

# ASSEMBLY, No. 5205

## STATE OF NEW JERSEY 218th LEGISLATURE

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**Sponsored by:**

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**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

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**District 33 (Hudson)**

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**SYNOPSIS**

Establishes ranked-choice voting procedure for elections for Governor, State Senate, State General Assembly, United States Senate and House of Representatives, and presidential primaries and general elections for electors for United States President and Vice-President.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2019)**

1 AN ACT concerning ranked-choice voting for certain State and  
2 federal elections and supplementing Title 19 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Notwithstanding any provision of Title 19 of the Revised  
9 Statutes, or any other law, rule, or regulation to the contrary,  
10 primary elections and general elections for the offices of Governor,  
11 member of the New Jersey Senate, member of the New Jersey  
12 General Assembly, member of the United States Senate, and  
13 member of the United States House of Representatives, and  
14 presidential primaries and general elections for electors for  
15 President and Vice-President of the United States, shall be  
16 conducted using ranked-choice voting, an election method in which  
17 voters rank candidates in order of their preference and the ballots  
18 are counted in rounds and the votes or fractions thereof are  
19 distributed to candidates according to the preferences marked on  
20 each ballot, in accordance with the process established under this  
21 act, P.L. , c. (C. ) (pending before the Legislature as this bill).

22  
23 2. As used in this act, P.L. , c. (C. ) (pending before the  
24 Legislature as this bill):

25 “Continuing candidate” means any candidate that has not been  
26 defeated or elected.

27 “Election threshold” means the number of votes sufficient for a  
28 candidate to be elected, which shall be 33 percent of the votes  
29 counting for candidates in an election for member of the New  
30 Jersey General Assembly, plus one, disregarding any fractions, and  
31 50 percent of the votes counting for candidates in an election for  
32 Governor, member of the New Jersey Senate, member of the United  
33 States Senate, or member of the United States House of  
34 Representatives, plus one.

35 “Exhausted ballot” means a ballot that is not counted for any  
36 continuing candidate because the ballot (1) does not rank any  
37 continuing candidates, (2) contains an overvote by ranking more  
38 than one candidate as the highest-ranked continuing candidate, or  
39 (3) contains two or more consecutive skipped rankings prior to its  
40 highest-ranked continuing candidate.

41 “Highest-ranked continuing candidate” means the candidate  
42 assigned to the highest ranking order on a ballot that is not an  
43 exhausted ballot.

44 “Ranking order” means the number available to be assigned by a  
45 voter to a candidate to express the voter’s choice for that candidate,  
46 with the number “1” being the highest ranking order, followed by  
47 the number “2,” and then the number “3,” and so on.

1       “Round” means an instance of the sequence of voting tabulation  
2 beginning with paragraph (1) of subsection a. of section 4 of this act  
3 (C.    ) for an election to the office of Governor, member of the New  
4 Jersey Senate, member of the United States Senate, or member of  
5 the United States House of Representatives, and for a presidential  
6 primary election or a general election for electors for President and  
7 Vice-President of the United States, or paragraph (1) of subsection  
8 b. of section 4 of this act (C.    ) for an election to the office  
9 member of the New Jersey General Assembly.

10       “Surplus” means the total number of votes cast for an elected  
11 candidate to the office of member of the New Jersey General  
12 Assembly in excess of the election threshold.

13       “Surplus fraction” means the proportion of each vote to be  
14 transferred when a surplus of an elected candidate is transferred,  
15 which shall be calculated by dividing the surplus by the total votes  
16 cast for the elected candidate, using the formula “surplus fraction =  
17 (surplus of an elected candidate) / (total votes cast for the elected  
18 candidate)” calculated to four decimal places, ignoring any  
19 remainder.

20       “Transfer value” means the fraction of a vote that a transferred  
21 ballot will contribute to the next ranked continuing candidate on  
22 that ballot in an election for member of the New Jersey General  
23 Assembly, with each ballot beginning with a transfer value of 1,  
24 with the transfer value of a vote cast for an elected candidate  
25 calculated by multiplying the surplus fraction by its current value,  
26 calculated to four decimal places, ignoring any remainder, and with  
27 the transfer value of a vote cast for a defeated candidate being equal  
28 to its current value.

