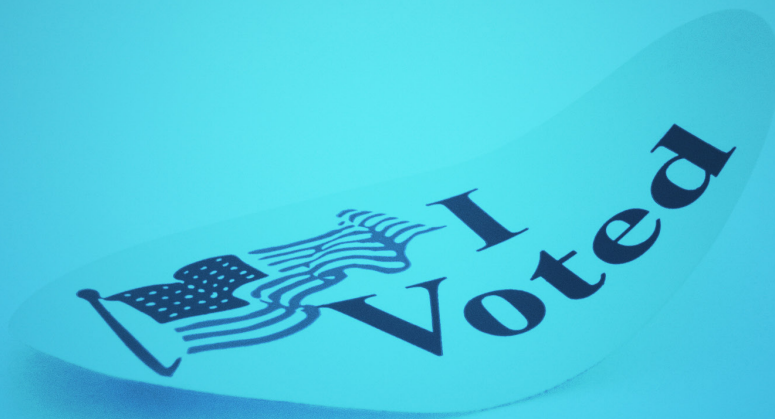


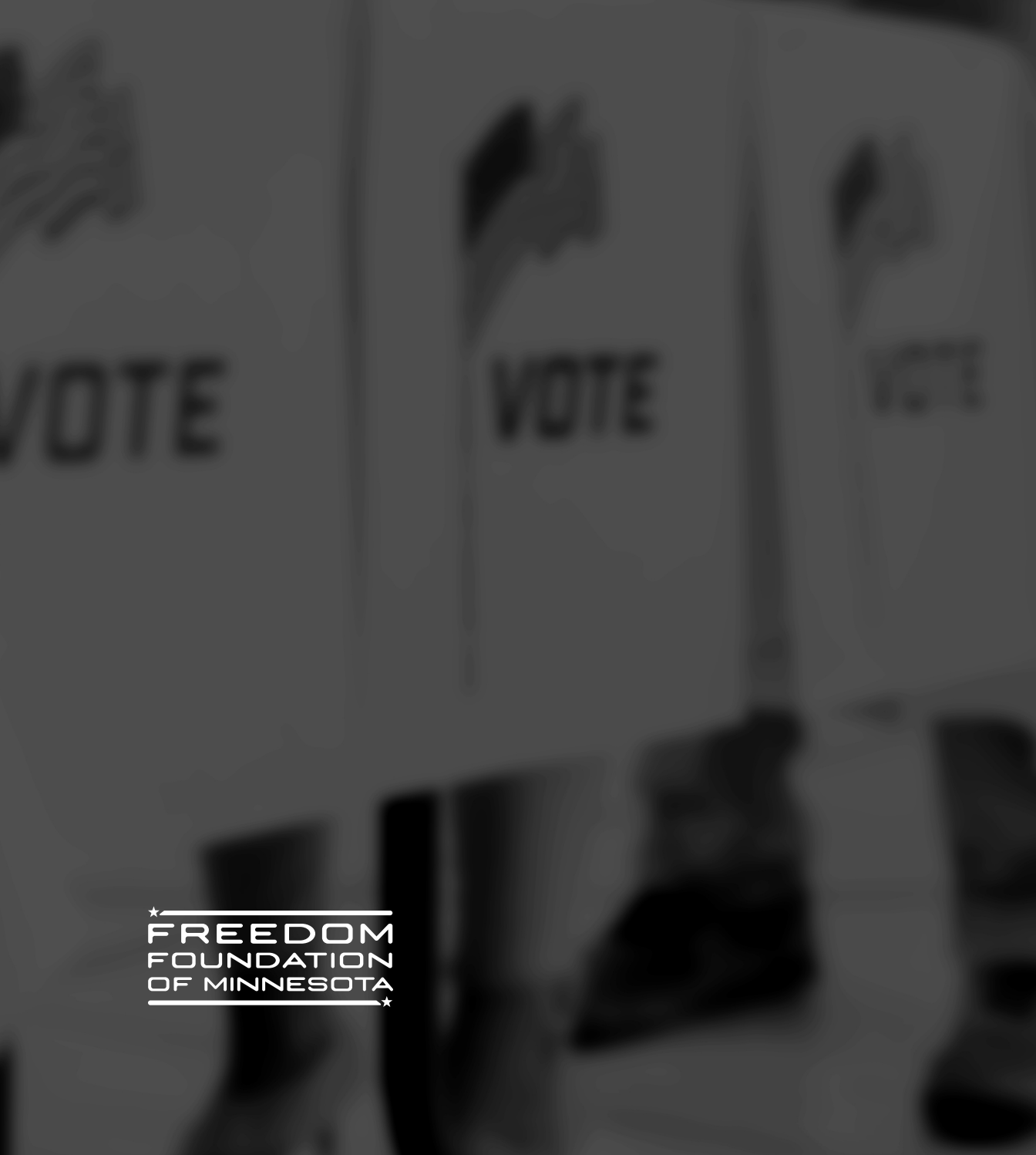
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A Risk Voters Shouldn't Take





RANKED CHOICE VOTING: A RISK VOTERS SHOULDN'T TAKE



★
FREEDOM
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OF MINNESOTA
★

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"In a time when we want to encourage voter participation, we need to keep voting simple. Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice..."

- Former CA Governor Jerry Brown



Foreword

Six months have elapsed since the dramatic conclusion of the 2020 general election and yet many Americans feel uneasy about our election process and the outlook for future, fair elections. However, pollsters tell us that voter interest remains high and voter participation was *extremely* high, both encouraging attitudes to preserve our republic. What remains to be seen is how our elected officials will either rise to the occasion and make fair and transparent changes to our electoral system or simply tinker around the edges, hoping that the problems will work themselves out. Or, will they instead, choose a radical idea that has received substantial support from the progressive left in recent years—an idea that threatens the fundamental meaning of “one-person, one-vote” in American elections?

