

2023-2025 LWVNYS Study

Ranked Choice Voting & Nonpartisan Primaries

Response Form (separate document)

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State League Study Process and Committee Charge

This Committee was charged by League delegates at the League of Women Voters of New York State 2023 convention with studying ranked choice voting (RCV) for all levels and types of elections (i.e. local, state, federal, primary and general) and a review of New York State's primary system with consideration of nonpartisan primaries.

Using the new study process adopted by the League of Women Voters of New York State Board in 2019, the RCV and Nonpartisan Primary Systems Committee has prepared a set of position statements that, if approved by members, will be used to form new state League positions on the use of ranked-choice voting and nonpartisan primaries for elections in New York State.

The results of the study have been divided into two separate board-approved position statements that we are asking local League and individual members to concur with.

1. Support for the use of Ranked Choice Voting
2. Support for primary systems that open participation to more registered voters, up to and including the use of nonpartisan primaries where all voters can vote for all candidates

If approved by members, one or both position statements will be used by the state Board to finalize new state League positions on the ranked-choice voting and primary voting systems. The wording of the final positions will not differ substantively from the wording of the statements, but this flexibility in wording will allow us to make editorial changes for clarity.

League and Member Response Process

We are asking you to make two separate decisions on two separate position statements. You may concur with one, both, or none.

- *Do you concur with the position statement supporting the use of Ranked Choice Voting?*
- *Do you concur with the position statement supporting the use of primary systems that open participation to more registered voters, up to and including nonpartisan primaries where all voters can vote for all candidates?*

We are urging all local Leagues to have member meetings to discuss the materials and the position statements. Individual members' input will have greater weight as part of their local League response. For members who cannot attend their local League discussions, or members of a local League not participating in the study, the state League will organize virtual discussions and Q&A sessions. Individuals may complete an individual response form only if they participate in one of these sessions.

At the outset, the Committee would like to acknowledge the comprehensive work completed by sister State and Local Leagues as well as individual League members and our national League of Women Voters. We greatly appreciate these earlier efforts and have referenced and reviewed many of these materials during the course of this study.

For general background information regarding ranked choice voting and primary party systems as well as resources on these topics, please refer to the Appendices.

Summary of Current LWV Ranked Choice Voting Positions

The summary of current advocacy below is for informational purposes only and not part of the concurrence process.

Presently, LWVUS does not have a position on alternative voting methods. Given that the United States Constitution delegates the power to conduct elections to states, LWVUS has chosen to enunciate principles to guide the choice of election systems rather than opining on specific election systems. At its 2020 convention, LWVUS adopted a broad position on voting systems¹. While RCV is not named in this position, it specifically encourages jurisdictions to “implement alternatives to plurality voting.” Numerous state Leagues have conducted studies or adopted positions on alternative voting methods, primarily RCV.

In New York state, several local Leagues have adopted positions in support of RCV. The League of Women Voters of New York City (LWVNYC) adopted a position in favor of RCV in primary and special elections in 2010. LWVNYC supported educational efforts to familiarize voters and communities with RCV following its adoption for municipal elections in New York City.

Several local New York Leagues have concurred with LWV of New York City’s position on RCV.

Summary of Current LWV Primary System and Nonpartisan Primary Positions

The current LWVUS position does not specifically address the form of primary election systems (open, closed, the various forms of hybrid or nonpartisan). It does, however, list principles which should be pursued in voting systems. Below is the LWVUS position adopted in 2020:

LWVUS promotes an open governmental system that is representative, accountable, and responsive. We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices.

¹ See LWVUS’ [Impact on Issues](#), page 51-52. Over time, 14 state Leagues conducted studies and developed positions supporting alternatives to the plurality system. The LWVUS position is a compilation of positions adopted by state Leagues in Arizona, California, Colorado, Florida, Massachusetts, Maine, Minnesota, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Vermont, and Washington, and established LWVUS principles on representation.

