

Testimony from:
Deb Otis

In SUPPORT of SB 493

March 1, 2024

Maryland Senate Committee on Education, Energy, and the Environment

Dear Committee Members,

I am writing to express FairVote Action's support for SB 493 regarding ranked choice voting in presidential primary elections. Ranked choice voting will: (1) help parties nominate more consistently viable candidates; (2) accommodate voters having more choices on their ballots; (3) promote more positive, issues-focused campaigns; and 4) minimize "wasted votes" in presidential primaries when candidates withdraw from the race.

FairVote Action is a national nonpartisan organization that educates and advocates for electoral system reforms that improve our elections. We are seen as a leading national resource on ranked choice voting (RCV). I am the Director of Policy and Research for FairVote Action and, as part of my job, I study the impacts of RCV in the places that use it.

Approximately 13 million voters in 50 jurisdictions across the U.S. use ranked choice voting (RCV). It has become the fastest-growing nonpartisan electoral reform in the country. We support adoption of RCV in a variety of circumstances, but this testimony will focus on its benefits in presidential nominating contests.

RCV improves party nominations

By ensuring every vote counts, RCV would help political parties award their delegates to the candidate with the strongest support in Maryland. RCV works well in presidential primaries that award delegates to multiple candidates (like Democratic presidential primaries) and those that award all delegates to a single candidate (like most Republican presidential primaries).

In primaries where a single candidate earns all delegates, tabulation matches the standard "instant runoff" tabulation. If there is no majority winner after counting each ballot for its first choice candidate, the candidate in last place is eliminated and those ballots transfer to their next-highest-ranked candidate. This continues until one candidate wins with a majority of votes. In winner-take-all contests, the winning candidate earns all delegates according to party rules.

In primaries where multiple candidates can earn delegates, tabulation matches the above with one exception. Instead of ending when a candidate achieves a majority, tabulation ends after all candidates below the threshold (typically 15%) have been eliminated. Then, all candidates over the threshold earn delegates in proportion to their vote share, following party rules.

In both cases, parties benefit from including the voices of more voters in the process.

RCV gives voters more choice

One of the most powerful aspects of RCV is that it offers voters greater choice, creating space for both voters and candidates to express a wide range of views. Single-choice elections put pressure on voters to vote “strategically” – picking the candidate they believe has the best chance of defeating their last choice, instead of picking someone they like. With RCV, voters can rank the candidates they like most in honest order of preference. If their favorite can’t win, they won’t accidentally help the candidate they like least – their vote will simply count for their next choice.

Voters may rank as many or as few candidates as they like but, in practice, most voters choose to use multiple rankings in order to express their full preferences.

Typically, 70% of voters choose to rank multiple candidates.¹ In highly competitive or highly publicized elections, the rate is even higher. For example, 89% of New York City voters ranked multiple candidates for mayor in 2021; of those who didn’t rank, most said they only liked one candidate and didn’t want to rank anyone else.

RCV prevents “wasted votes” in presidential primary elections

“Wasted votes” occur when a candidate’s name appears on the ballot, but they drop out of the race before primary day. Early and mail-in voters are particularly at risk of wasted votes because many fill out their ballots a week or more ahead of the election, only to have their preferred candidate drop out of the race before ballots are counted.

In 2020, over three million votes were “wasted” on Democratic presidential primary candidates who had already withdrawn from the race, representing over 8% of total votes cast in the primaries.² In 2016, over 600,000 votes were wasted in the Republican presidential primaries.

States who held primaries just after major candidates withdrew from the race were hit hardest. FairVote’s research found that early votes were more likely to be wasted in 2020.³

In Maryland, 65,000 Democrats in 2020 and 17,000 Republicans in 2016 were impacted.

RCV prevents votes from being wasted because voters can identify their backup choices. If their first-choice candidate drops out of the race, their ballot simply counts for their next choice, and their voice is still heard.

¹ Data on Ranked Choice Voting. FairVote. (2024).

https://www.fairvote.org/data_on_rcv#research_ballotuse

² The Wasted Votes Wheel. FairVote. (2020). <https://fairvote.org/the-wasted-votes-wheel/>

³ Early votes in Washington were more likely to be “wasted.” FairVote. (2020).

https://fairvote.org/early_votes_in_washington_were_more_likely_to_be_wasted/

RCV has a track record of success in presidential primary elections

Five state Democratic parties used RCV for presidential primaries in 2020, including Kansas, Alaska, Wyoming, and Hawaii for all voters, and Nevada for early voters only. Voters in these states took advantage of the opportunity to rank multiple candidates, made very few ballot errors, and turned out in large numbers. In a year when nearly 3 million early voters in states without RCV cast ballots for presidential candidates who had already withdrawn by the time ballots were counted, RCV made more votes count.⁴

Additional research on RCV

Below is a compilation of other research results from RCV use, including uses apart from presidential primary elections.