After the divisive outcome of the 2020 election, progressive foes of the status quo saw a unique opportunity for a transformational extreme: enacting Ranked Choice Voting. This voting scheme was concocted not to provide voters with greater transparency and confidence in American elections—quite the opposite. Ranked Choice Voting (RCV) makes elections less about ideas and the binary choice between candidates of two major political parties and more about giving “voice” to marginal candidates and confusing voters about their real options in an election. It is a dangerous gimmick designed to complicate and confuse voters.

In the past few years, the Freedom Foundation of Minnesota has spent considerable time and

energy beating back efforts by Ranked Choice Voting supporters in our state. Well-funded, out-of-state activists have waged multiple campaigns, both statewide and in individual communities, to expand RCV. When they are defeated in one jurisdiction, they quickly descend on another locale and appear to have an endless amount of money to continue these battles, year after year.

“We produced this report to not only inform other like-minded educational organizations about what is at stake but also how to strategically defeat RCV when it comes to your community—and it will.”

This report was produced with the “next battle” in mind and to help those of us who believe in preserving and defending the “one-person, one-vote” system of informed choice voting. Too often RCV supporters organize and work quietly in communities, emerging late in an election cycle to announce that an RCV ballot question will be voted on at the upcoming election. Little or no citizen involvement occurs nor does any meaningful voter education occur in these instances unless groups like the Freedom Foundation of Minnesota get involved. We produced this report to not only inform other like-minded educational organizations about



what is at stake but also how to strategically defeat RCV when it comes to your community—and it will.

The Heritage Foundation summed up the myriad problems connected with Ranked Choice Voting by saying that “In the end, it is all about political power, not about what is best for the American people and preserving our great republic. So-called reformers want to change process rules so they can manipulate election outcomes to obtain power.”

While there are many procedural issues to be addressed to ensure that future elections provide greater transparency and garner

greater voter confidence, Ranked Choice Voting isn't one of those options. It is indeed a solution in search of a problem and must be rejected when it presents itself in your state. Our republic deserves no less than our willingness to educate voters about this radical scheme and to resist efforts to further implement Ranked Choice Voting.



Annette Thompson Meeks

CEO

Freedom Foundation of Minnesota

May 11, 2021

Introduction

Ranked-choice voting (RCV) is a deeply flawed electoral system that confuses voters, reduces voter satisfaction and disproportionately disenfranchises voters of color. RCV is a solution in search of a problem that replaces the traditional one-person, one-vote system with a scheme that denies voters informed choice without ensuring that every vote counts.

Unlike the plurality voting system to which the vast majority of Americans are accustomed, RCV creates needless complexity at a time when we should be making voting more, not less accessible.

RCV should be opposed for the following reasons.

- RCV is confusing.
- Every vote does not count with RCV.
- RCV lowers voter confidence and voter satisfaction.
- RCV disenfranchises minority voters.
- RCV does not foster positive campaigns or increase voter participation.

This examination of RCV has several purposes. The first is to acquaint the reader with RCV as an electoral system. Particular attention will be paid to the arguments for RCV and the current electoral landscape.

A second purpose is to highlight the significant shortcomings of an RCV system. This system needlessly confuses voters and fails to deliver on its proponents' claims of increased voter participation and voter satisfaction.

A third purpose is to understand the key role Massachusetts played in 2020 by soundly defeating RCV, despite being massively outspent by well-heeled proponents. As a case study in how to defeat RCV, Massachusetts offers several critical lessons.

Finally, we will review recent RCV activity in individual states and cities across America in order to understand its growing threat to free and fair elections.

What Is Ranked-Choice Voting?

According to Fair Vote, the leading advocate of RCV in the United States, this electoral system “makes democracy more fair and functional. It works in a variety of contexts. It is a simple change that can have a big impact. RCV is a way to ensure elections are fair for all voters.”¹

RCV “allows voters the option to rank candidates in order of preference: one, two, three, and so forth. If your vote cannot help your top choice win, your vote counts for your next choice.”^{2,3}

RCV proponents maintain that it ensures “majority rule.” Under RCV, “candidates should receive at least 50% of the vote to win, proving a broad base of support from their constituents.”⁴

RCV is said to eliminate so-called “spoiler candidates.” “Another possible benefit is that ranked-choice voting limits the “spoiler” effect of independent or minor-party candidates. In a plurality election, it’s possible for minor-party



candidates to siphon off votes from major-party candidates," advocates argue.⁵

In Minnesota its proponents have even argued that RCV "holds the potential to improve the functioning of our government, create a more racially inclusive democracy, and make our state and nation a better place for our children and grandchildren."⁶

Can RCV really do all those things?

Current Landscape

Alaska and Maine are the two states that have established the use of RCV for all congressional and state elections.

Maine adopted a citizens' initiative in November 2016 for U.S. Senate, U.S. House, governor, state senator and state representative elections beginning in 2018.

Alaska enacted RCV with its Alaska Ballot Measure 2 in 2020.⁷

American cities that have implemented RCV include New York City; St. Paul, Minn.; Minneapolis, Minn.; Portland, Maine; Cambridge, Mass.; Berkeley, California; Oakland, Calif.; and San Francisco, Calif.⁸

As of February 2021, thirty RCV bills were proposed in legislatures across the nation.⁹

Now that we know what RCV is and where it has been implemented, let us turn to the reasons why it is so fundamentally flawed as an electoral system.

#1: Ranked-Choice Voting Is Confusing

Two Democratic governors of California vetoed RCV because it is just too unnecessarily confusing.

