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Title: A Local Law to amend the New York city charter, in relation to instant run-off voting.

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Indexes:

Attachments: 1. Committee Report 11/21/13, 2. Hearing Testimony 11/21/13, 3. Hearing Transcript 11/21/13

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Int. No. 1066

By Council Members Lander, Brewer, Dromm, Garodnick, James, King, Levin, Weprin, Arroyo, Rodriguez, Van Bramer, Rivera, Koslowitz, Chin, Mark-Viverito, Williams, Rose, Richards, Jackson, Gentile, Crowley, Dickens, Halloran and Oddo

A Local Law to amend the New York city charter, in relation to instant run-off voting.

Be it enacted by the Council as follows:

Section 1. Paragraph 10 of subdivision c of section 10 of the New York city charter is REPEALED.

§2. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c Instant run-off voting for citywide primary elections.

a. The method of conducting primary elections for the offices of mayor, public advocate, and

comptroller, and any election for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition, shall be governed by applicable provisions of the New York state election law, except for provisions inconsistent with the procedures established by this section. The procedures of this section shall apply exclusively to instant run-off candidates and instant run-off ballots.

b. For the purposes of this section:

(1) an “instant run-off candidate” is a candidate for the offices of mayor, public advocate, or comptroller in a primary election, or a candidate for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition, with more than one other candidate appearing on the ballot as a candidate for the same office.

(2) an “instant run-off ballot” is a ballot allowing voters to rank instant run-off candidates in order of preference equal to the total number of candidates for each office.

(3) a candidate shall be deemed “continuing” if the candidate has not been eliminated;

(4) a candidate being “eliminated” means the votes for that candidate are distributed to other candidates, under the procedure established in this section, until the ballot is exhausted.

(5) a ballot shall be deemed “continuing” if it is not exhausted; and

(6) a ballot shall be deemed “exhausted” with respect to an office, and therefore not counted in further rounds of tabulation for that office, if all marked instant run-off candidates for that office have been eliminated.

c. Elections with instant run-off candidates shall utilize instant run-off ballots for election to the office for which instant run-off candidates are running.

d. If an instant run-off candidate receives a majority of first choice votes, that candidate shall be declared elected to that office. If no instant run-off candidate for one or more of the offices with instant run-off candidates on the ballot receives a majority of first choice votes, the candidate who received the fewest first choice votes for that office shall be eliminated and each first choice vote for the eliminated candidate shall be

transferred to the next ranked candidate on that ballot for that office. If, after this transfer of votes, any candidate for that office has a majority of the votes from the continuing ballots, that candidate shall be declared elected to that office.

e. If no instant run-off candidate for an office receives a majority of votes from the continuing ballots for an office after a candidate for that office has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate for that office with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate for each office with instant run-off candidates on the ballot receives a majority of the votes from the continuing ballots for each office.

f. If the total number of votes of the two or more candidates credited with the lowest number of votes for an office is less than the number of votes credited to the candidate with the next highest number of votes for that office, those candidates with the lowest number of votes shall for that office be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate for that office on each ballot in a single counting operation.

g. If an instant run-off ballot gives equal rank to two or more candidates for an office, the ballot shall be considered exhausted when such multiple rankings are reached for that office. If a voter casts an instant run-off ballot but skips a rank for an office, the voter's vote shall be transferred to that voter's next ranked choice for that office.

h. An instant run-off ballot shall not interfere with a voter's ability to cast a vote for a write-in candidate for an office with instant run-off candidates.

i. Instant run-off ballots shall include instructions explaining how to mark a ballot, as well as any other information deemed necessary by the New York city board of elections.

j. The voter assistance advisory committee shall conduct a voter education campaign to familiarize

voters with the instant run-off method of voting.

§3. This local law shall take effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

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