employees' interactions with the public. Every agency receiving such materials would be required to prominently display them on its website and in

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[68] The following agencies are designated as a participating voter registration agencies pursuant to section 1057-A of the Charter: the Administration for Children's Services, the Business Integrity Commission, the City Clerk, the Civilian Complaint Review Board, the Commission on Human Rights, Community Boards, the Department of Small Business Services, the Department for the Aging, the Department of Citywide Administrative Services, the Department of City Planning, the Department of Consumer and Worker Protection, the Department of Correction, the Department of Cultural Affairs, the Department of Environmental Protection, the Department of Finance, the Department of Health and Mental Hygiene, the Department of Homeless Services, the Department of Housing Preservation and Development, the Department of Parks and Recreation, the Department of Probation, the Department of Records and Information services, the Taxi and Limousine Commission, the Department of Transportation, the Department of Youth and Community Development, the Fire Department, and the Human Resources Administration.

physical locations occupied or controlled by the agency and distribute such materials to its employees and the public.

In addition, Int. No 1994 would require the Civic Engagement Commission to include RCV education as part of its poll site language interpreter training pursuant to section 3202 of the Charter.

This bill would take effect immediately and would be deemed repealed six years after becoming law.

Preconsidered Int.

Under section 9-126 of the Election Law, NYCBOE is required to release an unofficial tally of election results for each contest on election night. Section 1057-G of the Charter specifies how such unofficial tally shall be released for RCV elections. Under current law, NYCBOE is granted the discretion to choose between two options for releasing the unofficial tally. The first option is for the Board to release a tally of first-choice votes—in other words, the total number of ballots that marked each candidate as "rank number 1" for the relevant contest—but nothing more. The second option is for the Board to release a complete set of round-by-round results—that is, a tally of the number of votes cast for each candidate for each round of RCV tabulation necessary to determine a winner, as determined pursuant to the RCV tabulation procedures of the Charter.

Preconsidered Int. (Lander) would eliminate the first option described above, thereby requiring NYCBOE to release the unofficial tally as a complete set of round-by-round RCV results. The bill would require the unofficial tally of election night results to be presented in the same format as the statement of the final canvass.

This introduction would take effect immediately.

Int. No. 1994

By Council Members Ampry-Samuel, Kallos, Yeger, Dromm, Van Bramer, Reynoso, Powers, Chin, Barron, Louis, Ayala, Levin, Constantinides, Rosenthal, Lander, Adams, Rivera, Levine, Cabrera, Miller, Moya and Vallone

A Local Law in relation to a voter education campaign regarding ranked choice voting

Be it enacted by the Council as follows:

Section 1. a. By no later than November 15, 2020, the campaign finance board shall create and thereafter maintain a website with information regarding ranked choice voting in primary and special elections pursuant to section 1057-g of the charter. Materials on such website shall be available in designated citywide languages as such term is defined in section 23-1101 of the code. Such website shall include, but need not be limited to, the following materials:

1. A brief video explaining how ranked choice voting works;

2. A factsheet explaining how ranked choice voting works; and

3. An example of how a ranked choice ballot could look.

b. By no later than November 15, 2020, the campaign finance board and the voter assistance advisory committee shall include ranked choice voting information on print and digital educational materials provided to the public, including but not limited to materials provided as part of NYC Votes youth and community voter outreach and engagement programs.

c. In the years 2021 and 2023, the voter guide published by the campaign finance board pursuant to subdivision b of section 1052 of the New York city charter shall include two pages dedicated to explaining how ranked choice voting works in primary and special elections, including explaining that a voter may rank as many or as few candidates as a ballot allows, and further including an example of how a ranked choice ballot could look. For years following 2023,

the voter guide shall include not fewer than one page dedicated to explaining ranked choice voting and including an example of how a ranked choice ballot could look.

d. By no later than November 15, 2020, the campaign finance board shall produce educational materials regarding ranked choice voting and distribute such materials to each agency designated as a participating voter registration agency pursuant to section 1057-a of the charter. The board shall consult with agencies to produce educational materials tailored to populations such agencies serve. Educational materials shall be available in designated citywide languages as such term is defined in section 23-1101 of the code. Such educational materials shall include, but need not be limited to, the following:

1. Fact sheets explaining how ranked choice voting works, including an example of how a ranked choice ballot could look;

2. Printed promotional signage;

3. Language suitable for use in print and digital communications explaining how ranked choice voting works;

4. A brief video suitable for use on websites and social media explaining how ranked choice voting works; and

5. Explanatory graphics suitable for use in print and digital communications and on LinkNYC kiosks, and digital buttons and banners suitable for use on websites and social media, explaining how ranked choice voting works and directing the public to the campaign finance board website created pursuant to subdivision a.

e. Each agency receiving materials pursuant to subdivision d shall, as part of its program of distribution of voter registration forms, distribute such educational materials. Each designated participating voter registration agency required to submit semi-annual reports on their

implementation of section 1057-a of the charter shall report the number of printed educational materials it distributed, and the mayor's office of operations shall include this information in its report required by section 1057-a of the charter.

f. The campaign finance board shall establish training programs for employees of agencies designated as participating voter registration agencies pursuant to section 1057-a of the charter, and employees of such agencies' contracted service providers, to receive guidance on how to incorporate ranked choice voting awareness into employees' interactions with the public.

g. From January 1, 2021 until June 22, 2021 and from January 1, 2023 until June 27, 2023, every agency receiving education materials pursuant to subdivision d shall:

1. Identify physical locations occupied or controlled by such agency or community board, or by contracted service providers, where educational materials regarding ranked choice voting produced by the campaign finance board pursuant to subdivision d may be made available and where campaign finance board staff or volunteers can educate the public about ranked choice voting; and

2. Using educational materials regarding ranked choice voting produced by the campaign finance board pursuant to subdivision d:

(a) Prominently display digital education materials on such agency or community board's websites, including a button directing the public to the campaign finance board website created pursuant to subdivision a;

(b) Prominently display educational materials at all physical locations occupied or controlled by such agency or community board, including making printed educational materials available to the public, and displaying digital materials on electronic screens controlled by each such agency or community board and visible to the public;

(c) Include educational materials in all print and electronic communications such agency or community board distributes to the public; and

(d) Distribute educational materials to employees of such agency or community board.

h. The civic engagement commission shall include ranked choice voting education as part its poll site language interpreter training established pursuant to subparagraph (g) of paragraph 4 of subdivision a of section 3202 of the charter.

§ 2. This local law takes effect immediately and is deemed repealed 6 years after it becomes law.

Int. No.

By Council Member Lander

A LOCAL LAW

To amend the New York city charter, in relation to the reporting of unofficial election night results for ranked choice elections

Be it enacted by the Council as follows:

Section 1. Paragraph 13 of subdivision c of section 1057-g of the New York city charter, as added by vote of the electors on November 5, 2019, is amended to read as follows:

13. Section 9-126 shall apply to ranked choice elections, except that the reference in paragraph (a) of subdivision 2 to the number of votes received by each person voted for shall be deemed in ranked choice elections to be a reference to the total number of ballots that marked each such person as rank number 1 for that ranked choice office; and except that, for ranked choice elections, the tabulation of results as they are received pursuant to paragraph (b) of subdivision 2 shall be deemed to refer to [either, as determined by the board of elections of the city of New York pursuant to paragraph 1 of subdivision f of this section of the charter, (i) a tabulation of the number of ballots assigning rank number 1 for each candidate for each ranked choice office, or (ii)] a tabulation of the number of votes cast for each [such] candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter.

§ 2. Paragraph 1 of subdivision f of section 1057-g of the New York city charter, as added by vote of the electors on November 5, 2019, is amended to read as follows:

1. When making public the results of a ranked choice election pursuant to section 9-126 of the election law, the board of elections in the city of New York shall release as the unofficial tally [either, as determined by the board, (i) the total number of ballots that marked a candidate in such an election as rank number 1 that ranked choice office, or (ii)] the number of votes cast for each

candidate for that ranked choice office for each round of tabulation, as tabulated pursuant to subdivision e of this section of the charter.

§ 3. This local law takes effect immediately