"Ranked choice is an experiment that has been tried in several charter cities in California. Where it has been implemented, I am concerned that it has often led to voter confusion and that the promise that ranked-choice voting leads to greater democracy is not necessarily fulfilled," California Gov. Gavin Newsom wrote in his 2019 veto of ranked-choice voting.¹⁰

As a San Francisco city supervisor in 2002, Newsom and other community leaders argued against RCV, stating "The cure being proposed is far worse than the disease. ... We do not believe that the Board should be experimenting with San Franciscans hard fought right to vote. Primaries and run-off elections have served our nation well for most of its history. ... Vote No on Proposition A."¹¹

Jerry Brown, Newsom's predecessor as governor, vetoed a bill in 2016 to establish RCV. "In a time when we want to encourage voter participation, we need to keep voting simple. Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice," Brown said.¹²

After voting in a 2014 Oakland mayoral ranked-choice election, Brown said that he considered "this ranked-choice system very complexifying. As someone who been voting

for a long long time I think it is somewhat of a challenge.¹³

Brown's view of RCV may also have been shaped by the 2010 mayoral election in Oakland which "showed how a candidate can come up short despite winning the most first-place votes. In that election, the front-runner was beaten by a candidate on the strength of nearly 25,000 second- and third-place votes."¹⁴

In that 2010 Oakland mayoral election, Jean Quan defeated Don Perata 51 percent to 49 percent on the tenth and final ballot by a margin of 2,058 votes. After her victory, Quan held a 31-column spreadsheet triumphantly in her hands. Yet a full 28 percent of voters did not cast ballots ranking three candidates in the race. "The chaos of R.C.V.: We knew it was bad; we didn't know it was so bad," Perata's campaign manager Larry Tramutola lamented.¹⁵ As a result of the 2010 Oakland mayoral election, one California columnist opined, "without a course in advanced calculus, let's drop this rank nonsense."¹⁶

Political scientists Francis Neely and Jason McDaniel have also found that RCV is unnecessarily complex. The pair analyzed "almost two million individual ballots in order to measure the incidence of errors that disqualify a ballot from being counted after the adoption of Ranked-Choice Voting in San Francisco elections." They "found that such errors were significantly more common in RCV elections than plurality elections."¹⁷

McDaniel explained that "it is highly likely that implementation of RCV will result in higher rates of ballot errors that cause individual bal-

lots to be disqualified. These ballot errors will be concentrated among those portions of the electorate who are already most vulnerable to being underrepresented."¹⁸

Columbia University computer scientist Stephen Unger has sharply criticized RCV's complexity. Unger wrote that RCV "has serious drawbacks. Particularly when there are three or more serious contenders, some very strange things can happen, such as the defeat of a candidate who would have won over each of the other candidates in a 2-person race, or a situation where A is deprived of a victory because several voters changed their first-place votes from B to A."¹⁹

RCV complexity "also mandates central counting of votes and this, in turn, provides increased opportunities for wholesale fraud or malfunction. Hand counting and recounting becomes slower and more expensive," he noted.²⁰

#2: Every Vote Does Not Count with Ranked-Choice Voting

Indeed, so-called "exhausted ballots" are a massive problem with an RCV system.

An exhausted ballot happens when a voter overvotes, undervotes, or ranks only candidates that are no longer in contention in an RCV election. An exhausted ballot does not count when the final vote count takes place.

The Maine Policy Institute examined 96 RCV races in its seminal 2019 study, "A False Majority: The Failed Experiment of Ranked-Choice Voting."



“A total of 126,139 valid votes were cast in Maine’s June Democratic primary. Yet only 117,250 ballots were counted in the final tally, meaning 8,889 votes were not included.”

The authors of the study found that “On average, approximately 11 percent of ballots become exhausted: Exhausted ballots occur when a voter overvotes, undervotes, or exhausts their choices. When a ballot becomes exhausted, it no longer counts toward the final denominator used to determine a majority winner; it’s as if these voters (more than 10 percent of the voting electorate) never showed up on Election Day.”

A 2010 election for San Francisco’s Board of Supervisors particularly demonstrates the inherent weaknesses of RCV. In the race for District 10 Supervisor that year, a whopping 9,503 ballots were exhausted in a race where the winning candidate only received 4,321 votes after 20 rounds of voting.²¹

In the first federal election in American history to utilize RCV, Maine’s 2018 second congressional district race between incumbent Bruce Poliquin (R) and Jared Golden (D), the fundamental flaws of RCV and the inevitability of exhausted ballots were made plain.

A total of 126,139 valid votes were cast in Maine’s June Democratic primary. Yet only 117,250 ballots were counted in the final tally, meaning 8,889 votes were not included.²²

“If the election is close enough and the number of exhausted ballots high enough, the winner will not necessarily win a majority of the votes cast, which is one of the arguments for switching to ranked-choice voting in the first place,” Ohio State University associate professor Vlad Kogan said following the Maine congressional primary. As a result of the exhausted ballots RCV produces, “There are some very serious democratic and potentially legal implications,” Kogan said.²³

Bangor’s city clerk Lisa Goodwin cited ample voter confusion as a real concern in the aftermath of the primary. With 4,555 ballots cast in Bangor on primary day, approximately 200 were wasted due to confusion surrounding RCV, she said. “There were a lot of angry voters,” Goodwin noted.²⁴

In the general election, Poliquin led Golden by 46.1 percent to Golden’s 45.9 with Tiffany Bond and William Hoar receiving roughly a combined 8 percent of the vote after the first round of balloting.²⁵ The total votes counted in the first round were 289,624.

Paul Craney of the Massachusetts Fiscal Alliance would lead the fight against RCV in Massachusetts in 2020. In analyzing the 2018 Maine results, he noted that some voters chose to manipulate the vote by urging their voters to oppose Poliquin as their second choice. Craney anticipates this type of manip-

ulation will happen more often with RCV. “Do you want a ‘Marijuana Party’ or ‘Gun Rights Party’ candidate or other single issue parties leveraging votes? I would argue it’s better to have major parties that try to build a majority consensus.”²⁶

After enough ballots were exhausted following the second round of tabulation, Golden was “declared the winner with 142,440 votes. However, this was only the majority of the votes tallied in the second round of tabulation, which totaled 281,375. Thus, 8,253 votes were exhausted after the first round and were not carried over into the second round,” the Alaska Policy Forum noted in its 2020 report, *“The Failed Experiment of Ranked-Choice Voting,”* an updated version of the earlier study produced by the Maine Policy Institute.²⁷

Golden defeated Poliquin 50.5 percent to 49.5 percent. “Combined with those ballots exhausted in the first-choice tabulation, a total of 14,706 ballots were exhausted, or 4.97% of all ballots cast. ... Of these, some 5,582 voters left the ballot entirely blank,” attorney Brett Baber noted in a lawsuit against the Maine Secretary of State Matt Dunlap.²⁸