Whether for single- or multiple-winner contests, the League supports electoral methods that:

- *Encourage voter participation and voter engagement.*
- *Encourage those with minority opinions to participate, including under-represented communities.*
- *Are verifiable and auditable.*
- *Promote access to voting.*
- *Maximize effective votes/minimize wasted votes.*
- *Promote sincere voting over strategic voting.*
- *Implement alternatives to plurality voting.*
- *Are compatible with acceptable ballot-casting methods, including vote-by-mail.²*

These principles, particularly the encouragement of voter participation and voter engagement, the inclusion of those with minority opinions, and the promotion of access to voting, guided our recommendation for primary systems that allow all registered voters to participate in primary elections, including the use of nonpartisan primaries.

Proposed Position Statements

1. Ranked Choice Voting

- The League of Women Voters of New York State supports the use of ranked-choice voting (a.k.a., instant runoff voting), in primary, general and/or special elections to elect federal, state, and/or local officials.
- With the adoption of any electoral system, the League believes that education of the voting public is important and funding for startup and voter education should be allocated.

2. Primary Systems that allow all registered voters to participate in the primary process, including the use of nonpartisan primaries

- The League of Women Voters of New York State supports changing from a closed partisan primary system to a primary system, including a nonpartisan primary system, that allows all registered voters to participate, regardless of party affiliation or lack thereof.
- We support the use of nonpartisan primaries to elect federal, state and local officials.

² See LWVUS' [Impact on Issues](#), page 51-52.

Explanation and Rationale for the Position Statements

Desirability of Majority Requirement to Win

Under plurality voting (our current system), a candidate can win an election with less than a majority of votes cast whenever there are more than two candidates. In elections with three or more candidates, the candidate with the most votes might have lost to one or more of their opponents in a two-way race (known as the third-party disrupter effect). This is undesirable, and preventing it is the reason some jurisdictions use run-off elections. RCV is a less costly alternative that allows all voters to cast a vote that reflects the full complexity of their preferences without having to show up at the polls on multiple occasions.

Using plurality voting, any election with more than two candidates is subject to the third-party disrupter effect, so voters may be afraid to vote their true preferences, which can cause voters to feel cynical and disaffected. Fear of a spoiler can also cause parties to lean hard on challengers not to run. The result may be barriers to relatively unknown candidates entering electoral politics, and that contributes to the power of incumbency, which is not generally fair nor desirable.

Nonpartisan primaries enfranchise every registered voter

LWVUS supports electoral methods that encourage voter participation and voter engagement. The League encourages electoral methods that provide the broadest voter representation possible and are expressive of voter choices. Increasing numbers of voters decline to choose a party when they register to vote, meaning that they lose the power to vote in a primary election in New York. This trend is particularly pronounced among younger voters. Among voters aged 18-25, 44% do not choose a party.

Furthermore, in many jurisdictions, one party has a substantial registration advantage and excluding members of other parties or those not registered with a party may significantly limit the choice of candidate in the general election as the election may effectively occur at the primary. Additionally, primaries currently attract a small minority of voters registered with a party, often party activists, and these voters may hold the most doctrinaire positions in their parties. Closed partisan primaries give disproportionate power to the small number of voters turn out to vote in primaries which may be contributing to polarization.

While any change to the voting system carries a risk of misunderstanding by voters accustomed to the previous electoral methods, the risks in this transition are low. Many voters do not currently understand the role of parties or the party primary system. Many school districts in New York already use nonpartisan primaries in school board elections, so the system is known to voters.

Potential Benefits of the Combination of RCV and Nonpartisan Primaries

Improve Voter Choice and Participation While Shifting Important Elections to November

Many jurisdictions in New York are dominated by one party, so that offices such as mayor, congressperson, state senator, or assemblymember are effectively decided in primaries where only one

party's members are eligible to vote and only the most party-savvy and engaged voters do so. If general elections accommodate four or more candidates by using RCV, many primaries will become unnecessary. In the absence of primaries, the November election will be where the contest will be decided, with everyone eligible to vote. Voters are far more used to the idea of elections in November, so the system would not result in serious misunderstanding among voters who are not savvy to all the details of our electoral system. Reducing the number of primaries should save money, and if done in this way would not result in less choice for voters.

Combining RCV and Nonpartisan Primaries May Lead to More Collaborative Governance

A candidate can only win a party primary by appealing to voters of their own party. Hence New York's existing closed system may tend to support the selection of candidates from the more extreme wings of the parties.

