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## THE COUNCIL

# **COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division**

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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Sandra Ung, Chair*

#### December 7, 2022

**Int. No. 696:** By Council Members Ung, Louis, Restler, Hudson Joseph, Nurse, Williams, Bottcher, Hanif, Stevens, Velázquez, Cabán, Avilés, Farías, Gutiérrez, De La Rosa, Ayala, Krishnan, Powers, Brewer, Ossé, Menin, Sanchez, Riley, Narcisse and Lee

**Title:** A Local Law to amend the New York city charter, in relation to the design of the ballot and content of ballot instructions for ranked choice elections

**Proposed Int. No. 698-A:** By Council Members Ung, Stevens, Restler, Joseph, Gutiérrez, Hanif, Won, Avilés, Louis and Hudson

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to administering a public service corps program

# **Introduction**

On December 7, 2022, the Committee on Governmental Operations, chaired by Council Member Ung, will hold a second hearing and vote on the following legislation: Int. 696, sponsored by Council Member Ung, in relation to design on the ballots and content of the ballot instructions for ranked choice elections and Proposed Int. 698-A, sponsored by Council Members Ung and Stevens, in relation to administering a public service corps program.

# **Background**

# **Ranked Choice Voting**

# **RCV Generally**

# On November 5, 2019, New York City voters overwhelmingly approved a ballot measure to adopt three election-related amendments to the New York City Charter.[[1]](#footnote-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]](#footnote-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]](#footnote-3) If one candidate receives more than 50 percent of the first-choice votes, that candidate is declared the winner.[[4]](#footnote-4) If no candidate receives more than 50 percent of the first-choice votes, the last-place candidate is eliminated, and voters who ranked the last-place candidate first are treated as having voted for their second-choice candidate.[[5]](#footnote-5)5 This process repeats until one candidate receives over 50% of the votes.[[6]](#footnote-6)

# Pursuant to section 1057-G, RCV is used for all primary and special elections for Mayor, Public Advocate, Comptroller, Borough President, and City Council.[[7]](#footnote-7) RCV is not used for local general elections, or for elections for any other office.[[8]](#footnote-8)

# **RCV Ballot Design**

The Charter sets forth certain requirements that the Board of Elections in the City of New York (“NYCBOE”) must follow when designing ballots that contain ranked choice elections.[[9]](#footnote-9) Specifically, the Charter specifies how candidate names and ranking columns for RCV elections must be organized,[[10]](#footnote-10) requires ballots to include instructions on how to rank candidates in an RCV election,[[11]](#footnote-11) and provides form language that NYCBOE must use for such instructions.[[12]](#footnote-12) In general, NYCBOE was able to successfully implement these requirements in 2021. Nevertheless, Common Cause NY (a good government group) and the Center for Civic Design (a not-for-profit organization focused on improving citizens’ interaction with government) have argued that the design of RCV ballots could be improved in a number of ways:

# First, although the RCV instructions required by the Charter cover important points that voters need to know in order to cast a ballot effectively, the groups have argued that the instructions are too long, and potentially confusing. Accordingly, the groups have recommended revising the mandated instructions to make them clearer and more concise.[[13]](#footnote-13)

# Second, in cases where multiple RCV races appeared on the same ballot page, voters sometimes found it difficult to see where one RCV race ended and another began. The groups have therefore recommended that each RCV contest be separated by a bold black line.[[14]](#footnote-14)

# Third, in cases where ballot instructions were required to be translated into multiple languages, different translations of the RCV instructions were sometimes crammed together, making it difficult to distinguish distinct translations. The groups have recommended that NYCBOE take steps to ensure that each language is clearly separated and visually distinct.[[15]](#footnote-15)

# Fourth, some voters found the RCV ballot instructions difficult to read because the color of the text did not contrast sufficiently with the background color on the ballot. This was an issue specifically for primary elections, where BOE uses color-coded ballots to distinguish between parties. Accordingly, the groups have recommended that NYCBOE take steps to ensure that any coloring used on ballots does not cover the portion of the ballot that includes the RCV instructions.[[16]](#footnote-16)

# Int. 696 would require NYCBOE to implement the recommendations made by both Common Cause and the Center for Civic Design and would make several additional changes to the design of RCV ballots and the contents of RCV ballot instructions.

* 1. ***Public Service Corps Program***

The Department of Citywide Administrative Services (“DCAS”), is responsible for “recruiting, hiring and training City employees.”[[17]](#footnote-17) Among the DCAS Commissioner’s Charter-assigned responsibilities are personnel recruitment, scheduling and conducting city civil service exams, and making eligible hire lists, including additional related responsibilities.[[18]](#footnote-18)

Since 1966 DCAS has run the New York City Public Service Corps program, “the nation’s first and largest off-campus internship program.”[[19]](#footnote-19) Over 100,000 students from more than 100 colleges and universities have already participated in the program.[[20]](#footnote-20)

Proposed Int. 698-A would codify DCAS’s current Public Service Corps program, while adding the requirement that the agency recruit students from diverse backgrounds to participate in the program, offer internships at a broad range of city agencies, and report on its implementation of the program.