Following the 2018 Maine second congressional district election, University of Maryland government professor Dr. James Gimpel testified that RCV is “flat out unfair” in its complexity. “The primary flaw he sees in RCV is that, unlike ordinary elections and ordinary runoffs, voters are required to make predictions about who will be left standing following an initial tabulation of the votes. While Dr. Gimpel concedes that many voters have sufficient information to make reliable predictions, he

“The pair analyzed more than 600,000 votes cast using RCV in four elections in California and Washington State. In none of the four elections did the winning candidate receive a majority of votes cast.”

believes that a portion of the voting public has insufficient interest and information to make a meaningful assessment about likely outcomes. In his view, RCV is “flat out unfair to the uninformed voter.”²⁹

Indeed, every ballot does not count under RCV. Instead of increasing voter participation, RCV disenfranchises voters due to its unnecessary complexity. Exhausted ballots are inevitable within RCV.

Professor Kogan and Craig M. Burnett extensively argued this point in their 2014 study, “Ballot (and voter) ‘exhaustion’ under Instant Runoff Voting (IRV): An examination of four ranked-choice elections.”

The two political scientists wrote that RCV “greatly increases the difficulty of the task facing voters.” Furthermore, they argued that under RCV “a substantial number of voters either cannot or choose not to rank multiple candidates, even when they have the ability to do so. Instead, many opt to cast a vote for their top choice, neglecting to rank anyone else.”³⁰



The pair analyzed more than 600,000 votes cast using RCV in four elections in California and Washington State. In none of the four elections did the winning candidate receive a majority of votes cast.

Ballot and voter exhaustion was the reason.

First, ranking candidates—up to three candidates in the cases we consider—is more difficult for voters when compared with a traditional election where they must choose only one in each race. Put another way, ranking preferences beyond the most favored alternative can be a cognitively laborious task for voters who often seek to minimize the time and effort needed to make political decisions (Downs, 1957; Popkin, 1994). Second, IRV does not ensure that the winning candidate will have received a majority of all votes cast, only a majority of all valid votes in the final round of tallying. Thus, it is possible that the winning candidate will fall short of an actual majority when a substantial number of ballots are eliminated, or “exhausted,” during the vote redistribution process. Third, and related to the previous point, there is some probability that a voter's ballot will become exhausted, eliminating their influence over the final outcome.³¹

The authors further found that in one San Francisco race, a staggering 27.1 percent of valid first-round ballots “did not make it to the final round. Voters who cast these discarded ballots had no say in the final round of vote redistribution, which decided the election outcome.”³²

Despite the promises of its champions, RCV regularly fails to produce a majority of votes for the winner.

#3: Ranked Choice Voting Lowers Voter Confidence and Voter Satisfaction

In a 2017 study, political scientist Lindsay Nielson found **that RCV has “no positive impact on voters’ confidence in elections and the democratic process.** Study participants who voted in the RCV treatment were not any more likely to prefer RCV elections to plurality or majoritarian elections, and, overall, most voters do not prefer to vote in RCV elections and do not think that they result in fair election outcomes.”³³

Following the 2018 race in Maine’s second congressional District, Massachusetts Institute of Technology Political Science Department Ph.D. candidate Jesse Clark oversaw an online experiment involving a hypothetical race predicated upon the Maine 2nd Congressional District. Clark’s study represented the “most in-depth experiment of IRV conducted to date.”

Clark analyzed “observational data from the 2018 midterm election in Maine” and “public opinion from a survey of voting methods conducted in Maine following the first-ever statewide implementation of IRV.”³⁴

In his study, Clark assigned fifty percent of the respondents RCV ballots and the other fifty percent conventional ballots.

His conclusion?

“People weren’t as satisfied with ranked-choice voting. They thought it was more confusing and that it would hurt their candidates.”³⁵

Clark emphasized that RCV “lowers voter confidence, it causes voters to spend more time voting (which may have downhill impacts for voters in high-turnout elections), and it is more difficult to use.”

Clark maintained:

This study brings [sic] seeks to answer a very broad question; what are the benefits and drawbacks of IRV in comparison to traditional plurality voting? In order to answer this question, I have sought to examine IRV in an experimental setting, provide a closer examination of public opinion and perceptions after the implementation of IRV in Maine, and to examine observational outcomes in the state. As can be seen throughout the paper, there are more drawbacks than positive impact of IRV on a variety of outcomes, both in terms of how it effects individual voters and how it impacts the overall political environment. While it does allow voters to express their opinions with more granularity and it tends to lead a subset of voters to cast their ballots more “sincerely,” these attributes are arguably outweighed by negative attributes. It lowers voter confidence, it causes voters to spend more time voting (which may have downhill impacts for voters in high-turnout elections), and it is more difficult to use. Furthermore, it lowers satisfaction in

voting, as well as increases the belief that the rules are stacked against the voter and their party.³⁶

#4: Ranked-Choice Voting Disenfranchises Minority Voters

New York City voters approved RCV in 2019. As the city transitions to this system in 2021, prominent civil rights leaders have sounded the alarm about the unique dangers RCV poses to communities of color.

Shortly before the 2019 vote, several prominent African-American leaders in New York City rebuked RCV in strong terms. City Councilmember I. Daneek Miller lambasted RCV as “undemocratic and confusing” and noted that it would adversely affect minorities.

“Under ranked-choice voting, the city of San Francisco has seen a depressed voter turnout in communities of color,” he added.³⁷

“Ranked-choice voting is not for us. It’s confusing. When you go to the voting machine, you want to think of your vote as counted, not having it counted among four people,” stated Khalid Baylor, President of the Vulcan Society, an organization representing firefighters of color.³⁸

“Our communities have shed blood for the right to vote. Now, when we are able to participate and our participation rates are rising, they want to change the rules? No — this is not for us and we will vote no,” said Hazel Dukes, the president of the New York State chapter of the NAACP.³⁹



Following the approval of RCV, local African-American political leaders continued to sound the alarm. Dukes inveighed against RCV for disenfranchising minorities. “Some progressive white folks got together in a room and thought this would be good, but it’s not good for our community. The voters did vote, so we can’t overturn that, but we want a stay because there’s been no education about this in our community.”⁴⁰

After the New York State chapter of the NAACP announced it was joining with a group of city officials in suing to preclude the Board of Elections from implementing RCV, Dukes said, “We didn’t understand the need for RCV. We didn’t understand what it was all about. We’re also asking for a delay until voters get the education and the Board of Elections is better prepared.”⁴¹

“This is a solution in search of a problem.”