With plurality voting, negative campaigning is often effective. However, when a candidate needs to work to attract voters' second or third choice, they are less likely to engage in shrill negative campaigning. If candidates can attract voters from any party, they will have less incentive to villainize other candidates and parties. The result may be that campaigns will contain less character assassination and more policy discussion, and legislative bodies will engage in more problem-solving and less ideologically driven brinkmanship.

Opposing Arguments

RCV

RCV's effects on voter turnout are limited.

RCV can reduce the substantial drop off in voter participation between general and run-off elections. However, elections in New York state rarely utilize runoff elections so the adoption of RCV would have little impact on voter turnout. Research is inconclusive as to whether RCV has a strong impact on voter turnout as compared to plurality voting in elections other than runoff elections. There is little, if any, empirical data to support increased voter participation in RCV versus a traditional plurality system for general elections.

Implementing RCV would increase initial costs and could be confusing for voters.

Converting to RCV would require initial funding for new equipment and/or software and voter education. There would be a learning curve, both for voters and for election workers.

Understanding the tabulation of votes using RCV is less intuitive than plurality voting and could support claims of "stolen" elections.

People accustomed to plurality voting, in which the person with the most votes wins, could perceive ranked choice as unfair because the initial top vote-getter may not win after candidates with lower voter tallies votes are reallocated in successive rounds.

Nonpartisan Primaries

With nonpartisan primaries, the power of party committees to control who runs and the advantage the party-anointed candidates have would diminish. Those used to wielding such power are likely to find that disturbing. Nonpartisan primaries may diminish the power of the smaller parties in New York depending on whether candidates are allowed to claim multiple party affiliations.

Appendix A—History of Ranked Choice Voting

Ranked Choice Voting, also referred to as Instant Runoff Voting or Single Transferable Vote (in cases of single voting), is a vote-counting system in which each voter can rank candidates in order of the voter's preference, and votes are counted in rounds using a series of runoff tabulations to eliminate candidates with the fewest votes. A winner is selected once a candidate receives a majority of votes (in a single-winner contest). (ncsl.org)

Currently, two states (Maine and Alaska) use RCV for all state and federal primary elections and all general elections for Congress. Twenty-six additional states include at least one jurisdiction that uses RCV. Fifty-four jurisdictions across the country have used or enacted RCV, including New York City for primary elections. (<https://rankthevote.us/learn/#wherercv>)

RCV has been used in Australia since 1918 and Malta and Ireland since 1921. Ashtabula, Ohio became the first place to use this system in the United States in 1915 to elect its city council. New York City adopted a multi-winner form of RCV for their city council and school board elections in 1936, spurring another 11 cities to adopt RCV quickly. (rcvresources.org). By 1962 however, because of repeal efforts of these multi-winner RCV systems, Cambridge, MA remained the only city left that retained the RCV system it had adopted.

RCV has seen a resurgence in American cities in the last few decades. New York City adopted RCV for its municipal elections in 2019 and it has been used in elections there since 2021. New York City uses ranked-choice voting for Primary and Special Elections for the offices of Mayor, Public Advocate, Comptroller, Borough President and City Council.

Appendix B—A Brief History of Primary Systems

The U.S. election process is typically comprised of two components: a nominating contest, in which parties select their standard-bearers via a primary or caucus, and a general election, in which those party standard-bearers compete for elected office.

While primaries are now the dominant mechanism by which Americans choose candidates to run for political offices, neither political parties nor the primary system are mentioned in the U.S. Constitution.

The Founders were skeptical of direct, popular election of candidates to political office. Their skepticism is apparent and inherent in some of the nation's initial election mechanisms - the limitation of voting rights to propertied white males, the election of U.S. senators by state legislatures and the establishment of the Electoral College to act as an intermediary between the voting public and the selection of a president.

At the start of our nation, political parties were in their infancy and had not been contemplated by the Founders. With respect to the selection of presidential candidates during the early years of our country, presidential candidates were typically chosen by party leaders in a congressional caucus in which members of Congress from the same party would select a candidate.

By the mid-1800s, national nominating conventions became the standard way of selecting candidates. These conventions were dominated by party elites.

Until the early 20th century, candidates for political parties were usually chosen by party leaders with little, if any, input from rank-and-file party members. The primary system of selecting political candidates arose in part out of the Progressive movement in the early 20th century. Progressive reformers advocated for a direct primary, whereby voters in each state could participate in selecting candidates for national office.

