



NEW YORK
CITY BAR

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**REPORT ON LEGISLATION BY THE ELECTION LAW COMMITTEE
AND NEW YORK CITY AFFAIRS COMMITTEE**

Int. 0150-2014

Council Member Lander

A local law to amend the New York City Charter, in relation to instant run-off voting

THIS BILL IS APPROVED

Pursuant to state law, candidates for city-wide office in New York City must win 40% of the primary vote to advance to the general election, otherwise the two highest vote getters compete in a run-off election. The run-off serves a valuable purpose of assuring that in multi-candidate primaries, the candidate who emerges has substantial support within her or his party. However the run-off, which is held just two weeks after the primary, is an administrative nightmare for the Board of Elections, the candidates and the public. These races are fraught with the duplication of a crippling number of tasks: votes must be canvassed accurately; all absentee, affidavit and military ballots must be counted; candidates in close races have the right to challenge results in court; and all the voting machines need to be re-set (after any court cases) and re-delivered prior to the general election. Two weeks is an exceedingly short period of time for all of these important tasks to be implemented accurately. To top it off, run-offs are expensive and tend to draw especially low voter turnouts - in a city of over 8 million people, only a little over 200,000 voted in the 2013 run-off election for the Democratic Party Public Advocate candidate.¹

A simple solution to having the benefit of a run-off without the administrative difficulties is to employ “instant run-offs”.² Under Int. 0150-2014 (“the proposed legislation”), voters would be able to rank up to three candidates in order of preference on their ballot during the primary. The proposed legislation would apply to any city-wide primary elections for the office of Mayor, Public Advocate, or Comptroller and any election for Mayor, Public Advocate,

¹ Statement and Return Report for Certification, Run-off Primary 2013 - 10/01/2013, Democratic Public Advocate Citywide, *at* <http://www.vote.nyc.ny.us/downloads/pdf/results/2013/2013PrimaryRunOff/01001200000Citywide%20Democrati%20Public%20Advocate%20Citywide%20Recap.pdf> (last visited April 17, 2014).

² In a 2010 report to the New York City Charter Revision Commission, the City Bar expressed its support for instant run-off elections. See *Recommendations on Governmental Structure and Election Issues for the 2010 Charter Revision Commission*, New York City Bar Association, June 2010, 9-10, available at <http://www.nycbar.org/pdf/report/uploads/20071967-RecommendationsonGovernmentalStructureandElectionIssues.pdf> (last visited April 17, 2014).

Comptroller, Borough President, or councilmember for which all candidates are nominated by independent nominating petition, where at least two candidates appear on the ballot for the same office. If no candidate receives at least 50% plus one vote of first choice votes, the two candidates with the most votes proceed to a second round of ballot-counting, with all other candidates being eliminated. In this second round, ballots indicating a first choice vote for an eliminated candidate would be counted as votes for the highest ranked continuing candidate on that ballot. Any ballot that does not rank either of the two advancing candidates would not be counted in the second round. If both continuing candidates receive the same rank on a ballot, that ballot would not be counted. The candidate with the most votes in the second round would be declared the winner of the run-off.

A run-off would save New York City considerable time, resources and money while at the same time ensuring that the candidate ultimately elected in a primary has significant support from her or his party. In addition, this approach would require candidates to seek to appeal beyond their base during their campaign, and would reward candidates with broader support. For these reasons, the City Bar supports the bill.

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