- **Voters like and understand RCV.** Exit polling results find that voters in RCV cities overwhelmingly report that they like RCV and prefer it to their previous voting method.⁵ Exit polling in Utah found that 81% of first-time RCV voters found it easy to use and 88% were satisfied with the method they used to cast their ballot.⁶ The numbers are even higher in New York and Alaska. In New York City, 95% of poll respondents found the ballot simple and 77% want to keep using RCV.⁷ In Alaska, 92% of voters said they received instructions on how to rank their choices and 79% said RCV was “simple.”⁸
- **Voters also understand RCV well,** especially compared to other electoral reforms. Survey data shows that more voters understand RCV than the “top-two” systems used in California and Washington.⁹ Researchers have found no evidence of racial or ethnic differences in understanding of RCV.¹⁰ Voter support for RCV tends to increase over time, as voters get more chances to use it.¹¹

⁴ Ranked Choice Voting in 2020 Presidential Primary Elections. FairVote. (2020). Available at <https://www.fairvote.org/ranked-choice-voting-in-2020-presidential-primary-elections>

⁵ FairVote. 2023. Exit Surveys: Voters Love Ranked Choice Voting. <https://fairvote.org/report/exit-surveys-report-2023/>

⁶ Survey shows positive response to ranked choice voting. The Daily Herald. (2021). <https://www.heraldextra.com/news/local/2021/nov/18/survey-shows-ranked-choice-voting-got-positive-response-in-pilot-test/>

⁷ Rank the Vote NYC Releases Edison Research Exit Poll on the Election. Rank the Vote NYC. (2021). http://readme.readmedia.com/RANK-THE-VOTE-NYC-RELEASES-EDISON-RESEARCH-EXIT-POLL-ON-THE-ELECTION/17989282?utm_source=newswire&utm_medium=email&utm_campaign=media_pr_emails

⁸ Alaska Exit Poll Results – New Election System. Patinkin Research Strategies. (2022). https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin_Alaska_Exit_Poll.pdf

⁹ 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021). <https://www.fairvote.org/2014-survey-results>.

¹⁰ Self-Reported Understanding of Ranked-Choice Voting. Donovan, T., Tolbert, C. and Gracey, K. (2019), Social Science Quarterly, 100: 1768-1776. <https://doi.org/10.1111/ssqu.12651>.

¹¹ The 2017 Municipal Election: An Analysis & Recommendations. Minneapolis City Council. (2018). <https://ims.minneapolismn.gov/Download/RCAV2/4684/2017-Municipal-Election-Report.pdf>

- **RCV decreases negative campaigning** because candidates need to reach beyond a single base of voters – and talk to everyone in order to win. Sometimes, this means appealing to be the second or third choice of voters who support a different candidate as their first choice. Studies have found that candidates use more positive language in debates,¹² voters in RCV cities perceive less negativity compared to voters in non-RCV cities,^{13,14} and newspaper articles in RCV cities are more positive than in non-RCV cities.¹⁵
- **RCV improves diversity.** Recent research has found that RCV tends to result in greater election rates for women and candidates of color.^{16,17} A 2024 FairVote report also found that voters of color are more likely to rank multiple candidates on their ballots.¹⁸ This has played out in practice in cities across the country – RCV elections helped lead to the first-ever majority-female City Council in New York City and and just its second Black Mayor the first all-female City Council in Las Cruces, New Mexico; the first Alaska Native member of Congress, and the first City Councils in Minneapolis and Salt Lake City that are majority people of color. In 2023, St. Paul elected an all-female city council; 90% of councilors are women of color.

In conclusion, the issue of RCV has come before the Maryland legislature in previous years. With so many more prominent examples of its impact and a greater understanding of how to administer RCV effectively, the evidence in its favor has never been stronger. Voters like RCV and engage with the ranked ballot. Parties can produce strong nominees with RCV. And implementation is a smooth process.^{19,20}

¹² Effect of Instant Run-off Voting on Participation and Civility. McGinn, E. (2020).

http://eamonmcginn.com.s3-website-ap-southeast-2.amazonaws.com/papers/IRV_in_Minneapolis.pdf

¹³ Socioeconomic and Demographic Perspectives on Ranked Choice Voting in the Bay Area. John, S. & Tolbert, C. (2015). <https://fairvote.app.box.com/v/perspectives-on-rcv-bay-area>

¹⁴ Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections. FairVote. (2018). <https://fairvote.app.box.com/v/SantaFeExitReport>

¹⁵ Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). <https://www.cogitatiopress.com/politicsandgovernance/article/view/4293>

¹⁶ In Ranked Choice Elections, Women Win, RCV in the United States: A Decade in Review. Represent Women. (2020). https://www.representwomen.org/research_voting_reforms.

¹⁷ The alternative vote: Do changes in single-member voting systems affect descriptive representation of women and minorities? John, S., Smith, H., & Zack, E. (2018).

<https://www.sciencedirect.com/science/article/abs/pii/S0261379417304006>

¹⁸ Ranked Choice Voting Elections Benefit Candidates and Voters of Color: 2024 update. Otis, D. & Laverty, S. (2024)

<https://fairvote.org/report/communities-of-color-2024/>

¹⁹ Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVResources.org.

²⁰ Ranked Choice Voting in Practice: Implementation Considerations for Policymakers. NCSL. (2022). <https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting-in-practice-implementation-considerations-for-policymakers>

FairVote Action is available to answer any other questions from the committee or provide additional data. FairVote Action can also advise the legislature as it deems fit and be a resource for RCV implementation. You can reach me at dotis@fairvoteaction.org and my FairVote Action colleagues at info@fairvoteaction.org.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Deb Otis". The signature is written in a cursive, slightly slanted style.

Director of Policy and Research at FairVote Action