

ASSEMBLY, No. 5410

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes ranked-choice voting procedure for presidential primaries and general elections for electors for United States President and Vice-President.

CURRENT VERSION OF TEXT

As introduced.



A5410 BENSON

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1 AN ACT concerning ranked-choice voting for presidential primaries
2 and general elections for electors for United States President and
3 Vice-President and supplementing Title 19 of the Revised
4 Statutes.

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

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

19
20 2. As used in this act, P.L. , c. (C.) (pending before the
21 Legislature as this bill):

22 “Continuing candidate” means any candidate that has not been
23 defeated or elected.

24 “Election threshold” means the number of votes sufficient for a
25 candidate to be elected, which shall be 50 percent of the votes
26 counting for candidates in an election, plus one.

27 “Exhausted ballot” means a ballot that is not counted for any
28 continuing candidate because the ballot (1) does not rank any
29 continuing candidates, (2) contains an overvote by ranking more
30 than one candidate as the highest-ranked continuing candidate, or
31 (3) contains two or more consecutive skipped rankings prior to its
32 highest-ranked continuing candidate.

33 “Highest-ranked continuing candidate” means the candidate
34 assigned to the highest ranking order on a ballot that is not an
35 exhausted ballot.

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

40 “Round” means an instance of the sequence of voting tabulation
41 beginning with paragraph (1) of subsection a. of section 4 of this act
42 (C.).

43
44 3. In any election conducted by ranked-choice voting pursuant
45 to this act, P.L. , c. (C.) (pending before the Legislature as this
46 bill), the ballot shall be designed to allow voters to rank candidates
47 in ranking order, including write-in candidates. The ballot shall
48 allow voters to assign a ranking order to each qualified candidate on

1 the ballot. In the event that the voting equipment cannot feasibly
2 accommodate a ballot containing a number of rankings equal to the
3 number of qualified candidates, the ballot may be designed to allow
4 a voter to rank the maximum number allowed by the voting
5 equipment, provided the ballot shall allow the voter to rank at least
6 six candidates. The ballot shall not interfere with a voter's ability to
7 rank write-in candidates.

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9 4. a. In a presidential primary or a general election for electors
10 for President and Vice-President of the United States, the ranked-
11 choice voting tabulation shall be conducted pursuant to this
12 subsection, and shall proceed in rounds, sequentially, as follows:

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

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

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

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

27 c. In any round of tabulation pursuant to subsections a. of this
28 section, if two or more candidates are tied with the fewest votes,
29 and a tabulation cannot continue until the candidate with the fewest
30 votes is defeated, then the candidate to be defeated shall be
31 determined by lot. Election officials may resolve prospective ties
32 between candidates prior to the tabulation after all votes are cast.

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

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41 6. This act shall take effect immediately, but shall remain
42 inoperative until the January 1st following the 12th month from the
43 date the Secretary of State officially certifies that all voting
44 machines used in this State have the capability to support the
45 ranked-choice voting procedures established by this act.

STATEMENT

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3 This bill establishes a ranked-choice voting procedure for
4 presidential primary elections and general elections for electors of
5 candidates for President and Vice-President of the United States.
6 Ranked-choice voting is an election method in which voters rank
7 candidates in order of their preference, the ballots are counted in
8 rounds, and the votes are distributed to candidates according to the
9 preferences marked on each ballot.

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

18 Under the bill, the ballots cast would be tabulated in rounds.
19 Each ballot counts as one vote for the highest-ranked candidate on
20 that ballot. If a candidate reaches the election threshold of 50
21 percent of the votes plus one, that candidate is elected and the
22 tabulation is complete. If two or fewer continuing candidates
23 remain, the candidate with the fewest number of votes is defeated,
24 the candidate with the greatest number of votes is elected, and the
25 tabulation is complete. However, if more than two continuing
26 candidates remain, the continuing candidate with the fewest number
27 of votes is defeated, and a new round of counting begins until a
28 candidate reaches the election threshold.

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

32 The bill would take effect immediately, but would remain
33 inoperative until the January 1st following 12 months after the
34 Secretary of State officially certifies that all voting machines used
35 in this State have the capability to support ranked-choice voting.