

Open Primary/Final Five Voting in NYS

Assessing Impacts on State and Local Elections

July, 2024

Prepared for
The League of Women Voters of the Rochester metro area

Prepared by
Erika Rosenberg
Project Director



© CGR Inc. 2024 – All Rights Reserved

Summary

CGR collaborated with the League of Women Voters of the Rochester Metro area (LWV) to design a project to examine the potential impacts on New York state and local elections of “Final Five” voting, which combines **open primaries** with **ranked-choice voting on five final candidates** in the general election.

In Final Five voting, an open primary is held if there are more than five candidates of any or no party for a seat. The top five primary vote getters advance to the general election. The winner of the race is determined by “ranked-choice voting,” with voters ranking as many of the five candidates as they choose using ranks from 1 to 5. These rankings are used for an “instant runoff,” in which vote counts are distributed based on rank, until an overall winner is determined.

Our study examined a sample of previous state and local elections to determine how they would have been affected if a Final Five voting system had been in place when those elections took place. We examined state and local races in 10 New York State counties:

- Albany County
- Erie County
- Kings County
- Monroe County
- New York County (Manhattan)
- Onondaga County
- St. Lawrence County
- Suffolk County
- Tompkins County
- Westchester County

The analysis covered four election years: 2020, 2021, 2022 and 2023.

We found:

- If the sampled counties had been utilizing a Final Five system during those four election years, 88% of their primary races could have been eliminated without changing the number of candidates appearing before voters.
- In 2023, every county sampled could have canceled its primary elections and all candidates for those races would have still appeared on ballot lines for voters in the general election under the Final Five system.

Therefore, Final Five voting would likely eliminate the vast majority of primaries in state and local elections in New York State. Instead, voters of all or no political parties would have the option to vote for up to five candidates of any (or no) party in a general election, and have their votes counted in a ranked-choice process.

Acknowledgements

CGR thanks the League of Women Voters of the Rochester Metro area for support for this project.

Staff Team

Kieran Bezila and Alina Santiago gathered data, conducted analysis, and drafted this report.

Table of Contents

| | |
|---|-----|
| Summary..... | i |
| Table of Contents | iii |
| Project Background..... | 1 |
| Overview of the Final Five Voting System..... | 1 |
| Potential Role for Final Five in NYS Elections..... | 2 |
| Primaries & the Final Five System..... | 2 |
| Methods..... | 3 |
| Sample..... | 3 |
| Exclusions..... | 3 |
| Goal..... | 3 |
| Calculation method..... | 4 |
| Single-seat races..... | 4 |
| Multi-seat races | 4 |
| Results | 5 |
| Number of Primaries Eliminated..... | 5 |
| Elections without Primaries..... | 5 |
| Voter Turnout | 6 |
| Conclusion | 7 |
| Appendix: Detailed Tables..... | 8 |

Project Background

CGR collaborated with the League of Women Voters of the Rochester Metro area (LWV) to design a project to examine the potential impacts on New York state and local elections of “Final Five” voting, which combines **open primaries** with **ranked-choice voting** on **five final candidates** in the general election.

Overview of the Final Five Voting System

In a conventional party-based primary, only registered voters for a particular party are allowed to vote on which candidates from that party advance to the general election on the party’s line. By contrast, an “open primary” allows all voters to vote on all candidates seeking to advance to the general election, regardless of party affiliation of either the voters or candidates.

When the open primary is part of a “Final Five” voting system, the top five primary vote getters advance to the general election. The winner of the race is determined by “ranked-choice voting”: voters are allowed to rank as many of the five candidates as they choose, with ranks from 1 to 5. These rankings are used for an “instant runoff,” in which vote counts are distributed based on rank, until an overall winner is determined.

The basic format of a ranked-choice instant runoff is as follows:

1. Voters can rank each candidate from 1 to 5, based on their preference. They must rank at least one candidate first, in order to have their vote counted, but they are not required to rank any additional candidates.
2. The 1st rank/first-choice votes are tallied, producing a total for each candidate.
3. The candidate with the lowest number of 1st rank votes is eliminated.
4. For any voter who selected this eliminated candidate as their 1st choice, their 2nd rank/second-choice candidate, if they have one, is now counted as their choice.
5. Votes are tallied again, counting the 1st rank/first-choice votes for each remaining candidate, and adding the 2nd rank/second-choice votes (of those voters who first-ranked the eliminated candidate) to the respective candidates who remain.
6. Once again, the candidate with the lowest number of votes (counting both 1st and 2nd rank votes) is eliminated,
7. This process is repeated until one candidate wins the overall majority of votes.

