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**THE COUNCIL**

# **BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS Division**

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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

Hon. Sandra Ung, *Chair*

#### September 30, 2022

**Oversight:** **Ranked Choice Voting Implementation and Ballot Design**

**Int. No. 696:** By Council Members Ung, Louis, Restler, Hudson and Joseph

**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

# **Introduction**

# On September 30, 2022, the Committee on Governmental Operations, chaired by Council Member Sandra Ung, will hold an oversight hearing on the implementation of ranked choice voting in New York City and the design of ranked choice voting ballots. In addition, the Committee will hear Introduction Number 696 (“Int. 696”), sponsored by Council Member Ung, in relation to the design of the ballot and content of ballot instructions 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”), advocacy organizations, and other members of the public

# **Background**

# **Overview of NYC’s Ranked Choice Voting System**

# 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-2) 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-3) 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-4) If one candidate receives more than 50 percent of the first-choice votes, that candidate is declared the winner.[[4]](#footnote-5) 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-6)5 This process repeats until only two candidates remain, at which point the candidate with the most votes is declared the winner.[[6]](#footnote-7)

# 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-8) RCV is not used for local general elections, or for elections for any other office.[[8]](#footnote-9)

* 1. ***NYC Board of Elections***

NYCBOE 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.[[9]](#footnote-10) Commissioners serve four-year terms[[10]](#footnote-11) and may be removed by the Governor for cause.[[11]](#footnote-12) 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.[[12]](#footnote-13) The Board’s Executive Director is Michael J. Ryan and its Deputy Executive Director is Vincent M. Ignizio.[[13]](#footnote-14) 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.[[14]](#footnote-15) NYCBOE must issue an annual report to the City,[[15]](#footnote-16) and the Board’s budget is under the control of the Council and Mayor.[[16]](#footnote-17) 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.[[17]](#footnote-18)

As the entity responsible for administering elections in New York City, NYCBOE plays the leading role in implementing RCV.[[18]](#footnote-19) Among other things, NYCBOE is responsible for designing RCV ballots,[[19]](#footnote-20) tabulating RCV election results,[[20]](#footnote-21) and publishing such results in a manner that voters can understand.[[21]](#footnote-22)

* 1. ***NYC Campaign Finance Board***

# 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.[[22]](#footnote-23) 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.[[23]](#footnote-24)

With respect to ranked choice voting, CFB is the entity primarily responsible for voter education. Section 1057-G of the Charter requires CFB to “conduct a voter education campaign to familiarize voters with ranked choice voting.” In addition, pursuant to Local Law 21 of 2021, CFB is required to take a number of specific steps to educate voters about RCV. Specifically, the Law requires CFB to maintain a website with information on RCV, provide information about RCV in any voter education materials distributed to the public (assuming the materials pertain to an election where RCV will be used), and include RCV information in its voter guide. Additionally, the law requires the CFB to provide all agencies designated as “voter registration agencies” pursuant to the City’s agency-based voter registration law with educational materials on RCV and provide training for agency staff on how to incorporate education on RCV into their interactions with the public. Local Law 21 also requires the CFB to conduct targeted outreach, including by conducting a media campaign on RCV, mailing an informational postcard on RCV to every household with at least one registered voter, and collaborating with community-based organizations to familiarize voters with the RCV process.[[24]](#footnote-25)

1. **Implementation of RCV in 2021**

Section 1057-G of the Charter became effective on January 1, 2021,[[25]](#footnote-26) and the first elections to use RCV were three special elections for vacant City Council seats that took place in February and March of 2021.[[26]](#footnote-27) The first major test of the system, however, came during the June 2021 primary elections for all 51 City Council seats, all five Borough President offices, as well as the offices of Mayor, Comptroller, and Public Advocate. The following section reviews the steps taken by NYCBOE, CFB, and other entities to implement RCV for these elections.