“The primary argument for ranked-choice voting is that it expands access to elected office for Black and brown officials, but we don’t have that problem,” said Kirsten John Foy, president of the New York-based group Arc of Justice. “This is a solution in search of a problem.”⁴²

Laurie Cumbo, the Democratic majority leader of the New York City Council said, “There is an impossibility to educate people in the amount of time necessary on what ranked-choice voting will mean.”

“This is the greatest gross negligence that I have ever seen, and I am going to do everything in my power to fight against this with the power of all of my ancestors behind me.”⁴³

Such concerns are well-placed. According to a San Francisco State University study of the impacts of RCV in a 2004 city race involving three candidates, “The prevalence of ranking three candidates was lowest among African Americans, Latinos, voters with less education, and those whose first language was not English.”⁴⁴

The study further concluded that 50 percent of African Americans and 53 percent of Latinos ranked the three candidates in all three available columns. In other words, the ballots of African Americans and Latinos were less likely to be counted in the final tabulation than those cast by whites, 62 percent of whom ranked the three candidates in the three columns.⁴⁵

Jason McDaniel, the associate professor of political science at San Francisco State University referenced earlier, examined five San Francisco elections from 1995 to 2011, the last two of which utilized RCV.

After analyzing over 2,500 precincts in five elections, McDaniel similarly concluded that “turnout declines among African-American and white voters was significantly correlated with the adoption of RCV.” In addition, the “adoption of RCV exacerbated disparities in voter turnout between those who are already likely to vote and those who are not, including younger voters and those with lower levels of education.”⁴⁶

#5: Ranked-Choice Voting Does Not Foster Positive Campaigns or Increase Voter Participation

RCV proponents uniformly maintain that its adoption will foster positive campaigns and reduce political mudslinging.

“If you believe the biggest problem in American democracy is partisan polarization (as I do), ranked-choice voting is proven to counteract some of the ‘I win by making you lose’ zero-sum logic of our current election style, incentivizing compromise, civility and moderation, and leading to more diverse candidates,” Lee Drutman, senior fellow in the Political Reform program at New America, has argued.⁴⁷

FairVote Minnesota argues, “RCV incentivizes candidates to campaign positively based on issues that matter to voters rather than on personal attacks. Candidates behave very differently when they benefit from second or third choice votes. They are less likely to attack an opponent since they don’t want to alienate that candidate’s base voters and risk losing their second choice votes.”⁴⁸

Don’t hold your breath for a reduction in political polarization under RCV.

As a practical matter, much of the spending in the modern American political system is fueled by well-financed special interest groups that see no advantage to an RCV system. If candidates want to hypothetically “make nice” with one another to attract second or third-place votes, there is no political incentive for outside groups to do so.

“For one thing, much of campaigning in America isn’t done by the candidates themselves but instead by ideologically driven political action committees. A candidate may lay off a near competitor in order to court second-place ballots, but Heritage Action, Planned Parenthood, and other issue organizations in the scrum don’t have anything to gain from compromise,” journalist Simon Waxman noted in his 2016 *Democracy: A Journal of Ideas* essay, “Ranked-Choice Voting Is Not the Solution.”⁴⁹

The scenario outlined by Waxman played out in Maine’s 2018 statewide contests, the first under RCV.

In June, *The Bangor Daily News* reported that the campaign arm of EMILY’s LIST was backing Attorney General Janet Mills in the state’s Democratic gubernatorial primary by pouring \$300,000 into the race, “setting aside most of it to attack attorney Adam Cote, who could be rising in a crowded field.”⁵⁰

Given the attack ads unleashed to take down Cote, support expenditures for gubernatorial candidates “actually decreased by more than 40 percent from 2014 to 2018 while opposition expenditures increased from \$0 to \$207,500.” In other words, Mills let a third-party group do the “dirty work” for her against her chief intra-party rival, Cote.

Instead of Mills’ campaign attacking Cote directly, it may have been more effective for her to allow third-party groups to launch attacks against Cote to avoid tarnishing her image in the eyes of Cote supporters. That is exactly what happened — \$192,500 of the opposition spending



came from Maine Women Together to attack Cote for once being a Republican and accepting corporate donations. Since a third-party group was levying attacks on Cote, it was more plausible that Mills would receive his voters' second choice votes if he was eliminated from contention than if she attacked him through her own campaign channels.⁵¹

An RCV system also demonstrated no ability to reduce the campaign spending arms race among Maine's 2018 congressional candidates. Federal Election Commission data tells us that roughly \$11.52 million was spent on independent expenditures in opposition to a candidate in the 2018 Second Congressional District race. This was a 24 percent increase from 2016 when \$9.27 million was spent on opposition expenditures. Most notably, when expenditures in non-presidential elections (2014 and 2018) are compared, opposition expenditures increased by a stunning 341 percent.⁵²

The same phenomenon played out in Oakland mayoral races that used RCV. "When Oakland first tried RCV for its mayoral race in 2010, candidates spent \$1 million; the 2014 race cost them nearly \$1.8 million. This may reflect the sense that RCV makes viable a wider range of candidates, so more people run. One way or another, it doesn't sound like a recipe for a smaller TV war or reduced bickering," Waxman wrote.

RCV proponents likewise failed to increase turnout in any significant way.

Take the case of Minneapolis, for example.

In 2006, RCV was presented to city voters as a way to increase voter participation and to cultivate positive campaigns. At the time, Fair-Vote Minnesota maintained that RCV would "make campaigns more positive and increase participation" because it is a "proven democratic voting method that gives you the best possible chance of electing someone who represents your point of view. Instant Runoff Voting will lead to more positive campaigns."⁵³

In November 2006, Minneapolis voters approved RCV for municipal elections and the first Minneapolis municipal election using RCV was held in 2009.