29  
30       3. In any election conducted by ranked-choice voting pursuant  
31 to this act, P.L.    , c. (C.    ) (pending before the Legislature as this  
32 bill), the ballot shall be designed to allow voters to rank candidates  
33 in ranking order, including write-in candidates. The ballot shall  
34 allow voters to assign a ranking order to each qualified candidate on  
35 the ballot. In the event that the voting equipment cannot feasibly  
36 accommodate a ballot containing a number of rankings equal to the  
37 number of qualified candidates, the ballot may be designed to allow  
38 a voter to rank the maximum number allowed by the voting  
39 equipment, provided the ballot shall allow the voter to rank at least  
40 six candidates. The ballot shall not interfere with a voter’s ability to  
41 rank write-in candidates.

42  
43       4. a. In an election for the office of Governor, member of the  
44 New Jersey Senate, member of the United States Senate, member of  
45 the United States House of Representatives, and in a presidential  
46 primary or a general election for electors for President and Vice-  
47 President of the United States, the ranked-choice voting tabulation

1 shall be conducted pursuant to this subsection, and shall proceed in  
2 rounds, sequentially, as follows:

3 (1) each ballot shall count as one vote for the highest-ranked  
4 continuing candidate on that ballot. If a candidate has more than 50  
5 percent of the votes, that candidate is elected and the tabulation is  
6 complete;

7 (2) if two or fewer continuing candidates remain, the candidate  
8 with the fewest number of votes is defeated, the candidate with the  
9 greatest number of votes is elected, and the tabulation is complete;

10 (3) if more than two continuing candidates remain, the  
11 continuing candidate with the fewest number of votes is defeated,  
12 and a new round begins with paragraph (1) of this subsection.

13 b. In an election for the office of member of the New Jersey  
14 General Assembly, the ranked-choice voting tabulation shall be  
15 conducted pursuant to this subsection. If, in the initial tabulation,  
16 the number of continuing candidates is less than or equal to the  
17 number of offices to be filled for the New Jersey General Assembly  
18 in the legislative district, then all continuing candidates are elected  
19 and the tabulation is complete. Otherwise, each round shall proceed  
20 sequentially, until the tabulation is complete, as follows:

21 (1) each ballot shall count, at its current transfer value, for the  
22 highest-ranked continuing candidate on that ballot. If the sum of the  
23 number of elected candidates and the number of continuing  
24 candidates is equal to the sum of one and the number of offices to  
25 be elected, then the candidate with the fewest votes is defeated, all  
26 other continuing candidates are elected, and the tabulation is  
27 complete;

28 (2) if at least one continuing candidate has more votes than the  
29 election threshold, then each such candidate is elected. Each ballot  
30 counting for an elected candidate is assigned a new transfer value  
31 by multiplying the ballot's current transfer value by the surplus  
32 fraction for the elected candidate, calculated to four decimal places  
33 and ignoring any remainder. Each candidate elected under this  
34 subsection is deemed to have a number of votes equal to the  
35 election threshold for the election in all future rounds. A new round  
36 begins with paragraph (1) of this subsection;

37 (3) if no candidate is elected under paragraph (2) of this  
38 subsection, then the continuing candidate with the fewest votes is  
39 defeated, and a new round begins with paragraph (1) of this  
40 subsection.

41 c. In any round of tabulation pursuant to subsections a. or b. of  
42 this section, a ballot that does not contain a highest-ranked  
43 continuing candidate shall not count for any candidate. Instead, the  
44 ballot shall be declared inactive and shall be counted as an  
45 exhausted ballot.

46 d. In any round of tabulation pursuant to subsections a. or b. of  
47 this section, if two or more candidates are tied with the fewest  
48 votes, and a tabulation cannot continue until the candidate with the

1 fewest votes is defeated, then the candidate to be defeated shall be  
2 determined by lot. Election officials may resolve prospective ties  
3 between candidates prior to the tabulation after all votes are cast. A  
4 tie in the final round of tabulation in an election for the office of  
5 Governor shall be decided in accordance with Article V, Section I,  
6 paragraph 4 of the New Jersey Constitution.

7  
8 5. The Secretary of State shall issue guidelines and promulgate,  
9 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
10 (C.52:14B-1 et seq.), any rules and regulations necessary to  
11 effectuate the ranked-choice voting procedures established by the  
12 provisions of this act, P.L. , c. (C. ) (pending before the  
13 Legislature as this bill).