* 1. ***RCV Outreach and Education***
     1. ***CFB’s Outreach and Education Efforts***

# As the lead agency responsible for RCV education, the CFB conducted a multi-faceted RCV outreach and education campaign in advance of the 2021 primaries. The campaign included multiple educational webinars, a social media campaign, a citywide mailing, and the inclusion of RCV in a printed voter guide that was sent to every registered voter.[[27]](#footnote-28) The CFB worked with the Mayor’s DemocracyNYC office to send over 3 million text messages to potential voters in New York City.[[28]](#footnote-29) They also created an RCV explainer video that was available online in multiple different languages,[[29]](#footnote-30) and enlisted the Center for Civic Design to help perform usability and messaging research, with a focus on Black and Latino voters.[[30]](#footnote-31)

# In addition, the CFB revamped its voter-facing website, voting.nyc, to educate voters on RCV. The new website included information on RCV, the explainer video and an interactive tool that allowed voters to practice using ranked choice voting.[[31]](#footnote-32) The CFB spent $1.1 million on an advertising campaign to direct voters to the new website.[[32]](#footnote-33) Over 525,000 users visited the website in the weeks before the June 2021 primaries.[[33]](#footnote-34)

# In addition to the tools that the CFB designed to reach a mass audience, they also delivered workshops directly to voters, partnering with elected officials, community boards and community organizations to train them on RCV. They gave multiple train-the-trainer workshops designed to empower leaders and trusted messengers to take the RCV training into their own communities.[[34]](#footnote-35)

* + 1. ***BOE’s Outreach and Education Efforts***

Although the Charter gives primary responsibility over RCV education to CFB, the NYCBOE also conducted significant RCV outreach and education for the 2021 primaries. At each early voting and election day poll site, the NYCBOE provided palm cards and displayed signage explaining how to fill out an RCV ballot.[[35]](#footnote-36) The Board also created an instructional video on RCV that it shared on social media as well as the Board’s own website.[[36]](#footnote-37) The NYCBOE also included information on RCV in a mailing that it sent out to all registered voters.[[37]](#footnote-38)

Additionally, the NYCBOE, in conjunction with the CFB, held a series of webinars specifically designed to educate voters with disabilities on navigating the RCV process using Ballot Marking Devices and Accessible Absentee Ballots.[[38]](#footnote-39) They had flyers, in both print and braille, available at all election-day and early voting poll sites explaining how to navigate the RCV process using the Ballot Making Devices.[[39]](#footnote-40)

* + 1. ***Participation of Other Agencies and Outside Groups***

In addition to the CFB and the BOE, many community organizations did their part to help educate voters on how to use RCV. More than 30 other agencies and community-based organizations pitched in to help educate their communities about RCV.[[40]](#footnote-41) These groups varied from city agencies to faith-based organizations to community-based non-profits and everything in between. Rank the Vote, a coalition made up of more than 750 different organizations hosted over 600 trainings, both online and in person, spoke to over 55,000 low-propensity voters, and distributed over 1.5 million RCV explainer guides in 13 different languages.[[41]](#footnote-42)

In addition, the New York City Mayor’s DemocracyNYC initiative spent $15 million on a public relations campaign to educate voters on RCV.[[42]](#footnote-43) They also created resources in 15 different languages.[[43]](#footnote-44)

* 1. ***RCV Election Administration***
     1. ***Designing RCV Ballots***

The Charter sets forth certain requirements that NYCBOE must follow when designing ballots that contain ranked choice elections.[[44]](#footnote-45) Specifically, the Charter specifies how candidate names and ranking columns for RCV elections must be organized,[[45]](#footnote-46) requires ballots to include instructions on how to rank candidates in an RCV election,[[46]](#footnote-47) and provides form language that NYCBOE must use for such instructions.[[47]](#footnote-48) 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 identified a number of ways in which they argue that the design of RCV ballots could be improved going forward:

# 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.[[48]](#footnote-49)

# 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.[[49]](#footnote-50)

# 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.[[50]](#footnote-51)

# 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.[[51]](#footnote-52)

# Int. 696, discussed in greater detail below, would require NYCBOE to implement the recommendations described above and would make several additional changes to the design of RCV ballots and the contents of RCV ballot instructions.

* + 1. ***Procuring RCV Tabulation Software***

One of the most significant steps that NYCBOE needed to take in advance of the June 2021 primaries was to procure new software that would allow the Board to tabulate the results of RCV elections accurately and efficiently.[[52]](#footnote-53) On November 16, 2020, NYCBOE issued a bid solicitation for RCV tabulation software that could be used in conjunction with its ES&S DS200 model ballot scanners.[[53]](#footnote-54) Prospective vendors were required to submit their bids by December 7, 2020.[[54]](#footnote-55) NYCBOE only received one responsive bid, which came from the Ranked Choice Voting Resource Center,[[55]](#footnote-56) a not-for-profit organization that provides research, information, and tools to teach the public about ranked-choice voting.[[56]](#footnote-57) NYCBOE announced that it would be using the RCV Resource Center’s tabulation software in January of 2021.[[57]](#footnote-58)