In the years since, it is clear that RCV has had little positive effect on campaigns, and voter turnout remains low.

In the 2017 mayoral election (the third using RCV), voter turnout in Minneapolis was only 43 percent. The winner in that 16-candidate race was Jacob Frey, who prevailed after five rounds of counting that was not complete on Election Day.

In the previous mayoral election of 2013, Betsy Hodges won a 35-candidate race that took 33 rounds of counting. Even then she only received a plurality of the votes, totaling 48.95 percent in a race in which only 33 percent of eligible voters cast ballots.⁵⁴

The two Minnesota cities that have the most experience using RCV, Minneapolis and St. Paul, lag well behind other major metropolitan cities in municipal election voter turnout.

RCV doesn't revitalize voter apathy. Only truly competitive races that engage a broad swath of the electorate have that effect. In fact, if RCV advocates genuinely wish to augment voter engagement and turnout, they would support nonpartisan municipal elections to occur during midterm election years.

Odd-year elections are a Progressive Era relic. During this period in American history, progressives enacted a series of measures designed to create "an informed electorate, not just a big one."⁵⁵

Indeed, several progressive communities have repealed RCV because it fails to produce more civil campaigns with higher voter participation. Even though Aspen, Colo. voters moved to amend the city's charter in 2007 to utilize an RCV system, fed up voters repealed it in 2010.

According to the city's former mayor and current Councilwoman Rachael Richards, RCV proved too complicated for many voters. "There was concern about whether people would game the system in some way, or fear that maybe your second choice would end up wiping out your first choice," Richards said.

"Nobody understands it. Just use the system everyone understands. Have a runoff, get on with life," one exasperated Aspen citizen told *The Denver Post*.⁵⁶

In Burlington, Vt., 52 percent of voters decided to repeal RCV in 2010. After utilizing the system from 2006 to 2010 for mayoral elections, a majority of voters were ready to turn the page. "My experience was that it did not improve campaigns, it necessitated vanilla candidates,

"Pierce County, Washington voters approved RCV in 2006. Just three years later, an enormous 71 percent of voters repealed the system."

and voter confusion," Burlington Councilor Chip Mason (D) said. "We can look back at our own experiment, and what I would say is the perverse outcome that ranked voting generated in the '09 election," he added.⁵⁷

Pierce County, Washington voters approved RCV in 2006. Just three years later, an enormous 71 percent of voters repealed the system. Elections Director Nick Handy summarized the consensus view of RCV in the county.

Just three years ago, Pierce County voters enthusiastically embraced this new idea as a replacement for the then highly unpopular Pick-a-Party primary. Pierce County did a terrific job implementing ranked choice voting, but voters flat out did not like it.

The rapid rejection of this election model that has been popular in San Francisco, but few other places, was expected, but no one really anticipated how fast the cradle to grave cycle would run. The voters wanted it. The voters got and tried it. The voters did not like it. And the voters emphatically rejected it. All in a very quick three years.⁵⁸



The State of North Carolina adopted RCV for judicial vacancies in 2006. By 2013, the state legislature had voted to repeal RCV due to “mixed reviews” from North Carolinians. Dissatisfaction with the 2010 election utilizing RCV had been enough to spur the move.

“North Carolina had created an instant runoff system to fill appellate court seats that become vacant less than two months before an election. ... When it was used in 2010, that system met with mixed reviews from voters. House Bill 589 eliminates the instant runoff system for judicial races,” WRAL reported.⁵⁹

“RCV has resulted in decreased turnouts up to 8% in non-presidential elections and it exacerbates economic and racial disparities in voting.”

In the progressive bastion of Ann Arbor, Mich., voters overwhelmingly repealed the city’s RCV’s system (then oftentimes referred to as preferential voting) with 61 percent in 1976. Just two years earlier, city voters had approved the system. RCV had been used in only a single city election held in 1975.⁶⁰

“City voters reacted to the confusion of last year’s mayoral election yesterday, and repealed preferential voting (PV) for mayor-a process which they had approved only 17 months ago. ...Last year’s election cost the

city some \$80,000-twice the normal figure. Confusion, probably more than anything else, contributed to the voters’ decision to remove PV from the books,” *The Michigan Daily* reported at the time.⁶¹

In 2017 testimony before the Kansas Special Committee on Elections, Vignesh Ganapathy, the policy director for American Civil Liberties Union of Kansas, noted that **RCV has “resulted in decreased turnouts up to 8% in non-presidential elections” and that it “exacerbates economic and racial disparities in voting.”**

Ranked-choice ballots have suppressed voter turnout, especially among those segments of the electorate that are already least likely to participate. Ranked choice voting (RCV) has resulted in decreased turnouts up to 8% in non-presidential elections. Low-propensity voters are already less likely to participate in elections that do not coincide with congressional or presidential races. By adding additional steps to voting, RCV exacerbates this tendency, making it less likely that new and more casual voters will enter into the process. Moreover, RCV exacerbates economic and racial disparities in voting. Voting errors and spoiled ballots occur far more often. **In Minneapolis, for example, nearly 10% of ranked choice ballots were not counted, most of these in low-income communities of color. Other municipalities have seen similar effects.**⁶²

Ganapathy also noted, “While we applaud efforts to motivate citizens to participate

through fairer elections and greater integrity, RCV would only add confusion to an already uncertain election system in the state.”⁶³

Professor McDaniel told *The New York Times* in 2020, “The Democratic Party position now is that we need to remove barriers to voting, and I think ranked-choice voting is counter to that. My research shows that when you make things more complicated, which this does, there’s going to be lower turnout.” McDaniel added that since RCV “usually advantages people who are incumbents or well known, or who have a lot of campaign funds,” there was little guarantee it would spark real structural change.⁶⁴

Now that we know why RCV is such a bad idea, let us turn to an example of how to defeat it.