This process is meant to ensure that whoever is ultimately elected has a genuinely broad base of support – they would have had to receive some level of support from most of those voting in order to ultimately win the race.

Potential Role for Final Five in NYS Elections

Advocates¹ for the Final Five system argue that it produces fundamentally more competitive and representative elections, and will prompt candidates to broaden their appeal to the widest range of the electorate, as they realize that any voters, not just party loyalists, may be key to their victory.

LWV asked CGR to begin exploring what impact a change to a Final Five system might have on New York State elections by reviewing a selection of recent state and local primary elections in a sample of NYS counties.

Primaries & the Final Five System

Currently, primaries occur for the benefit of political parties: when there are more candidates running for a political party's official endorsement than there are seats available for a particular political office, the field of party candidates is narrowed down by that party's enrolled voters to fit the available number of seats. For example, if there are five Democratic candidates who wish to run for two open city council seats, the Democratic primary whittles down the number of candidates who will win the official endorsement and appear on Democratic lines in the general election to two individuals.

Therefore, primaries only occur when parties have multiple candidates qualified to run for a particular seat. Parties do not hold primaries for seats in which they only have one candidate per seat. For instance, in districts where one party holds dominance, it is not uncommon for that party to hold a multi-candidate primary, while competing parties run no primaries for the seat and only field one candidate for seat. In many cities in the counties reviewed, which are Democratic strongholds, the Democratic Party has a primary for, say, three or more Democratic candidates seeking to run for mayor. Meanwhile, the Republicans often have no primary for mayor and only field a single candidate in the general election, where they would meet the single Democratic primary winner.

By contrast, in a Final Five system, all general election races would feature up to five candidates. A primary would only be required if there were more than five candidates initially registered to run in that race. The party affiliation of the candidates would not matter for their ballot presence – all five candidates could identify with the same party. Because voters are free to rank all five candidates, they would not be limited to selecting one candidate who was officially endorsed by any particular party, even if they primarily identified with that party themselves.

¹ For example: <https://www.rankedvote.co/guides/understanding-ranked-choice-voting/final-five-voting-top-five-voting-pros-and-cons>.

Methods

Our study examined a sample of previous state and local elections to determine how they would have been affected if a Final Five voting system had been in place when those elections took place.

Sample

CGR examined state and local races in 10 New York State counties:

- Albany County
- Erie County
- Kings County
- Monroe County
- New York County (Manhattan)
- Onondaga County
- St. Lawrence County
- Suffolk County
- Tompkins County
- Westchester County

The analysis covered four election years: 2020, 2021, 2022 and 2023.

Exclusions

As we were focused on state and local election of lawmakers, the following types of races were excluded from the analysis:

- National presidential races
- Political party committee races
- School board elections for most school districts, which are nonpartisan and therefore have no primaries currently.

Note that school board elections in fiscally dependent districts (Rochester, Syracuse, Buffalo and Yonkers) are included in the analysis since they are partisan and have primaries.

Goal

The analysis goal was to **identify how many primary races would potentially have been eliminated if the Final Five system was in place** in the included counties during those years.

A primary race would be eliminated under Final Five if all of the relevant candidates would be able to appear in the general election to be ranked by voters, rather than some candidates being eliminated earlier by losing a party primary. In general, for a single seat race, if there were five or fewer unique candidates running for that seat, all would appear in the general election, so there would be no need for a primary election and it could be eliminated. The complete method for determining which races this would apply to is described below.

Calculation method

Single-seat races

To determine which primaries would be eliminated in the Final Five system, CGR counted the number of unique candidates running in each race, to determine if it was more than five. In a Final Five system, because voters may rank multiple candidates, voters would potentially be voting for several candidates across different parties, depending on their personal preferences. They would therefore be voting for individuals, rather than just parties, although a candidate's party affiliation may influence their vote.

Therefore, in determining which races featured more than five candidates, CGR calculated the total number of unique candidates across both the primary and the general election, rather than counting the number of ballot lines appearing in each race. This is because some candidates are endorsed by multiple parties, and therefore appear on multiple ballot lines in the general election, while others switch party lines between the primary and general elections – for example, running in a Democratic primary, but after losing the primary and failing to secure the Democratic endorsement, subsequently switching to a Republic ballot line for the general election.² A count of unique individual candidates avoids double-counting the actual entrants into any particular race.