Unfortunately, however, due in part to uncertainty regarding whether such software would need to be certified or otherwise approved by the New York State Board of Elections before it could be used, NYCBOE did not immediately utilize the tabulation software.[[58]](#footnote-59) As a result, NYCBOE had to hand count the results of the four special elections that used RCV in February and March.[[59]](#footnote-60) The State Board of Elections did not approve the tabulation software until May 25, just a few weeks before the beginning of early voting in the June 2021 primaries.[[60]](#footnote-61)

* + 1. ***Publishing RCV Elections Results***

The June 2021 primaries took place on Tuesday, June 22.[[61]](#footnote-62) One week later, on June 29, NYCBOE released the unofficial primary results.[[62]](#footnote-63) These results were merely unofficial because NYCBOE had not yet finished processing absentee ballots.[[63]](#footnote-64) Nevertheless, the June 29 publication was significant, as it marked the first time NYCBOE had published results tabulated by its RCV tabulation software.[[64]](#footnote-65)

Unfortunately, several hours after publishing these results, BOE discovered that the unofficial results for the democratic primary for Mayor contained an error.[[65]](#footnote-66) According to NYCBOE, when conducting the tabulation for the mayoral primary, an NYCBOE employee inadvertently included approximately 135,000 test ballots in the count, thereby distorting the vote totals.[[66]](#footnote-67) As an NYCBOE spokesperson later explained, the error was not caused by any issue with the RCV tabulation software; instead, it “was a human error where a staffer did not remove the test ballot images” from the system after conducting a practice run.[[67]](#footnote-68) Within hours of the initial publication, the Board released a public statement identifying and explaining the error.[[68]](#footnote-69) It published corrected unofficial results the next day (June 30).[[69]](#footnote-70)

After counting additional absentee ballots, NYCBOE released updated unofficial primary results on July 6, leading the Associated Press to call Eric Adams the winner of the Democratic mayoral primary.[[70]](#footnote-71) NYCBOE released the final, certified results of the June primaries on July 20.[[71]](#footnote-72)

1. **RCV Elections Outcomes** 
   1. ***Impact of RCV on the Primaries***
      1. ***Mayoral Primaries***

With only two candidates running in the Republican primary for Mayor, RCV did not play a role in that race. In contrast, the Democratic Mayoral primary featured 13 candidates and went through 8 rounds of tabulations.[[72]](#footnote-73) Ultimately, the candidate who was leading after round 1 (Eric Adams) held on to his lead in each subsequent round and was ultimately declared the winner.[[73]](#footnote-74)

* + 1. ***Council Races***

In 2021, 37 of the 51 City Council members were term-limited, and one incumbent chose not to run.[[74]](#footnote-75) The number of candidates running in these races varied from just three candidates up to 15 candidates.[[75]](#footnote-76) In six of these open races, a single candidate received more than 50% of the first-place votes, winning their races in the first round.[[76]](#footnote-77)

Only 13 incumbents ran for re-election in 2021, 12 Democrats and one Republican. Ten of these incumbents received more than 50% of the first-place votes on the first round of tabulation. One did not have a primary challenger. Only two of the primaries featuring an incumbent Council Member were competitive and went past the first round of vote counting.[[77]](#footnote-78) Ranked choice voting did not change the results in most of the council races. In all but 3 of the contested races, the ultimate winner was the same person who was ahead after the first round of counting.[[78]](#footnote-79)

* 1. ***Impact on the Composition of NYC’s Government***

The 2021 election cycle resulted in the most diverse City Council in NYC history, with “the first Muslim woman, the first South Asian members, the first openly gay Black woman, seven foreign-born New Yorkers,” and more people of color than ever before.[[79]](#footnote-80) It also resulted in the first majority-women Council, with a record 31 women elected to Council seats, up from just 14 in the prior session.[[80]](#footnote-81) The 2021 elections also resulted in the City’s second Black mayor.[[81]](#footnote-82)

It is possible that RCV helped bring about some of this diversity. According to FairVote, an RCV advocacy organization, “RCV tends to attract more diverse candidates, giving voters more opportunity to cast a vote for someone who represents their community.”[[82]](#footnote-83) Indeed, the tendency of RCV to attract more diverse candidates was one of the main benefits cited by advocates when the proposal to adopt RCV in New York City was being considered in 2019.[[83]](#footnote-84) Nevertheless, other factors may have also played a role. For instance, the introduction of RCV also coincided with an expansion of the matching funds program in New York City (the matching rate was increased from 6:1 to 8:1), and the greater availability of matching funds may have also made it easier for less traditional candidates to run successful campaigns.[[84]](#footnote-85)