# **Legislative Analysis**

**Int. 696**

Int. 696 would amend the provisions of the Charter governing the design of the ballot and the content of ballot instructions for ranked choice elections. Specifically, the bill would replace the form language that NYCBOE is required to use for RCV ballot instructions with alternative language that uses fewer words to address the same points. The bill would also replace any ordinal numbers (such as “1st,” “2nd,” or “3rd") that are required to appear on the ballot with numerals (such as “1,” “2,” or “3”) to facilitate translation. In addition, the bill would require brief instructions to appear within the area for each RCV election and require distinct RCV elections to be separated by a bold black line.

The bill would also require, to the extent practicable, that text be arranged so that non-English text can be easily compared to the corresponding English text. In addition, the bill would require, to the extent practicable, that each language on the ballot is clearly separated and visually distinct. The bill would further require, to the extent practicable, that instructions regarding ranked choice voting appear in black font on a white background. Finally, in cases where coloring is used on the ballot to indicate the party for a primary election, the bill would require, to the extent practicable, that such coloring not cover the portion of the ballot that contains the RCV instructions.

This bill would take effect immediately and would apply to any RCV election held on or after June 27, 2023.

**Proposed Int. 698-A**

Proposed Int. 698-A would codify DCAS’ Public Service Corps program, which provides internship opportunities at City agencies for undergraduate and graduate students. This bill would require DCAS to recruit students from diverse backgrounds and offer internships at a broad range of City agencies.

In addition, this bill would require DCAS to report annually regarding the Public Service Corps program, including information regarding DCAS’ recruitment efforts, DCAS’ efforts to identify internships in a broad range of City agencies, the number of participating students, their demographic information, and the City agency in which they were placed.

This bill would take effect 90 days after becoming law.

Int. No. 696

By Council Members Ung, Louis, Restler, Hudson, Joseph, Nurse, Williams, Bottcher, Hanif, Stevens, Velázquez, Cabán, Avilés, Farías, Gutiérrez, De La Rosa, Ayala, Krishnan, Powers, Brewer, Ossé, Menin, Sanchez, Riley, Narcisse and Lee

..Title

A Local Law to amend the New York city charter, in relation to the design of the ballot and content of ballot instructions for ranked choice elections

..Body

Be it enacted by the Council as follows:

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

1. All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates, inclusive of any write-in candidate permitted by law, in order of preference for a ranked choice office, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

2. The sections of the ballot containing ranked choice elections shall be organized in the form of a grid, with dimensions and spacing sufficient to facilitate a ranked choice election pursuant to the requirements set forth in this subdivision. The title of the office shall be arranged horizontally in a row at the top of such grid, with columns underneath. The leftmost column shall contain the names of the candidates for such office and the slot or device for write-in candidates for such office, arranged vertically. For any election for a ranked choice office in which all candidates are nominated by independent nominating petition, the names selected for the independent bodies making the nomination of the candidates shall be included on the ballot in accordance with the election law. The subsequent columns shall contain ovals or squares, with one oval or square per each column and row. Each column containing ovals or squares shall be labeled [consecutively] with [the rankings] a consecutive numeral, starting from ["1st choice"] “1” and going up to a maximum of ["5th choice."] “5,” representing the ranking for that column. The word “choice” shall appear once above the set of ranking columns.

3. (a) The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot so as to be read by the voting equipment used to tabulate results or manually, as applicable, and how to rank candidates in order of the voter's preference, and any other information deemed necessary by the board of elections in the city of New York. Such instructions [and ballot heading information] shall be presented above or next to the first [election of each type] ranked choice election on such ballot. The board shall also provide line drawing illustrations to supplement such instructions. At a minimum, [the text for] such ballot instructions and supplemental illustrations shall be substantially as follows so that [it] they accurately reflect [reflects] the ballot layout:

INSTRUCTIONS

(The board shall provide an illustration here of correctly marked voting positions with multiple candidates ranked.)

Rank candidates in the order of your choice.

Use the (insert “ovals” or “squares”) in the columns marked 1, 2, 3, and so on.

(The board may, in its discretion, provide an illustration here of incorrectly marked voting positions with more than one oval or square marked in the same column . Such illustration, if included, shall be overlaid with a large “X” or similar symbol to indicate that the depicted marking is incorrect.)

DO NOT mark more than one (insert “oval” or “square”) in any column.

You may rank as many or as few candidates as the columns allow.

(The board may, in its discretion, provide an illustration here of incorrectly marked voting positions with more than one oval or square marked for the same candidate. Such illustration, if included, shall be overlaid with a large “X” or similar symbol to indicate that the depicted marking is incorrect.)