How to Defeat RCV: Key Lessons from Massachusetts

After RCV proponents collected the necessary signatures, the Massachusetts Secretary of State placed the Ranked-Choice Voting Initiative on the Nov. 3, 2020 ballot. It looked to be a mismatch of epic proportions.

With an overwhelming financial advantage and high-profile endorsements from Massachusetts politicians including former U.S. Sen. and Secretary of State John Kerry⁶⁵, U.S. Sens. Ed Markey and Elizabeth Warren, U.S. Reps. Jim McGovern and Joseph Kennedy, and former Govs. Deval Patrick and Bill Weld⁶⁶, pro-RCV forces looked poised to run up the score.

Yet in November 2020, voters in the Bay State rejected RCV in 2020 by a decisive margin of 55 to 45 percent.

How and why did Massachusetts opponents of RCV deliver this unexpected result? Lessons learned from a true David versus Goliath battle in Massachusetts are outlined below.

Message Beats Money

RCV advocates outspent opponents by an eye-popping \$10 million. Much of that support came from several out-of-state billionaires: former Enron energy trader John Arnold; Arnold’s wife, Laura; Kathryn Murdoch, the daughter-in-law of Rupert Murdoch; and Jonathan Soros, son of George Soros.⁶⁷

While RCV backers spent more than \$10 million in a losing effort, the No Ranked Choice Committee spent less than \$10,000, according to the Massachusetts Fiscal Alliance. “That’s less than a cent per vote for the No side, compared to \$7.41 per vote on the Yes side,” noted Paul Diego Crane, a spokesperson for the group.⁶⁸

In addition to heavy paid media advertising, RCV proponents like Warren pushed hard for the system in earned media. “Ranked-choice voting has another remarkable virtue: Everywhere it has been adopted, it has replaced the politics of personal destruction with positive coalition politics. If two like-minded candidates are running against each other in a large field, they are more likely to work for the second and third choices of their opponent’s supporters by appealing to what they have in common rather than focusing on divisive issues,” Warren argued in a *Boston Globe* op-ed.⁶⁹



Undeterred by the avalanche of big money pouring into the state, opponents of RCV maximized earned media opportunities in an extraordinary grassroots effort. Because they lacked the resources to fund television and digital advertisements, opponents got creative with their messaging.

To cultivate opposition to ranked-choice voting, volunteers worked tirelessly to deliver powerful and concise messaging through the use of “appearances at civic forums, TV interviews, radio shows, and media interviews.”⁷⁰

Notwithstanding a shoestring budget, RCV opponents were able to effectively present their campaign as the underdog against powerful entrenched interests. An op-ed from Massachusetts Fiscal Alliance board member Jennifer C. Braceras serves as a model of the kind of effective messaging employed by anti-RCV leaders.

Frequently hailed as a way to give voters more choice and reduce polarization, ranked-choice voting is, in fact, a complex and confusing process that threatens to reduce voter participation and distort election outcomes. ... More recently, Maine's newly adopted ranked-choice voting system yielded a similarly unexpected outcome. In the 2018 congressional midterm election (the first federal general election in the nation to use this system), Republican Representative Bruce Poliquin received more votes than any other candidate in a four-way contest. Yet, the Maine secretary of state declared Democrat Jared Golden the winner after discarding 14,076

“exhausted” ballots that did not rank all four of the candidates. Significantly, in a survey of eligible voters who did not participate in that election, 26 percent said they stayed home because of confusion over the ranking system.⁷¹

Reinforcing the Message

To capitalize on its impact, RCV opponents waited to fire their biggest political gun just days before the election.

“At a time when we need to be promoting turnout and making it easier for voters to cast their ballots, we worry that question two will add an additional layer of complication for both voters and election officials, while potentially delaying results and increasing the cost of elections,” Massachusetts Gov. Charlie Baker and Lt. Gov. Karyn Polito said in opposing RCV. “We believe the system we have now has served the Commonwealth well, and intend to vote 'no' on question two.”⁷²

Baker reinforced that RCV was unnecessarily complex for voters and election officials. “From our point of view, this thing [ranked-choice voting] is too complicated to have on top of that. The counting process alone could get unbelievably difficult,” Baker told reporters. “I don’t want to overly complicate that process to such an extent that people start to wonder, you know, what is it that’s actually going on here. I’m going to vote no and so is the lieutenant governor,” he added.⁷³

With Baker’s strong public position undoubtedly giving RCV opponents a major lift, the Massachusetts Fiscal Alliance offered a suc-

cinct closing argument against RCV in the state's official voter's guide.

Two Democratic governors rejected ranked choice voting because it was confusing and denied voters informed choice. Democratic Gov. Jerry Brown witnessed a mayoral election in Oakland where the winner won with voters' seventh and eighth place rankings. Gov. Brown said, 'Ranked-choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice.' Democratic Gov. Gavin Newsom said Ranked Choice Voting 'has often led to voter confusion and the promise that ranked choice voting leads to greater democracy is not necessarily fulfilled.' Ranked Choice Voting ballots force voters to guess the candidates who will remain standing in multiple voting rounds and cast their votes in the dark. If they guess wrong and vote for eliminated candidates, their ballots are not counted in the final vote. Winners win a false 'majority' of remaining ballots, not a true majority of all the voters voting in the election.⁷⁴

While opponents kept up a relentless drum-beat regarding the complexities of ranked-choice voting, proponents were forced to play defense. Despite a financial juggernaut, **RCV proponents were hurt by the reality that their cause "was funded primarily by billionaires with no connection to Massachusetts,"** said Anthony Amore, a Republican secretary of state candidate in 2018.⁷⁵

"One thing that didn't ring true for voters is the promise of the pro side that it would get

money out of politics, while they were bringing in around \$10 million to implement it. So that seemed incongruous, I think, to people," Amore said.⁷⁶

Suffolk University Political Science Professor Rachael Cobb noted that RCV's complexity hurt its appeal. "If people are hearing that it's complicated, especially when they're feeling like life is really complicated, they may say, 'You know, we've been doing it this other way for a long time, it seems to be OK. Why change?'" Cobb said.⁷⁷

By the time ranked-choice voting was soundly defeated, even Massachusetts Secretary of State William F. Galvin, a supporter of RCV, conceded, "The more people heard about it, the more they were confused."⁷⁸