* 1. ***Voters’ Experience*** 
     1. ***Voters Understood RCV***

Prior to the June 2021 primaries, there was some concern that insufficient RCV education would have the effect of disenfranchising voters, particularly in communities of color.[[85]](#footnote-86) Fortunately, however, exit polling from the 2021 primaries indicates that the vast majority of voters of all races understood RCV. According to a Common Cause NY and Rank the Vote poll, 77% of Black voters, 80% of Hispanic voters, 77% of Asian voters, and 81% of white voters said that they understood RCV “extremely well” or “very well.”[[86]](#footnote-87) The polling also showed that 95% of all voters found the RCV ballot simple to complete.[[87]](#footnote-88)

* + 1. ***Voters Used RCV***

Voters’ enthusiasm for RCV was also reflected in their voting patterns. More than 88% of voters ranked more than one candidate in at least one race,[[88]](#footnote-89) while only 5.5% of voters failed to rank more than one candidate in any race.[[89]](#footnote-90) The average voter used about half of their available rankings, with less than 1% using all the rankings available to them.[[90]](#footnote-91) Failure to rank a candidate in a race can be due to a variety of factors having nothing to do with RCV, such as preferring only one candidate or a lack of knowledge about the candidates.

1. **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.

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Int. No. 696

By Council Members Ung, Louis, Restler, Hudson, Joseph, Nurse, Williams, Bottcher, Hanif, Stevens, Velázquez, Cabán, Avilés and Farías

..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.

CJM

LS #9428

08/25/2022

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-2)
2. See Charter § 1057-G. [↑](#footnote-ref-3)
3. Charter § 1057-G(d)(1). [↑](#footnote-ref-4)
4. Charter § 1057-G(e)(1). [↑](#footnote-ref-5)
5. Charter § 1057-G(e)(2). [↑](#footnote-ref-6)
6. *Id.* [↑](#footnote-ref-7)
7. See Charter § 1057-G(a) (definition of “ranked choice election”). [↑](#footnote-ref-8)
8. *Id.* [↑](#footnote-ref-9)
9. N.Y. Elec. Law § 3-200(1), (3). [↑](#footnote-ref-10)
10. N.Y. Elec. Law § 3-202(1). [↑](#footnote-ref-11)
11. N.Y. Elec. Law § 3-200(7). [↑](#footnote-ref-12)
12. N.Y. Elec. Law § 3-300. [↑](#footnote-ref-13)
13. New York City Board of Elections, Commissioners & Management, <https://vote.nyc/page/commissioners-management> (last accessed Aug. 23, 2022) [↑](#footnote-ref-14)
14. *See* About the NYC Board of Elections, NYC Board of Elections, <https://vote.nyc/page/about-nyc-board-elections> (last accessed Aug. 23, 2022). [↑](#footnote-ref-15)
15. N.Y. Elec. Law § 3-212(4) [↑](#footnote-ref-16)
16. See N.Y. Elec. Law §§ 3-208, 3-300; 4-136(1) [↑](#footnote-ref-17)
17. N.Y. Elec. Law §4-136(3). [↑](#footnote-ref-18)
18. *See* Charter § 1057-G(i) (requiring BOE to “take all necessary steps to ensure timely implementation of ranked choice voting”). [↑](#footnote-ref-19)
19. Charter § 1057-G(d). [↑](#footnote-ref-20)
20. *See* Charter §§ 1057-G(c)(5) – (c)(12). [↑](#footnote-ref-21)
21. *See* Charter § 1057-G(f). [↑](#footnote-ref-22)
22. Charter §1052(a)(1). [↑](#footnote-ref-23)
23. *See* New York City Campaign Finance Board, About the CFB, <https://www.nyccfb.info/about>. [↑](#footnote-ref-24)
24. Local Law 21 of 2021 [↑](#footnote-ref-25)
25. Charter § 1057-G. [↑](#footnote-ref-26)
26. *See* New York City Board of Elections, Election Results Summary 2021 <https://www.vote.nyc/page/election-results-summary-2021> (last accessed September 16, 2022) [↑](#footnote-ref-27)
27. Nora Dell and Deb Otis, *Ranked Choice Voting in New York City: An In-Depth Analysis,* FairVote (2021) <https://fairvote.app.box.com/s/ctfhwv6ts8c7af94ya5qjtytbyr6n2kt>. [↑](#footnote-ref-28)
28. *Id.* [↑](#footnote-ref-29)
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