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SENATE, No. 1820

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

2. As used in this act, P.L. , c. (C. ) (pending before the Legislature as this bill):
   “Continuing candidate” means any candidate that has not been defeated or elected.
   “Election threshold” means the number of votes sufficient for a candidate to be elected, which shall be 33 percent of the votes counting for candidates in an election for member of the New Jersey General Assembly, plus one, disregarding any fractions, and 50 percent of the votes counting for candidates in an election for Governor, member of the New Jersey Senate, member of the United States Senate, or member of the United States House of Representatives, plus one.
   “Exhausted ballot” means a ballot that is not counted for any continuing candidate because the ballot (1) does not rank any continuing candidates, (2) contains an overvote by ranking more than one candidate as the highest-ranked continuing candidate, or (3) contains two or more consecutive skipped rankings prior to its highest-ranked continuing candidate.
   “Highest-ranked continuing candidate” means the candidate assigned to the highest ranking order on a ballot that is not an exhausted ballot.
   “Ranking order” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate, with the number “1” being the highest ranking order, followed by the number “2,” and then the number “3,” and so on.
“Round” means an instance of the sequence of voting tabulation beginning with paragraph (1) of subsection a. of section 4 of this act (C.) for an election to the office of Governor, member of the New Jersey Senate, member of the United States Senate, or member of the United States House of Representatives, and for a presidential primary election or a general election for electors for President and Vice-President of the United States, or paragraph (1) of subsection b. of section 4 of this act (C.) for an election to the office of member of the New Jersey General Assembly.

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

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

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

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

4. a. In an election for the office of Governor, member of the New Jersey Senate, member of the United States Senate, member of the United States House of Representatives, and in a presidential primary or a general election for electors for President and Vice-President of the United States, the ranked-choice voting tabulation
shall be conducted pursuant to this subsection, and shall proceed in
rounds, sequentially, as follows:

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

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

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

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

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

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

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

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

d. In any round of tabulation pursuant to subsections a. or b. of
this section, if two or more candidates are tied with the fewest
votes, and a tabulation cannot continue until the candidate with the
fewest votes is defeated, then the candidate to be defeated shall be
determined by lot. Election officials may resolve prospective ties
between candidates prior to the tabulation after all votes are cast. A
tie in the final round of tabulation in an election for the office of
Governor shall be decided in accordance with Article V, Section I,
paragraph 4 of the New Jersey Constitution.

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

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

STATEMENT

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

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

Under the bill, single-winner elections to the offices of
Governor, New Jersey Senate, United States Senate, and United
States House of Representatives, and presidential primaries and
general elections for electors of candidates for President and Vice-
President of the United States, would be tabulated in rounds. Each
ballot counts as one vote for the highest-ranked candidate on that
ballot. If a candidate reaches the election threshold of 50 percent of
the votes plus one, that candidate is elected and the tabulation is
complete. If two or fewer continuing candidates remain, the
candidate with the fewest number of votes is defeated, the candidate
with the greatest number of votes is elected, and the tabulation is
complete. However, if more than two continuing candidates remain,
the continuing candidate with the fewest number of votes is
defeated, and a new round of counting begins until a candidate
reaches the election threshold.

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

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

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