

SENATE, No. 3369

STATE OF NEW JERSEY 220th LEGISLATURE

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Sponsored by:

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Allows ranked-choice voting options for municipal and school board elections under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/30/2023)

1 **AN ACT** concerning voting options for municipal and school board
2 elections and supplementing Title 19 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Municipal
8 and School Board Voting Options Act.”

9

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

12 “Continuing candidate” means any candidate that has not been
13 defeated or elected.

14 “Election threshold” means the number of votes sufficient for a
15 candidate to be elected, calculated using the following formula:
16 threshold = (number of votes/number of seats +1) +1. The number
17 of votes means the number of non-exhausted ballots in the counting
18 round being processed.

19 “Exhausted ballot” means a ballot that is not counted for any
20 continuing candidate because the ballot (1) does not rank any
21 continuing candidates, (2) contains an overvote by ranking more
22 than one candidate as the highest-ranked continuing candidate, or
23 (3) contains two or more consecutive skipped rankings prior to its
24 highest-ranked continuing candidate.

25 “Highest-ranked continuing candidate” means a candidate that
26 has not been eliminated who has been assigned to the highest
27 ranking order on a ballot that is not an exhausted ballot.

28 “Ranked-choice voting” means a method of voting in which each
29 voter gets one vote, where voters rank multiple candidates in order
30 of their preference, the ballots are counted in rounds, and the votes
31 are counted and transferred to candidates according to the
32 preferences marked on each ballot using the instant runoff method
33 as specified under subsection a. of section 5 of this act (C.) for
34 single-winner races, and using the single transferrable vote method
35 as specified under subsection b. of section 5 of this act (C.) for
36 multi-winner races.

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

41 “Round” means an instance of the sequence of voting tabulation
42 beginning with paragraph (1) of subsection a. of section 5 of this act
43 (C.) for a single-winner election, or paragraph (1) of subsection
44 b. of section 5 of this act (C.) for a multi-winner election.

45 “Single transferable vote” means a ranked-choice voting method
46 of counting votes where, for multiple-winner races, the necessary
47 threshold number of votes for winning depends on the number of
48 seats elected, with that threshold calculated using the following

1 formula: threshold = (number of votes/number of seats +1) +1.
2 Under the “single transferable vote” method, counting proceeds as
3 follows: (1) count all the first-place votes; (2) any candidate who
4 receives more than the threshold number of votes is elected, and all
5 votes in excess of that threshold, or surplus votes, are then
6 transferred to the voters’ next preferred candidate on a proportional
7 basis according to the surplus fraction. If no candidate exceeds the
8 threshold, votes are transferred from the lowest ranked candidate up
9 to higher ranked candidates until another candidate achieves the
10 threshold number of votes; and (3) the process set forth in
11 paragraph (2) continues until all seats are filled.

12 “Surplus” means the total number of votes cast for an elected
13 candidate in a multi-winner election in excess of the election
14 threshold.

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

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

30
31 3. Notwithstanding any provision of Title 18A, Title 19, or Title
32 40 of the Revised Statutes, or any other law, rule, special charter, or
33 regulation to the contrary, all municipal governing bodies and all
34 school boards in this State shall be permitted to adopt through
35 ordinance or resolution, as appropriate, to be submitted to the voters
36 for approval through a referendum on the ballot, or through a voter-
37 initiated petition approved by the voters through a referendum on
38 the ballot, the requirement that all elections for the offices of mayor
39 or a member of a municipal governing body, or a member of an
40 elected school board, as appropriate, other than any primary
41 election, shall be conducted using ranked-choice voting as
42 established under this act, P.L. , c. (C.) (pending before the
43 Legislature as this bill). If a single office holder is to be elected,
44 such as a mayor, municipal council member, or school board
45 member representing a single-winner district or ward, votes shall be
46 counted using the instant runoff method as provided under
47 subsection a. of section 5 of this act (C.). If multiple office
48 holders are to be elected, such as council members or school board

1 members elected at-large concurrently, votes shall be counted using
2 the single transferrable vote method as provided under subsection b.
3 of section 5 of this act (C.).

