

New York Ranked Choice Voting Act

Draft by Dan Devine · September 17, 2026

About this draft

This is a **discussion draft**, not a filed bill. Real New York bills are formally drafted and section-numbered by the Legislative Bill Drafting Commission (LBDC) once a legislator's office requests introduction. What follows is written in the structure and language New York bills actually use, closely modeled on Assembly Bill A90 (2025–2026, R. Carroll), so it can go straight to legislative staff as a concept bill.

Scope: this draft covers ranked choice voting for **party primary elections and general elections for state and local public office** (Governor, statewide offices, State Senate, State Assembly, and local offices). It mirrors A90's approach for primaries and extends the same mechanism to general elections, filling the gap left when A4351's local-elections language lost its sponsor. It does not reach presidential primaries or congressional races; that is a scope choice, not a legal limit.

Where an exact Election Law section number would normally go (for conforming changes to the ballot and canvass articles), this draft flags it for the LBDC rather than guessing, since only the Commission's drafters can finalize cross-references against the current, in-force text.

S. _____

A. _____

IN SENATE — IN ASSEMBLY

(PREFILED)

Introduced by [ASSEMBLY MEMBER] — read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing ranked choice voting for primary and general elections for state and local public office

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:**

Section 1. Legislative findings and intent. The legislature hereby finds and declares that:

1. New York City has used ranked choice voting in municipal primary and special elections since 2021, demonstrating that the method can be administered reliably and understood by voters at scale.
2. Plurality elections in multi-candidate primary and general election fields can produce winners opposed by a majority of voters, and can encourage negative campaigning between similar candidates who split an ideologically aligned electorate.
3. Ranked choice voting allows voters to express a fuller range of preference without fear of "wasting" a vote on a less-favored candidate, ensures that officials elected to office have the support of a majority of participating voters, and reduces the incentive for strategic or defensive voting.
4. It is the intent of the legislature to extend ranked choice voting beyond nonpartisan primaries to party primary elections and general elections for state and local public office, so that the benefits of majority support and reduced vote-splitting apply throughout the election cycle, not only at a single stage of it.

§ 2. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18 — RANKED CHOICE VOTING

Section 18-100. Definitions.

Section 18-102. Applicability.

Section 18-104. Ballot design.

Section 18-106. Tabulation of ranked choice votes.

Section 18-108. Exhausted ballots.

Section 18-110. Ties.

Section 18-112. Recanvass and recount.

Section 18-114. Rules; voter education.

§ 18-100. Definitions. As used in this article:

1. "Ranked choice voting" means the method of casting and tabulating votes described in this article, in which voters rank candidates for an office in order of preference, and votes are counted in rounds as described in section 18-106 of this article.
2. "Covered election" means a primary election or general election, held in this state, for the office of governor, lieutenant governor, attorney general, comptroller, state senator, member of assembly, or any elective local public office, other than an office elected on a plurality basis pursuant to a local law adopted under section 18-102 of this article.
3. "Continuing candidate" means a candidate who has not been eliminated in a prior round of tabulation under section 18-106 of this article.
4. "Exhausted ballot" means a ballot that, at a given round of tabulation, cannot be counted for any continuing candidate, as further defined in section 18-108 of this article.
5. "Round" means a single stage of the tabulation process described in section 18-106 of this article, in which the votes of each continuing ballot are counted for the highest-ranked continuing candidate on that ballot.

§ 18-102. Applicability.

1. Except as otherwise provided in this section, all covered elections shall be conducted using ranked choice voting in accordance with this article, beginning with elections held on or after January 1, 2028.
2. This article shall not apply to elections for federal office or to the election of presidential electors.

3. The governing body of a city, town, or village may, by local law, elect not to apply ranked choice voting to elections for local public office within its jurisdiction, provided that such local law is adopted no later than one hundred eighty days before the first covered election to which it would otherwise apply, and is filed with the state board of elections and the county board or boards of elections with jurisdiction over such city, town, or village.
4. Nothing in this article shall be construed to alter the eligibility requirements for candidates or voters, the offices subject to election, or the term of any office.

§ 18-104. Ballot design.