The first direct primaries were adopted by states in the early 1900s, with Wisconsin in 1903 being the first state to hold a statewide primary election. However, primaries were not initially widespread, and many states still relied on the convention system well into the 20th century.

New York adopted direct primaries at the end of 1913.

Types of Primary Systems

The manner in which party primary elections are conducted varies widely by state. Here is a brief overview:

Closed Partisan Primary – Used in New York

In closed partisan primaries, only voters who have registered with a political party are allowed to participate. Voters are limited to voting in the primary of the party in which they are registered. New York employs a closed primary system.³

Partially Closed Partisan Primary

In partially closed partisan primaries, state law permits political parties to choose whether or not to allow voters not registered with their political party to participate in that party's primary. Under this

³ See [N.Y. Election Law § 17-102](#)

system, before each election cycle, political parties can choose which voters – party members only or party members and unaffiliated voters – may participate in a primary while choosing to exclude voters registered with an opposing political party.

Partially Open Partisan Primary

In semi-open partisan primaries, voters who have registered with a political party can only vote in that party's primary. However, voters not registered with a political party can choose which party primary they would like to vote in. For example, an independent voter could ask for either the Republican or Democratic ballot when they vote in the primary. A subtype of this category includes systems in which voters can cross party lines but their ballot choice acts as registration with the political party for which they requested a ballot.

Open Partisan Primary

In open partisan primaries, all registered voters, regardless of party affiliation or lack thereof, can choose which party's primary they would like to participate in, but they can only vote in one party's primary.

Nonpartisan Primary

In nonpartisan primaries, all candidates, regardless of party, appear on one primary ballot and all registered voters are eligible to participate. In these systems, generally either the top two or top four candidates proceed to a general election. Note that candidates of the same party can appear on the general election ballot. Nonpartisan primaries are used in Alaska, California, Louisiana, Nebraska (for state legislature), and Washington. Alaska and California combine nonpartisan primaries with ranked-choice voting.

Appendix C–Additional Resources

Ranked Choice Voting

CUNY Graduate Center Study on use of RCV in NYC's 2021 Primary Election: *The Impact of Ranked Choice Voting on the Democratic Primary Elections of 2021*

<https://www.gc.cuny.edu/sites/default/files/2022-07/CUR-Report-on-RCV-Final.pdf>

The University of Chicago Center for Effective Government

<https://effectivegov.uchicago.edu/primers/ranked-choice-voting>

Institute for Responsive Government

<https://responsivegov.org/wp-content/uploads/2024/05/IRG-RCV-White-Paper-Final.pdf>

Voter Participation and Ranked Choice Voting in the United States

<https://www.umsl.edu/~kimball/KimballRCV.pdf>

The Council of State Governments

<https://www.csg.org/2023/03/21/ranked-choice-voting-what-where-why-why-not/>

LWVUS Impact on Issues 2022-2024 (*Voter Representation/Electoral Systems*, pp. 51-52)

https://www.lwv.org/sites/default/files/2023-02/LWV_ImpactOnIssues2022-2024.pdf

LWV Syracuse Metropolitan Area (LWVSMA): RCV Study Materials, 2021

https://my.lwv.org/sites/default/files/leagues/wysiwyg/%5Bcurrent-user%3Aog-user-node%3A1%3Atitle%5D/lwvsma_rcv_educ_packet_.pdf

MIT Election Data and Science Lab (MEDSL): *The Effect of RCV in Maine*, 2021

<https://electionlab.mit.edu/articles/effect-ranked-choice-voting-maine>

LWV Boulder County (LWVBC): *Voting Methods Report*, 2017

https://docs.google.com/document/d/1IaWIHpymNErc8ciS_akuc8MMxhvpzy9VQ1UFwpT8AAk/edit

Fordham Law Democracy Voting Rights and Democracy Forum: *Third Parties and the Electoral College: How Ranked Choice Voting Can Stop the Third-Party Disruptor Effect*, 2023

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1024&context=vrdf>

New America non-partisan study: *Ranked-Choice Voting is No Refuge for Extreme Candidates*, 2021

<https://www.newamerica.org/political-reform/reports/evaluating-the-effects-of-ranked-choice-voting/ranked-choice-voting-is-no-refuge-for-extreme-candidates-melissa-baker/>