Multi-seat races

Some races, such as for city and town councils or some judicial positions, are multi-seat races, where voters are instructed to “vote for two” or more candidates from a list of candidates. Even in a “vote for five” scenario, these cases are not equivalent to a Final Five selection, because voters are still limited to only voting for a number of candidates equal to the number of seats and are not allowed to rank candidates: instead, each vote counts as a first-choice vote.

A different calculation is therefore needed to determine which multi-seat races would not require primaries based on the number of unique candidates running. In consultation with the LWV, CGR modeled a system where: 1) a two-seat race could have up to five candidates in the general election without requiring a primary; and, 2) for any race with three or more open seats, the general election could contain two times the number of candidates as there were open seats available, without requiring a primary. So, for example, if there were three open seats, the Final Five general election race could have up to six candidates, without needing a primary. A five-seat race could have up to 10 candidates in the Final Five general election, without needing a primary. If the number of candidates in a multi-seat race exceeded this 2x threshold, it would require a primary.

² For example, in the sample reviewed, there were even a few races where a single candidate running for a single seat received the endorsement from, and was on the ballot line for, every single party operating in that county – Democratic, Republican, Conservative, Working Families, etc. – an entirely uncompetitive race on every level.

Results

Number of Primaries Eliminated

In total, CGR identified 512 relevant primary races across the 10 sample counties during the four-year period reviewed. Following the rules described above, it was determined that 446 of these primaries could have been eliminated under a Final Five system, as they had five or fewer unique candidates, all of whom would be able to appear on the ballot in the general election.

The primaries that could have been eliminated represent 88% of the total number of primaries. CGR determined that 12% of primaries, 61, would have continued under a Final Five system, due to their larger number of competing candidates.

| Total primaries in Sample | Total primaries eliminated under Final Five | % eliminated | Total primaries continuing under Final Five | % continuing |
|---------------------------|---|--------------|---|--------------|
| 512 | 451 | 88% | 61 | 12% |

Elections without Primaries

Under this system, each of the 10 counties had at least one election year out of the four where there would not have been a need to hold any primary elections. The number and type of races where there were enough candidates running that a primary would still have been required under the Final Five varied from year to year, and ranged from races for state senators and assemblymembers, to city and town council races.

In 2022, every county sampled would have needed to hold a primary election to accommodate at least one or more races in which there were more than five candidates running. But for six of the 10 counties, this was only to accommodate a single primary race – for candidates for Governor. No other races would have required primaries.

In contrast, in 2023, every county sampled could have canceled its primary elections and all candidates for those races would have still appeared on ballot lines for voters in the general election under the Final Five system.

| Years where no primaries would have been necessary under Final Five system | | | | |
|--|------|------|------|------|
| County/Year | 2020 | 2021 | 2022 | 2023 |
| Albany | ✓ | | | ✓ |
| Erie | ✓ | | | ✓ |
| Kings | | | | ✓ |
| Monroe | | | | ✓ |
| New York (Manhattan) | | | | ✓ |
| Onondaga | ✓ | ✓ | | ✓ |
| St. Lawrence | ✓ | ✓ | | ✓ |

| | | | | |
|-------------|--|---|--|---|
| Suffolk | | | | ✓ |
| Tompkins | | ✓ | | ✓ |
| Westchester | | | | ✓ |

Voter Turnout

Voter turnout is often greater in general elections than primary elections. This is largely, but not completely, because only enrolled political party members can participate in a party's primary election in New York State. However, that does not fully account for the difference between general and primary voter turnout in many races across the state.

The table below shows mayoral races from five of the studied counties in New York State that held primary elections which would have been eliminated under Final Five Voting. The table compares the voter turnout during the primary elections for that office (of all parties that held a primary) with the general election voter turnout.

| County | Race | Number of Candidates | Voter Turnout: Primary | Voter Turnout: General | Percent change in Voter Turnout from Primary to General |
|-------------|----------------------------|--------------------------|------------------------|------------------------|---|
| Albany | | | | | |
| | 2021 Mayor of Albany | Primary: 2 General: 3 | 6,886 | 13,596 | 97.4% increase |
| Erie | | | | | |
| | 2021 Mayor of Buffalo | Primary: 3 General: 1 | 23,439 | 65,473 | 179.3% increase |
| Monroe | | | | | |
| | 2021 Mayor of Rochester | Primary: 2 General: 1 | 20,146 | 19,729 | 2.1% decrease |
| Onondaga | | | | | |
| | 2021 Mayor of Syracuse | Primary: 4 General: 3 | 6,731 | 19,886 | 195.4% increase |
| Westchester | | | | | |
| | 2023 Mayor of Mt. Vernon | Primary: 3 General: 3 | 6,494 | 6,109 | 5.9% decrease |
| | 2023 Mayor of Yonkers | Primary: 3 General: 5 | 8,561 | 13,701 | 60.1% increase |
| | 2023 Mayor of New Rochelle | Primary: 2 General: 2 | 5,028 | 26,912 | 435.2% increase |