4
5 4. A petition initiated by the voters for adopting ranked-choice
6 voting as provided under this act, P.L. , c. (C.) (pending before
7 the Legislature as this bill), for any municipal or school board
8 elected office, shall follow the general format and signature
9 requirements set forth in the “Optional Municipal Charter Law,”
10 P.L.1950, c.210 (C.40:69A-1 et seq.), specifically C.40:69A-184
11 and C.40:69A-186, regardless of the form of government adopted
12 by the municipality or municipalities, as the case may be. Such
13 petition shall be submitted to the municipal clerk or clerks, as the
14 case may be, and shall be signed by the legal voters equal in
15 number to at least 10 percent of the total votes cast in the
16 municipality or municipalities, as the case may be, at the last
17 election at which members of the General Assembly were elected.
18 The initiative petition shall include the proposed public question
19 and a clear and concise interpretative statement explaining ranked-
20 choice voting. The public question shall be submitted to the voters
21 for approval at an election, whether proposed by the relevant
22 governing body by ordinance or resolution, as appropriate, or
23 whether proposed by the voters by an initiative petition for a
24 referendum vote.

25
26 5. a. In a single-winner election, such as for the office of mayor,
27 or a member of a municipal governing body or a member of an
28 elected school board elected from districts or wards, as appropriate,
29 the ranked-choice voting tabulation shall be known as the instant
30 runoff method, shall be conducted pursuant to this subsection, and
31 shall proceed in rounds, sequentially, as follows:

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

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

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

42 b. In a multi-winner election, such as for the office of member of
43 a municipal governing body or a member of an elected school board
44 elected at-large, the ranked-choice voting tabulation shall be known
45 as the single transferrable vote method, and shall be conducted
46 pursuant to this subsection. If, in the initial tabulation, the number
47 of continuing candidates is less than or equal to the number of
48 offices to be filled, then all continuing candidates are elected and

1 the tabulation is complete. Otherwise, each round shall proceed
2 sequentially, until the tabulation is complete, as follows:

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

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

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

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

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

34

35 6. The Division of Elections in the Department of State shall
36 adopt rules and regulations, pursuant to the "Administrative
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
38 the purposes of this act, P.L. , c. (C.) (pending before the
39 Legislature as this bill), and provide guidelines and technical rules
40 to assist local election officials in implementing and counting a
41 ranked-choice voting election.

42

43 7. This act shall take effect immediately.

STATEMENT

This bill, the “Municipal and School Board Voting Options Act,” allows municipalities and school boards in this State to adopt ranked choice voting for conducting their local elections under certain circumstances.

Under the bill, “ranked-choice voting” means a method of voting in which each voter gets one vote, where voters rank multiple candidates in order of their preference, the ballots are counted in rounds, and the votes are counted and transferred to candidates according to the preferences marked on each ballot. Under the bill, for conducting and counting ranked-choice voting elections, the instant runoff method would be used for single winner races like mayor elected at-large or council or school board member elected from wards or districts, and the single transferable vote method would be used for multiple-winner races. The bill defines the terms necessary for implementing these two ranked-choice voting methods and the manner of counting the votes and declaring elected candidates.

The bill provides that all municipal governing bodies and all school boards in this State would be permitted to adopt ranked-choice voting by adopting an ordinance or resolution, as appropriate, to be submitted to the voters for approval through a referendum on the ballot. The bill also allows the voters to place a direct petition on the ballot to adopt ranked choice voting, using the petition process currently established under current law for “Faulkner Act” municipalities. The direct petition would be submitted to the municipal clerk or clerks, as the case may be, and would be required to be signed by the legal voters equal in number to at least 10 percent of the total votes cast in the municipality or municipalities, as the case may be, at the last election at which members of the General Assembly were elected. The petition would include the proposed public question and a clear and concise interpretative statement explaining ranked-choice voting.

If approved by the voters of the municipality or school district, all elections for the offices of mayor or a member of a municipal governing body, or a member of an elected school board, as appropriate, other than any primary election, would be conducted using ranked-choice voting.

Finally, the bill directs the Division of Elections in the Department of State to adopt the rules and regulations necessary to effectuate its provisions and provide guidelines and technical rules to assist local election officials in implementing and counting a ranked choice voting election.