Article, The Hill: *The Flaw in Ranked-Choice Voting - Rewarding Extremists*, 2022

<https://thehill.com/opinion/campaign/3711206-the-flaw-in-ranked-choice-voting-rewarding-extremists/>

Ted Talk: *Why U.S. Politics is Broken and How to Fix it*, 2024

https://www.youtube.com/watch?v=1Ws3w_ZOmhl

Documentary Film: *Majority Rules*

90-minute film reporting on the use of Final Four voting for the first time in Alaska in 2022; available to rent or buy on Apple TV and available for private viewing on Vimeo (password: majorityrulez)

<https://vimeo.com/video/983383049?share=copy>

Non-partisan *Fair Vote*: analysis of first RCV election in Santa Fe, NM, 2018

<https://fairvote.org/santa-fe-s-1st-rcv-election-produced-clear-outcomes-and-effective-ballot/>

Non-partisan *Fair Vote*: analysis of first RCV election in Portland, 2024

<https://fairvote.org/portland-ors-first-ranked-choice-voting-election-more-choice-better-representation/>

Site for the non-partisan *Ranked Choice Voting Resource Center (RCVRC)*, a non-profit organization providing information, research and tools in support of RCV implementation

<https://www.rcvresources.org/>

Primary Systems/Non-Partisan Primaries

National Conference of State Legislatures (NCSL): State Primary Election Types, 2024

<https://www.ncsl.org/elections-and-campaigns/state-primary-election-types>

Non-partisan *Fair Vote*: Description of primary systems along with primary system by state

<https://fairvote.org/archives/open-and-closed-primaries/>

National Conference of State Legislatures (NCSL): *Primaries: More than One Way to Find a Party Nominee, 2021*

<https://www.ncsl.org/elections-and-campaigns/primaries-more-than-one-way-to-find-a-party-nominee>

Bipartisan Policy Center Study: *2018 Primary Election Turnout and Reforms*

<https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/03/2018-Primary-Election-Turnout-and-Reforms.pdf>

Unite America Institute, 2020 Report: *The Primary Problem*

<https://docsend.com/view/8g885yjfcvib3gr9>

“Open Primary/Final Five Voting in NYS Assessing Impacts on State and Local Elections,” Report prepared by the Center for Governmental Relations for the LWV of the Rochester Metro Area,

https://www.lwv-rma.org/docs/Open_Primary-FinalFiveVotingReportv.2.0.pdf

APPENDIX D–Glossary of Terms

Crossover Voting: When voters cast ballots for candidates of a party they are not affiliated with. Nonpartisan primaries allow this naturally since all candidates compete together.

Independent Voters: Voters who do not register with a political party. Nonpartisan primaries often aim to include these voters fully in the electoral process.

Majority Requirement: Some systems require that the winning candidate in the general election secures a majority (more than 50% of the vote), which is not always necessary in a nonpartisan primary.

Multi-Winner System: An election with multiple winners, commonly used for legislative bodies with at-large districts.

Nonpartisan Primary: An electoral system where all candidates appear on the same primary ballot, regardless of political party. All voters can participate, and the top candidates advance to the general election.

Open Primary: A primary election that allows voters from any party, or no party, to participate. Nonpartisan primaries are a specific type of open primary.

Plurality Voting: A system in which the candidate with the most votes wins, even if they receive less than a majority. Runoffs eliminate this, either instantly via RCV or in a later election.

Runoff Election: A secondary election held when no candidate achieves the required threshold in the first election. Ranked choice voting eliminates this by using voters' second and later choices to reallocate votes for the least popular candidates to achieve an instant runoff.

Single-Winner System: A race to select one candidate, commonly used for executive offices such as mayor or governor.

Spoiler Effect: The influence of a minor-party or independent candidate in a plurality election who splits the vote and changes the outcome.

Top-Two Primary: A system in which the two candidates receiving the most votes in a nonpartisan primary proceed to the general election, regardless of their party affiliation.

Top-Four or Top-Five Primary: Variations of the nonpartisan primary where the top four or five candidates move forward to the general election, often paired with Ranked Choice Voting (RCV).

Voter Turnout: the share of eligible registered voters who actually vote.