1. The ballot for a covered election shall allow a voter to rank candidates for each office in order of the voter's preference, indicating a first choice, a second choice, and so on.
2. A voter may rank a number of candidates up to the number of candidates on the ballot for that office, provided that the state board of elections may, for a covered election with more than seven candidates for a single office, limit the number of rankings a voter may express to not fewer than seven, if necessary to accommodate ballot layout or voting system constraints, and shall notify the public of any such limitation not later than sixty days before the election.
3. The ballot and accompanying instructions shall clearly state that ranking additional candidates does not harm the chances of a voter's higher-ranked candidates, and shall explain in plain language how rankings will be counted.
4. A voter who casts a ballot for a covered election is not required to rank more than one candidate for an office, and a ballot ranking only one candidate shall be counted for that candidate in every round in which that candidate is a continuing candidate.

§ 18-106. Tabulation of ranked choice votes.

1. The board of elections shall tabulate the votes for each covered election as follows:
 - a. In the first round, each ballot shall be counted as one vote for the candidate ranked first on that ballot.
 - b. If a candidate receives more than fifty percent of the votes counted for continuing candidates in a round, that candidate is elected, and tabulation ends.
 - c. If no candidate receives more than fifty percent of the votes counted for continuing candidates in a round, the candidate with the fewest votes in that round is defeated and eliminated from all subsequent rounds.
 - d. Each ballot cast for a defeated candidate shall, in the next round, be counted for the next continuing candidate ranked on that ballot, if any.
 - e. This process shall repeat, one candidate being eliminated in each round, until only two candidates remain, at which point the candidate with more votes among continuing candidates is elected.
2. For an office to be filled by more than one candidate elected at large in a single covered election, the state board of elections shall by rule adopt a single transferable vote tabulation method consistent with the principles of this section, and shall report that method to the legislature not later than one year after the effective date of this article.
3. The state board of elections shall promulgate rules under section 18-114 of this article permitting batch elimination of multiple candidates in a single round where the combined votes of the lowest-ranked candidates could not, mathematically, overtake the next-higher candidate, for the purpose of expediting tabulation without altering the outcome that a round-by-round elimination would produce.

§ 18-108. Exhausted ballots.

1. A ballot becomes exhausted, and is not counted for any candidate in that round or any subsequent round, if:
 - a. the ballot contains no ranking for any continuing candidate;
 - b. the ballot ranks two or more candidates at the same ranking position, and counting the ballot at that position would make it impossible to determine the voter's next choice among continuing candidates;or
 - c. the ballot skips two or more consecutive ranking positions before the next ranking of a continuing candidate.

2. An exhausted ballot shall remain part of the total ballots cast for purposes of any recanvass, audit, or record of the election, but shall not be counted toward any candidate's vote total in the round in which it becomes exhausted or any later round.
3. A ballot that skips a single ranking position, or that ranks a candidate who has already been eliminated at a position the voter would otherwise have reached, shall be counted for the next-ranked continuing candidate, skipping the eliminated candidate or the skipped position, and is not exhausted solely for that reason.

§ 18-110. Ties.

1. If two or more candidates are tied for last place in a round and the tie affects which candidate is defeated, the tie shall be broken by a random method determined by rule of the state board of elections under section 18-114 of this article.
2. If two candidates are tied for election in the final round, the tie shall be resolved in the manner provided by section 15-108 of this chapter for other ties in elections, to the extent consistent with this article.
3. The board of elections conducting the tabulation shall record the method and result of any tiebreak under this section as part of the official canvass.

§ 18-112. Recanvass and recount.

1. A recanvass or recount of a covered election shall be conducted in the manner otherwise provided by article nine of this chapter, except that the recanvass or recount shall re-run the full tabulation described in section 18-106 of this article using the corrected vote counts, rather than adjusting only the totals of the affected candidates.
2. The board of elections shall retain and make available for audit the round-by-round results of the tabulation of every covered election, including the number of votes credited to each candidate in each round and the number of ballots exhausted in each round, for the period during which ballots and election records are otherwise required to be preserved under this chapter.

§ 18-114. Rules; voter education.

1. The state board of elections shall promulgate rules necessary to implement this article, including rules governing ballot layout, batch elimination procedures, tabulation reporting, and tiebreaking, not later than one year before the first covered election to which this article applies.

