

# ASSEMBLY, No. 1801

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**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.



**(Sponsorship Updated As Of: 5/25/2018)**

A1801 EUSTACE, CHAPARRO

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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.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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.  
20

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.