DO NOT mark more than one (insert “oval” or “square”) for the same candidate.

Ranking more candidates will not hurt your first-choice candidate.

Any mark or writing outside the (insert “ovals” or “squares”) for voting may void your 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").

[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 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").

The board shall also provide line drawing illustrations to supplement these instructions. At a minimum, an illustration of the correct way to mark the ballot shall be provided, but nothing in this section shall be construed to limit the board in providing additional illustrations.]

(b) In addition to the instructions included pursuant to subparagraph (a) of this paragraph, the ballot shall also include brief instructions within the area for each ranked choice election. Such instructions shall be substantially as follows so that they accurately reflect the ballot layout for the relevant ranked choice election:

Rank up to (insert “5” or, if there are fewer than five candidates, the number of permitted rankings) candidates. Mark only one oval in each column.

(c) Nothing in this section shall be construed to prevent the board from providing additional instructions or illustrations as may be necessary to further the purposes of this section.

4. To the greatest extent practicable, the ballot design shall allow for electronic tabulation of all rankings and electronic detection of ballot marking in order to allow a voter to correct a ballot that assigns equal rank to two or more candidates.

5. If a ranked choice election is on the ballot with one or more elections using other methods of voting, to the extent practicable, the ranked choice elections shall be grouped together and presented either on a separate ballot page from the non-ranked choice elections, or on one side of a combined ranked choice and non-ranked choice ballot page.

6. If a ballot page includes multiple ranked choice elections, each ranked choice election on such page shall be separated by a bold black line.

7. If the ballot includes text in multiple languages, any text included pursuant to this section shall be arranged, to the extent practicable, to ensure that non-English text can be easily compared to the corresponding English text and that each language is clearly separated and visually distinct.

8. To the extent practicable:

(a) The text of any instructions included pursuant to this section shall be in black font set against a white background; and

(b) In the case of a primary ballot that uses coloring to indicate the relevant party, such coloring shall not cover the area of any instructions included pursuant to this section.

9. The final ballot design shall be based on the space and design limitations of the ballot design software, while following the best practices for ballot design to the greatest extent possible.

§ 2. This local law takes effect immediately and applies to any ranked choice election, as such term is defined in subdivision a of section 1057-g of the New York city charter, held on or after June 27, 2023.

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Proposed Int. No. 698-A

By Council Members Ung, Stevens, Restler, Joseph, Gutiérrez, Hanif, Won, Avilés, Louis and Hudson

..Title

A Local Law to amend the administrative code of the city of New York, in relation to administering a public service corps program

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-212 to read as follows:

§ 12-212 Public service corps program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of citywide administrative services.

Department. The term “department” means the department of citywide administrative services.

Public service corps program. The term “public service corps program” means a program pursuant to which undergraduate and graduate students may participate in internships at agencies.

b. The department shall administer a public service corps program.

c. In administering such program, the department shall make efforts to recruit students from diverse backgrounds and offer internships at a broad range of agencies.

d. No later than August 30 of each year, beginning in the year 2024, the commissioner shall submit a report to the speaker of the council and the mayor regarding the administration of the public service corps program during the preceding fiscal year. Such report shall include, but need not be limited to:

1. A description of the steps the department took to recruit students from diverse backgrounds;

2. A description of the steps the department took to identify internship opportunities and offer internships at a broad range of agencies;

3. The total number of students who participated in the program;

4. The number of students who participated in the program disaggregated by race or ethnicity, gender and academic institution; and

5. For each agency to which an intern was assigned, the total number of interns assigned to such agency.

§ 2. This local law takes effect 90 days after becoming law.

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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-48BC8386-0130F05D2A5A [↑](#footnote-ref-1)
2. See Charter § 1057-G. [↑](#footnote-ref-2)
3. Charter § 1057-G(d)(1). [↑](#footnote-ref-3)
4. Charter § 1057-G(e)(1). [↑](#footnote-ref-4)
5. Charter § 1057-G(e)(2). [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. See Charter § 1057-G(a) (definition of “ranked choice election”). [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. Charter § 1057-G(d). [↑](#footnote-ref-9)
10. Charter § 1057-G(d)(2). [↑](#footnote-ref-10)
11. Charter § 1057-G(d)(3). [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. Communications between Council Staff and Common Cause NY. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. New York City Department of Administrative Services. “Our Mission” [https://www.nyc.gov/site/dcas/about/our-mission.page Retrieved November 28, 2022](https://www.nyc.gov/site/dcas/about/our-mission.page) [↑](#footnote-ref-17)
18. Charter §§ 811, 814 (a)(1), (3), (4)-(5). [↑](#footnote-ref-18)
19. New York City Department of Administrative Services. ”Internship Opportunities“ <https://www.nyc.gov/site/dcas/employment/internship-opportunities.page.> Retrieved November 28, 2022. [↑](#footnote-ref-19)
20. Id. [↑](#footnote-ref-20)