Recent RCV Activity

While Massachusetts voters turned back RCV by a sizable ten-point spread, Alaska voters approved a ballot measure in 2020 by one percent that made it the second state in the nation to utilize RCV in statewide elections.⁷⁹ The pro-RCV forces in Alaska were bolstered by Kathryn Murdoch, who donated \$500,000 to the cause.⁸⁰

The narrow Alaska vote came despite strong opposition to RCV from former U.S. Senator Mark Begich (D). "I stand with a bipartisan group of politicians, advocates, and academics in opposing Ranked Choice Voting because when it comes to elections, every vote cast in our state should count. The evidence and experience from around the country suggests



that Ranked Choice Voting will work against this goal, adding unnecessary confusion and potentially reducing voter turnout. We need to be spending our time and resources to make it easier for all Alaskans to speak up at the ballot box, not harder.”⁸¹

In 2020, the San Diego city council rejected by a 5-4 vote a measure that would have given voters an opportunity to switch city elections to RCV. “The council members voting against that measure praised instant runoffs as a ‘well-intentioned’ idea, but they said the proposal would confuse voters, increase election costs and possibly have unintended consequences,” according to a report in *The San Diego Union Tribune*.⁸²

That same year, a measure that included RCV that was approved for the general election ballot ultimately did not go before voters after the North Dakota Supreme Court weighed in on the matter.

“In an expedited decision announced Tuesday, Aug. 25, the court unanimously barred Secretary of State Al Jaeger from including Measure 3 on the November ballot. The measure has become a point of partisan division this summer as opponents came forward with

complaints, echoed by Jaeger himself, that the measure used misleading tactics to hoodwink signers,” *The Dickinson Press* reported.⁸³

The Arkansas Supreme Court likewise rejected RCV as one of a pair of proposed changes to the state constitution. The pro-RCV group Open Primaries Arkansas “received the bulk of their funding from the Action Now Initiative, a political organization founded by Laura and John Arnold of Texas.”⁸⁴ The billionaire Arnolds also unsuccessfully flooded the Massachusetts RCV race with out-of-state cash.

Conclusion

In sum, RCV fails to deliver on its advocates’ central promises. Rather than increasing voter participation and ensuring that every vote truly counts, RCV confuses voters, lessens voter satisfaction and disproportionately disenfranchises voters of color. It is an extremely flawed electoral system that continuously fails to deliver on its central and most important promise: to change politics for the better.

For all of these reasons, RCV is a risk that voters cannot afford to choose.

How to Defeat Ranked-Choice Voting When It Comes to Your State

One thing is clear: advocates for Ranked Choice Voting aren't going away. Despite recent legislative and ballot box defeats, they continue to expand their efforts to encourage additional states and localities to adopt RCV.

There are many lessons learned from those who have successfully fought against these proposals—here are just a few of them to help you prepare for the inevitable:

1 **Develop, organize and mobilize bi-partisan and diverse coalitions.** RCV supporters and opponents vary from state to state but do your research: have any state or local elected officials publicly declared their opposition to RCV? If so, contact them and begin to develop your coalition. Make the coalition as diverse and politically inclusive as possible. Think “outside the box” when putting your opposition group together: who or what groups of citizens have the most to lose with a dramatic restricting of our electoral process? Do you have any local chapters of national organizations that have publicly opposed RCV? Who are your natural allies? Does your state have any election watchdog organizations that promote transparency? Are there community or civic organizations that might be helpful in organizing your opposition coalition? Finally, don't be afraid to reach out to organizations that you have no previous experience working with in previous educational campaigns. Support for RCV rarely develops along party lines and you will be surprised how receptive leaders in your community are when you explain why you oppose this confusing system that creates more problems than it solves.

2 **Earned media is the key to your success.** RCV supporters will always outspend you and they have vast resources available at the flick of a switch. You will likely not have these advantages. Nor will you have the time to plan a successful, long-term fundraising strategy that will support your opposition campaign. Instead, you should plan on being grossly outspent and run a lean but hungry campaign utilizing every opportunity that presents itself to garner publicity about the funding of their campaign and the misguided notions behind RCV. It is also helpful to remind voters and the news media that funding for RCV is coming from out-of-state, anonymous sources trying to influence how voters in your state select their elected officials.

3 **Voters today want transparency in elections; RCV is the opposite of a clear, transparent election.** Khalid Baylor, president of the Vulcan Society, an organization representing firefighters of color said it best: “Ranked-choice voting is not for us. It is confusing. When you go to the voting machine, you want to think of your vote as counted, not having it counted among four people.” Furthermore, RCV elections almost never end with a victor announced on Election Day; instead, the complicated process often takes a day or two for an eventual winner to emerge.



Columbia University computer scientist Stephen Unger spoke to this confusion and lack of transparency when he said that RCV complexity “also mandates central counting of votes and this, in turn, provides increased opportunities for wholesale fraud or malfunction.” After the chaos that ensued after the 2020 general election, this issue is paramount in voters’ minds. Election officials should be doing everything possible to reassure voters that every legally cast vote will count; RCV mandates that certain ballots are tossed aside and called an “exhausted ballot” when their candidates drop off from the counting. When there are two or three very serious contenders on the ballot at the same time, a ballot could be exhausted early on in the process and that voter’s vote ultimately didn’t count.

4

Remind voters of what matters: one person, one vote. RCV is one person, many votes, producing confusion. Former California Governor Jerry Brown said it best when he vetoed a ranked-choice voting bill in 2016: “In a time when we want to encourage voter participation, we need to keep voting simple. Ranked choice voting is overly complicated and confusing. I believe it deprives voters of genuinely informed choice.”

5

If Ranked Choice Voting ballot measures haven’t arrived in your state yet, now is the time to prepare—because they will! And when they do, make your first call for help to a State Policy Network organization that has already fought RCV. They can bring infinite ideas to the table about how to get started putting together your diverse coalition opposed to RCV as well as providing research papers, published commentaries and website links that will help you gather resources as you develop your working plan.

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