Of the seven mayoral races listed above, five had higher general election turnouts than primary turnouts. The 2023 Yonkers mayoral race had the smallest difference, at 60%, while the largest difference was in the 2023 New Rochelle mayoral race, at 435%. Two mayoral

races had lower voter turnout in the general election than the primary: Rochester and Mt. Vernon, where general election turnout was 2% and 6% lower than primary turnout, respectively. This is likely because Democratic dominance in the cities means that the races are, for practical purposes, decided in the Democratic primary races.

In the majority of races discussed here, more voters participated in general elections, and under Final Five Voting, they would have had a broader range of candidates from which to select their choices. In addition, advocates for the Final Five system suggest it will prompt candidates to broaden their appeal to the widest range of the electorate, as they realize that any voters, not just party loyalists, may be key to their victory.

Conclusion

Final Five voting would likely eliminate the vast majority of primaries in state and local elections in New York State. Instead, voters of all or no political parties would have the option to vote for up to five candidates of any party in a general election, and have their votes counted in a ranked-choice process. In addition, in areas where one political party dominates, such as Democratic cities, contests that have sometimes been decided by relatively few voters in primaries would likely instead be decided by a broader base of voters in general elections.

Appendix: Detailed Tables

Count of Primaries Eliminated under Final Five, by County & Year

| County | Year | Total number of primary races (excluding presidential, convention delegates, party county/state committees, etc.) | Total number of general election races (excluding all Proposition votes, etc.) | # of primaries eliminated under Final Five | # of primaries continuing under Final Five |
|--------------|------|---|--|--|--|
| Albany | 2020 | 4 | 15 | 4 | 0 |
| Albany | 2021 | 16 | 77 | 13 | 2 |
| Albany | 2022 | 4 | 29 | 2 | 1 |
| Albany | 2023 | 13 | 96 | 13 | 0 |
| Erie | 2020 | 8 | 9 | 8 | 0 |
| Erie | 2021 | 45 | 112 | 44 | 1 |
| Erie | 2022 | 10 | 30 | 9 | 1 |
| Erie | 2023 | 31 | 53 | 31 | 0 |
| Kings | 2020 | 14 | 41 | 13 | 1 |
| Kings | 2021 | 19 | 26 | 9 | 10 |
| Kings | 2022 | 25 | 48 | 21 | 4 |
| Kings | 2023 | 8 | 23 | 8 | 0 |
| Monroe | 2020 | 24 | 29 | 23 | 1 |
| Monroe | 2021 | 19 | 55 | 17 | 2 |
| Monroe | 2022 | 4 | 31 | 3 | 1 |
| Monroe | 2023 | 23 | 107 | 23 | 0 |
| New York | 2020 | 22 | 28 | 21 | 1 |
| New York | 2021 | 13 | 21 | 3 | 10 |
| New York | 2022 | 24 | 36 | 18 | 6 |
| New York | 2023 | 5 | 16 | 5 | 0 |
| Onondaga | 2020 | 6 | 18 | 6 | 0 |
| Onondaga | 2021 | 13 | 133 | 13 | 0 |
| Onondaga | 2022 | 5 | 28 | 2 | 2 |
| Onondaga | 2023 | 10 | 123 | 10 | 0 |
| St. Lawrence | 2020 | 5 | 33 | 5 | 0 |
| St. Lawrence | 2021 | 11 | 135 | 11 | 1 |
| St. Lawrence | 2022 | 10 | 54 | 9 | 1 |
| St. Lawrence | 2023 | 5 | 119 | 5 | 0 |
| Suffolk | 2020 | 7 | 32 | 2 | 5 |
| Suffolk | 2021 | 12 | 71 | 9 | 3 |
| Suffolk | 2022 | 8 | 33 | 7 | 1 |

