

ASSEMBLY, No. 1762

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

SYNOPSIS

Permits use of instant run-off voting in balloting for certain local elective public offices.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1762 EUSTACE

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1 AN ACT permitting use of instant run-off voting in balloting for
2 certain local elective public offices and supplementing Title 19
3 of the Revised Statutes.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. As used in this act:

9 "instant run-off voting" means a system of voting which allows
10 each voter to vote for the voter's preferred candidate as well as
11 specific alternative choices from among the other candidates
12 appearing on the ballot for that office in order of preference and, in
13 the event that no candidate receives a majority of the votes cast for
14 candidates for that office, provides that the candidate receiving the
15 fewest votes will be eliminated and the second choice votes of the
16 voters who voted for that candidate counted, with the process
17 continuing until one candidate is a majority winner; and

18 "continuing candidate" means a candidate who has not been
19 eliminated as a result of this instant run-off voting procedure.
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21 2. The governing body of a municipality governed by the
22 provisions of the "Uniform Nonpartisan Elections Law," P.L.1981,
23 c.379 (C.40:45-5 et seq.), may, by ordinance or resolution as
24 appropriate, authorize the use of instant run-off voting in elections
25 at which a candidate is to be elected to an elective public office
26 filled by one individual at an election held pursuant to law. In each
27 such election the first choice vote of each voter for each race shall
28 be counted first. If, after all ballots are counted, a candidate has
29 obtained a majority of the first choice votes for that race, further
30 counting is not necessary, and that candidate shall be declared the
31 winner. If no candidate has obtained a majority of first choice
32 votes, then the candidate with the fewest number of first choice
33 votes shall be declared eliminated, and the second choice votes of
34 voters who voted for this candidate shall be transferred to the next
35 choice continuing candidate marked on each continuing ballot, and
36 added to that continuing candidate's vote total. However, if the
37 total of the votes of the two or more candidates credited with a low
38 number of votes is less than the number of votes credited to the
39 candidate with the next highest number of votes, these candidates
40 shall be declared defeated simultaneously and their votes
41 transferred to the next choice continuing candidate marked on each
42 ballot in a single counting operation. If the next-choice candidate
43 has been eliminated, the vote shall be transferred to the next-choice
44 candidate who is a continuing candidate. After this tabulation, if no
45 continuing candidate receives a majority of the votes, then the
46 continuing candidate with the fewest votes shall be declared
47 defeated. This process of eliminating last-place candidates,
48 transferring ballots from these candidates, and adding them to the

1 totals of continuing candidates shall proceed until a candidate has a
2 majority of the ballots, in which case that candidate is elected, or
3 there is a tie between all remaining continuing candidates. If, in
4 any election, a ballot has no more available preferences stated, that
5 ballot shall be declared exhausted and shall not be counted further.
6 A ballot assigning the same ranking to more than one candidate for
7 an office shall be declared exhausted when the double ranking is
8 reached. If a ballot skips a ranking then the next ranking shall be
9 counted. If there is a tie between candidates, the procedures
10 otherwise provided by law shall be followed.

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12 3. The Secretary of State, pursuant to the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall
14 promulgate rules and regulations necessary to effectuate the
15 purposes of this act. Instant run-off voting shall not be
16 implemented in any municipality until the Secretary of State
17 determines that voting equipment and ballots have been updated to
18 accommodate this process.

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20 4. This act shall take effect immediately.

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STATEMENT

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25 This bill permits the governing body of a municipality governed
26 by the provisions of the "Uniform Nonpartisan Elections Law,"
27 N.J.S.A.40:45-5 et seq., to allow the use of instant run-off voting in
28 elections at which a candidate is to be elected to a local elective
29 public office filled by one individual.

30 Instant run-off voting is a system of voting which allows each
31 voter to vote for the voter's preferred candidate as well as specific
32 alternative choices from among the other candidates appearing on
33 the ballot for that office in order of preference. In the event that no
34 candidate receives a majority of the votes cast for candidates for
35 that office, the candidate receiving the fewest votes will be
36 eliminated and the second choice votes for that candidate counted,
37 with the process continuing until one candidate is a majority
38 winner.

39 The Secretary of State would be responsible for promulgating
40 rules and regulations necessary to effectuate the bill's purposes.
41 Instant run-off voting would not be implemented until the Secretary
42 of State determines that voting equipment and ballots have been
43 updated to accommodate this process.