SENATE, No. 3784

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:
Senator ANDREW ZWICKER
District 16 (Hunterdon, Mercer, Middlesex and Somerset)
Senator LINDA R. GREENSTEIN
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.

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:*
8

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

1 allow voters to assign a ranking order to each qualified candidate on
2 the ballot. In the event that the voting equipment cannot feasibly
3 accommodate a ballot containing a number of rankings equal to the
4 number of qualified candidates, the ballot may be designed to allow
5 a voter to rank the maximum number allowed by the voting
6 equipment, provided the ballot shall allow the voter to rank at least
7 six candidates. The ballot shall not interfere with a voter's ability to
8 rank write-in candidates.
9
10   4.   a. In a presidential primary or a general election for electors
11 for President and Vice-President of the United States, the ranked-
12 choice voting tabulation shall be conducted pursuant to this
13 subsection, and shall proceed in rounds, sequentially, as follows:
14   (1) each ballot shall count as one vote for the highest-ranked
15 continuing candidate on that ballot. If a candidate has more than 50
16 percent of the votes, that candidate is elected and the tabulation is
17 complete;
18   (2) if two or fewer continuing candidates remain, the candidate
19 with the fewest number of votes is defeated, the candidate with the
20 greatest number of votes is elected, and the tabulation is complete;
21   (3) if more than two continuing candidates remain, the
22 continuing candidate with the fewest number of votes is defeated,
23 and a new round begins with paragraph (1) of this subsection.
24   b. In any round of tabulation pursuant to subsection a. of this
25 section, a ballot that does not contain a highest-ranked continuing
26 candidate shall not count for any candidate. Instead, the ballot shall
27 be declared inactive and shall be counted as an exhausted ballot.
28   c. In any round of tabulation pursuant to subsections a. of this
29 section, if two or more candidates are tied with the fewest votes,
30 and a tabulation cannot continue until the candidate with the fewest
31 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   5. The Secretary of State shall issue guidelines and promulgate,
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), any rules and regulations necessary to
38 effectuate the ranked-choice voting procedures established by the
39 provisions of this act, P.L.   , c.   (C.   ) (pending before the
40 Legislature as this bill).
41
42   6. This act shall take effect immediately, but shall remain
43 inoperative until the January 1st following the 12th month from the
44 date the Secretary of State officially certifies that all voting
45 machines used in this State have the capability to support the
46 ranked-choice voting procedures established by this act.

1   STATEMENT
2
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.