2. The state board of elections, in coordination with county boards of elections, shall conduct a public voter education campaign in advance of each covered election's first use of ranked choice voting in a given jurisdiction, including multilingual materials consistent with the board's obligations under this chapter and federal law.
3. County boards of elections shall make the round-by-round tabulation results of each covered election available to the public, in a machine-readable format, not later than the date official results are certified.

§ 3. Conforming amendments. The state board of elections, in consultation with the legislative bill drafting commission, shall identify and the legislature shall enact such conforming amendments to article 7 (ballots) and article 9 (canvass of results) of the election law as are necessary to align ballot format and canvassing procedures with the tabulation method established by article 18 of this chapter, as added by section two of this act.

[Drafting note: the exact sections of articles 7 and 9 requiring amendment — e.g., ballot layout provisions and canvass-by-board procedures — should be identified against the current, in-force text by LBDC at drafting; this draft does not cite specific subsection numbers to avoid citing text that may have since been renumbered or amended.]

§ 4. Severability. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. Effective date. This act shall take effect immediately, provided that article 18 of the election law, as added by section two of this act, shall apply to covered elections held on or after January 1, 2028, and the state board of elections and affected boards of elections shall take all actions necessary, including promulgating rules and conducting voter education under section 18-114 of the election law, to ensure timely implementation by that date.

Sponsor's Memorandum

New York bills are conventionally filed with a short memorandum in this form.

BILL NUMBER

S. ____ / A. ____

TITLE OF BILL

An act to amend the election law, in relation to establishing ranked choice voting for primary and general elections for state and local public office

PURPOSE

To require ranked choice voting in party primary and general elections for state and local public office in New York, extending the method already used in New York City municipal elections and proposed for nonpartisan primaries under A90.

SUMMARY OF PROVISIONS

Adds a new article 18 to the election law defining ranked choice voting, setting its scope (primary and general elections for state and local office, excluding federal and presidential races), requiring ballots to allow ranked preferences, establishing the round-by-round tabulation and batch-elimination method, defining exhausted ballots and tie-breaking procedures, and directing the state board of elections to adopt implementing rules and conduct voter education. Allows a city, town, or village to opt out of ranked choice voting for its own local offices by local law. Directs conforming amendments to the ballot and canvass articles.

JUSTIFICATION

New York City's use of ranked choice voting since 2021 has shown the method is administrable at scale. Extending it statewide would ensure winners of primary and general elections have majority support among participating voters, reduce the incentive for vote-splitting among similar candidates, and let voters express a fuller range of preference without strategic voting. This bill complements A90 (nonpartisan primaries) by covering the elections A90 does not reach — party primaries and general elections — filling the gap left when the prior local-elections bill (A4351, 2023–2024) was not reintroduced after its sponsor left office.

LEGISLATIVE HISTORY

New. Related: A90 (2025–2026, nonpartisan primaries); A4351 (2023–2024, local general and special elections, not reintroduced).

FISCAL IMPLICATIONS

Costs to county boards of elections for ballot redesign, tabulation software or configuration, poll worker training, and voter education; costs to the state board of elections for rulemaking and statewide voter education. A fiscal note would need to be requested from the state board of elections and the Division of the Budget once the bill is introduced — this draft does not estimate a dollar figure.

EFFECTIVE DATE

Immediately; article 18 applies to covered elections held on or after January 1, 2028.

Sources Consulted

- **A90 (2025–2026), full text** (<https://legiscan.com/NY/text/A00090/id/3035534>) — structure and language for the new-article approach and nonpartisan-primary provisions this draft mirrors
- **Maine Title 21-A § 723-A** (<https://legislature.maine.gov/statutes/21-A/title21-Asec723-A.html>) — tested statutory language for round-based tabulation, batch elimination, and exhausted-ballot definitions
- **FairVote sample statutory language for instant runoff voting** (<https://archive3.fairvote.org/reforms/instant-runoff-voting/irv-resources/model-legislation-2/irv-model-legislation-and-ballot-language/sample-statutory-language-for-instant-runoff-voting/>) — ballot design and counting procedure model
- **NY Election Law Article 9 — Canvass of Results** (<https://law.justia.com/codes/new-york/el/article-9/>) — confirmed article numbering for the conforming-amendment reference