Legislation Details (With Text)

File #:	Int 0696-2022 **Version:** *	**Name:**	Design of the ballot and content of ballot instructions for ranked choice elections.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Governmental Operations
On agenda:	9/14/2022		
Enactment date:	1/7/2023	**Enactment #:**	2023/003
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		
Sponsors:	Sandra Ung, Farah N. Louis, Lincoln Restler, Crystal Hudson, Rita C. Joseph, Sandy Nurse, Nantasha M. Williams, Erik D. Bottcher, Shahana K. Hanif, Althea V. Stevens, Marjorie Velázquez, Tiffany Cabán, Alexa Avilés, Amanda Farías, Jennifer Gutiérrez, Carmen N. De La Rosa, Diana I. Ayala, Shekar Krishnan, Keith Powers, Gale A. Brewer, Chi A. Ossé, Julie Menin, Pierina Ana Sanchez, Kevin C. Riley, Mercedes Narcisse, Linda Lee, Julie Won, Justin L. Brannan, Eric Dinowitz		
Indexes:			
Attachments:	1. Summary of Int. No. 696, 2. Int. No. 696, 3. September 14, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 9-14-22, 5. Minutes of the Stated Meeting - September 14, 2022, 6. Committee Report 9/30/22, 7. Hearing Testimony 9/30/22, 8. Hearing Transcript 9/30/22, 9. Committee Report 12/7/22, 10. Hearing Transcript 12/7/22, 11. Committee Report - Stated Meeting, 12. December 7, 2022 - Stated Meeting Agenda, 13. Hearing Transcript - Stated Meeting 12-7-22, 14. Minutes of the Stated Meeting - December 7, 2022, 15. Int. No. 696 (FINAL), 16. Fiscal Impact Statement, 17. Legislative Documents - Letter to the Mayor, 18. Local Law 3		

Date	Ver.	Action By	Action	Result
9/14/2022	*	City Council	Introduced by Council	
9/14/2022	*	City Council	Referred to Comm by Council	
9/30/2022	*	Committee on Governmental Operations	Laid Over by Committee	
9/30/2022	*	Committee on Governmental Operations	Hearing Held by Committee	
12/7/2022	*	Committee on Governmental Operations	Hearing Held by Committee	
12/7/2022	*	Committee on Governmental Operations	Approved by Committee	Pass
12/7/2022	*	City Council	Approved by Council	Pass
12/7/2022	*	City Council	Sent to Mayor by Council	
1/7/2023	*	Administration	City Charter Rule Adopted	
1/10/2023	*	City Council	Returned Unsigned by Mayor	

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, Lee, Won, Brannan and Dinowitz

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

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.

powered by Legistar™

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