14  
15 6. This act shall take effect immediately, but shall remain  
16 inoperative until the January 1<sup>st</sup> following the 12<sup>th</sup> month from the  
17 date the Secretary of State officially certifies that all voting  
18 machines used in this State have the capability to support the  
19 ranked-choice voting procedures established by this act, except that  
20 the provisions of this act concerning elections to the office of  
21 Governor shall be implemented subject to voter approval of an  
22 amendment to the New Jersey Constitution authorizing ranked-  
23 choice for that office.

24  
25  
26 STATEMENT

27  
28 This bill establishes a ranked-choice voting procedure for  
29 primary and general elections to elect candidates to the offices of  
30 Governor, New Jersey Senate, New Jersey General Assembly,  
31 United States Senate, and United States House of Representatives,  
32 and for presidential primary elections and general elections for  
33 electors of candidates for President and Vice-President of the  
34 United States. Ranked-choice voting is an election method in which  
35 voters rank candidates in order of their preference, the ballots are  
36 counted in rounds, and the votes or fractions of votes are distributed  
37 to candidates according to the preferences marked on each ballot.

38 The bill requires the ballot to be designed to allow voters to  
39 assign a ranking order to each qualified candidate on the ballot for  
40 such offices, including write-in candidates. In the event that the  
41 voting equipment cannot feasibly accommodate a ballot containing  
42 a number of rankings equal to the number of qualified candidates,  
43 the ballot is permitted to be designed to allow a voter to rank the  
44 maximum number allowed by the voting equipment, but not less  
45 than six candidates.

46 Under the bill, single-winner elections to the offices of  
47 Governor, New Jersey Senate, United States Senate, and United  
48 States House of Representatives, and presidential primaries and

1 general elections for electors of candidates for President and Vice-  
2 President of the United States, would be tabulated in rounds. Each  
3 ballot counts as one vote for the highest-ranked candidate on that  
4 ballot. If a candidate reaches the election threshold of 50 percent of  
5 the votes plus one, that candidate is elected and the tabulation is  
6 complete. If two or fewer continuing candidates remain, the  
7 candidate with the fewest number of votes is defeated, the candidate  
8 with the greatest number of votes is elected, and the tabulation is  
9 complete. However, if more than two continuing candidates remain,  
10 the continuing candidate with the fewest number of votes is  
11 defeated, and a new round of counting begins until a candidate  
12 reaches the election threshold.

13 For multi-winner elections to the office of member of the New  
14 Jersey General Assembly, which include two members elected from  
15 each election district, the bill establishes a tabulation procedure that  
16 involves the transfer of vote fractions. Under the bill, if in the initial  
17 tabulation the number of continuing candidates is less than or equal  
18 to two (which is the number of offices to be filled for the New  
19 Jersey General Assembly in the legislative district), then all  
20 continuing candidates are elected and the tabulation is complete. If  
21 not, a series of tabulation rounds would proceed sequentially until  
22 candidates are elected by reaching the election threshold of 33  
23 percent of the votes plus one. If the sum of the number of elected  
24 candidates and the number of continuing candidates is equal to  
25 three (the sum of one and the number of offices to be elected), then  
26 the candidate with the fewest votes is defeated, all other continuing  
27 candidates are elected, and the tabulation is complete. However, if  
28 at least one continuing candidate has more votes than the election  
29 threshold, then each such candidate is elected, and each ballot  
30 counting for an elected candidate is assigned a “transfer value” so  
31 that the candidate’s surplus votes (beyond the election threshold)  
32 are distributed to the next ranked continuing candidate on those  
33 ballots. If, after these steps, no candidate is elected, then the  
34 continuing candidate with the fewest votes is defeated, and a new  
35 round of counting begins until the positions are filled as the  
36 remaining candidates reach the election threshold.

37 The bill directs the Secretary of State to issue guidelines and  
38 promulgate any rules and regulations necessary to effectuate the  
39 ranked-choice voting procedures established by the bill.

40 The bill would take effect immediately, but would remain  
41 inoperative until the January 1st following 12 months after the  
42 Secretary of State officially certifies that all voting machines used  
43 in this State have the capability to support ranked-choice voting.  
44 However, the bill’s provisions concerning elections to the office of  
45 Governor would be implemented if the voters approve an  
46 amendment to the State Constitution authorizing ranked-choice for  
47 that office.