| County | Year | Total number of primary races (excluding presidential, convention delegates, party county/state committees, etc.) | Total number of general election races (excluding all Proposition votes, etc.) | # of primaries eliminated under Final Five | # of primaries continuing under Final Five |
|---------------|------|---|--|--|--|
| Suffolk | 2023 | 4 | 72 | 4 | 0 |
| Tompkins | 2020 | 3 | 17 | 2 | 1 |
| Tompkins | 2021 | 9 | 53 | 9 | 0 |
| Tompkins | 2022 | 4 | 16 | 2 | 1 |
| Tompkins | 2023 | 10 | 46 | 10 | 0 |
| Westchester | 2020 | 12 | 48 | 9 | 3 |
| Westchester | 2021 | 22 | 120 | 20 | 2 |
| Westchester | 2022 | 12 | 47 | 10 | 2 |
| Westchester | 2023 | 13 | 135 | 13 | 0 |
| TOTALS | | 512 | 2215 | 446 | 63 |

Specific Primary Races that would have Continued under Final Five, by County & Year

| County | Primary Year | Race/seat |
|--------|--------------|--|
| Albany | 2021 | Town Justice – Town of Colonie |
| Albany | 2022 | Governor |
| Erie | 2021 | Town of Evans Councilman |
| Erie | 2022 | Governor |
| Kings | 2020 | Representative in Congress 9th Congressional District |
| Kings | 2021 | Borough President |
| Kings | 2021 | Council Member 33rd Council District |
| Kings | 2021 | Council Member 35th Council District |
| Kings | 2021 | Council Member 36th Council District |
| Kings | 2021 | Council Member 37th Council District |
| Kings | 2021 | Council Member 38th Council District |
| Kings | 2021 | Council Member 39th Council District |
| Kings | 2021 | Council Member 40th Council District |
| Kings | 2021 | Council Member 46th Council District |
| Kings | 2021 | Council Member 48th Council District |
| Kings | 2022 | Governor |
| Kings | 2022 | Representative in Congress 10th Congressional District |
| Kings | 2022 | Representative in Congress 11th Congressional District |
| Kings | 2022 | State Senator 23rd Senatorial District |

| County | Primary Year | Race/seat |
|--------------|--------------|--|
| Monroe | 2020 | Representative in Congress 27th Congressional District |
| Monroe | 2021 | Member of City Council at Large |
| Monroe | 2021 | Commissioner of Schools |
| Monroe | 2022 | Governor |
| New York | 2020 | Representative in Congress 12th Congressional District |
| New York | 2021 | Mayor |
| New York | 2021 | Borough President |
| New York | 2021 | Council Member 1st Council District |
| New York | 2021 | Council Member 3rd Council District |
| New York | 2021 | Council Member 5th Council District |
| New York | 2021 | Council Member 6th Council District |
| New York | 2021 | Council Member 7th Council District |
| New York | 2021 | Council Member 9th Council District |
| New York | 2021 | Council Member 10th Council District |
| New York | 2021 | District Attorney |
| New York | 2022 | Governor |
| New York | 2022 | Representative in Congress 10th Congressional District |
| New York | 2022 | Representative in Congress 12th Congressional District |
| New York | 2022 | State Senator 59th Senatorial District |
| New York | 2022 | Member of the Assembly 73rd Assembly District |
| New York | 2022 | Member of the Assembly 75th Assembly District |
| Onondaga | 2021 | Councilor at Large - Syracuse |
| Onondaga | 2021 | Commissioner of Education - Syracuse |
| Onondaga | 2022 | Governor |
| Onondaga | 2022 | Representative in Congress 22nd Congressional District |
| St. Lawrence | 2022 | Governor |
| Suffolk | 2020 | State Senator - 1st Senatorial District |
| Suffolk | 2020 | Representative in Congress |
| Suffolk | 2021 | Town Justice - Town of Southampton |
| Suffolk | 2021 | Councilman Town of Huntington |
| Suffolk | 2021 | Councilman Town of Southampton |
| Suffolk | 2022 | Governor |
| Tompkins | 2020 | Member of the Assembly 125th Assembly District |
| Tompkins | 2022 | Governor |
| Westchester | 2020 | Member of the Assembly 93rd Assembly District |
| Westchester | 2020 | Representative in Congress 16th Congressional District |
| Westchester | 2020 | Representative in Congress 17th Congressional District |
| Westchester | 2021 | Council Member - Mt. Vernon |
| Westchester | 2021 | Council Member - Peekskill |
| Westchester | 2022 | Governor |

| County | Primary Year | Race/seat |
|-------------|-----------------|--|
| Westchester | 2022 | Village Trustee - Mamaroneck |
| Westchester | 2022 | Representative in Congress 17th Congressional District |