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Testimony from Rob Richie In SUPPORT of HB 423 Montgomery County - Voting Methods (MC 1-24).
February 6, 2024   Maryland House Ways and Means Committee

Dear Members of the House Ways and Means Committee,

As a long-time resident of Montgomery County and the founding CEO of FairVote and its senior advisor, **I am writing to express my support for House Bill 423, authorizing Montgomery County to adopt ranked choice voting (RCV) for certain elections**. HB423 will empower voters and local leaders in a county where the County Council and House Delegation want to adopt RCV to respond to local needs.

If used for Montgomery County primary elections, for example, ranked choice voting would ensure fairer, more representative outcomes in the crowded fields that are common in the County. RCV wll create incentives for more positive, issues-focused campaigns that reward candidates for engaging with voters and foster a playing field for female candidates and candidates of color. **These values have contributed to RCV being perhaps the nation's fastest-growing electoral reform – one now adopted for elections in the largest city in seven states and for presidential elections in two states.**

More than ten million voters over 50 jurisdictions across the U.S. vote use RCV, including in the city of Takoma Park in Montgomery County - **and now in Arlington County, where the County council voted unanimously in December to make RCV the permanent method of election for primary elections after a pilot election last year**. After Oregon's largest city and largest county voted overwhelmingly to adopt RCV in 2022 and after successful uses in Benton County, the Oregon legislature last year voted to give state voters this November the chance to use RCV to elect all their federal and statewide offices.

RCV is particularly well-suited for elections with crowded fields, like those often seen in primary elections in Montgomery County; this may account for the Montgomery County Council and House Delegation's overwhelming support for the bill. RCV upholds majority rules and results in far more votes counting toward winners without the need for costly, inefficient runoff elections. In RCV elections for county executive, voters would rank candidates in order of choice: their first choice, with an option to rank backup preferences as a second choice, third choice and so on. If a candidate receives more than half of the first choices, they win, just like any other election. If not, the candidate with the fewest votes is eliminated, and voters who picked that candidate as 'number 1' will have their votes count for their next choice. The process continues until two candidates remain.

Winners in such RCV elections always have a majority of the vote when matched head-to-head against their final opponent, and most RCV victors have even more than majority support. Most RCV winners are ranked in the top 3 choices by two-thirds of voters or more, demonstrating a measure of broad consensus among voters. Winners of RCV races usually earn the most first choices as well.

Importantly, RCV addresses the problems of "vote-splitting" and "spoiler" candidates. Under our current system, a majority of voters may support a particular ideology, but split their votes among candidates who support that ideology – resulting in a winner whose views reflect the minority of voters. Green Party candidates Jill Stein and Ralph Nader won enough votes to affect the outcomes in key swing states in the

2016 and 2000 presidential elections.[12] In RCV elections, voters could rank the Green candidate 1st and then rank either the Democratic or Republican candidate as their 2nd choice. Their votes would not be "wasted." Instead, they would be counted in the final tally and would count for the next candidate who best represents the voter's values, rather than accidentally helping elect the candidate they want least.

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. 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, over 70% of voters choose to rank multiple candidates[3]. 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.**

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.[4] Exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method they used to cast their ballot[5]. **In New York City, 95% of poll respondents found the ballot simple and 77% want to keep using RCV.[6]** Understanding of RCV is comparable to plurality voting and better than the "top-two" voting used in California and Washington.[7] Researchers have found no evidence of racial or ethnic differences in understanding of RCV.[8]

Research shows that RCV decreases negative campaigning because candidates need to reach beyond a single base 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[9], voters in RCV cities perceived less negativity compared to voters in non-RCV cities[10][11], and newspaper articles in RCV cities are more positive than in non-RCV cities[12].**

[1] Presidential election in Michigan, 2016. Ballotpedia.
https://ballotpedia.org/Presidential_election_in_Michigan,_2016
[2] November 7, 2000 General Election. Florida Department of State. Division of Elections.
https://results.elections.myflorida.com/SummaryRpt.asp?ElectionDate=11/7/2000&Race=PRE&DATAMODE=
[3] Data on RCV. FairVote. (2021). https://www.fairvote.org/data_on_rcv#research_ballotuse
[4] FairVote. 2020. Exit Surveys: Voters Evaluate RCV.
https://fairvote.app.box.com/s/hlzeu53uw0nrw9yzhbjk4flx2uf9x4fg
[5] Survey shows positive response to RCV. The Daily Herald. (2021).
https://www.heraldextra.com/news/local/2021/nov/18/survey-shows-ranked-choice-voting-got-positive-response-in-pilot-test/
[6] 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
[7] 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021). https://www.fairvote.org/2014-survey-results.
[8] 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.
[9] 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
[10] Socioeconomic and Demographic Perspectives on RCV in the Bay Area. John, S. & Tolbert, C. (2015).
https://fairvote.app.box.com/v/perspectives-on-rcv-bay-area
[11] Santa Fe Voters Support RCV and Have High Confidence in City Elections.FairVote. (2018).
https://fairvote.app.box.com/v/SantaFeExitReport
[12] Using Campaign Communications to Analyze Civility in RCV Elections. Kropf, M. (2021).
https://www.cogitatiopress.com/politicsandgovernance/article/view/4293

Recent research has found that RCV tends to result in greater election rates for women and candidates of color.[13][14] A FairVote report also found that voters of color are more likely to rank multiple candidates on their ballots.[15] **This has played out in practice in cities across the country – the first-ever majority-female City Council and second Black Mayor in New York City; the first all-female City Councils in Las Cruces, New Mexico and St. Paul, Minnesota and the first City Councils in Minneapolis and Salt Lake City that are majority people of color.**

RCV's simplicity, representative outcomes, and positive experience for voters have made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of private association elections, **RCV is fully constitutional, having been twice upheld in federal courts, including in the Ninth Circuit Court of Appeals in 2011 and in federal district courts in Maine in 2018 and 2020**. It is also widely used internationally, including in elections in Ireland and Australia.

The issue of RCV has come before the legislature in Maryland in previous years. However, the evidence has never been so strong that voters like RCV and engage with the ranked ballot, parties can produce strong nominees with RCV, and implementation is a smooth process.[16]

For example, 20 cities in Utah used RCV in 2021, 19 of them for the first time. This included large cities like Salt Lake City and smaller towns of only a few hundred voters. After a voter education campaign partially funded by the lieutenant governor's office, county clerks efficiently administered the RCV elections. Administrators released RCV results on election night alongside results from non-RCV races, including visualizations of the round-by-round results. **We saw similar fast, representative outcomes when more than 20 cities around the country used RCV last November.**

My colleagues at FairVote and allies at other organizations like RCV Maryland are available to answer any other questions from the committee or provide additional data. FairVote can also advise the legislature as it deems fit and be a resource for RCV implementation. You can reach me at rr@fairvote.org

Thank you for the opportunity to testify n support of HB 423..

Sincerely,

Rob Richie
Senior Advisor, FairVote

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[13] 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.

[14] 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

[15] RCV Elections Benefit Candidates and Voters of Color. Otis, D., Dell, N., Zawora, C., & Danaf, O. (2021) https://www.fairvote.org/report_rcv_benefits_candidates_and_voters_of_color

[16] Additional resources on RCV implementation are available from the RCV Resource Center at www.RCVReources.org.