



Testimony on HB 767 Relating to Elections

By Rob Richie, FairVote Action President, Feb. 12, 2021

Dear Chair Kaiser & members of the Maryland House Ways and Means Committee:

Thank you for this opportunity to explain FairVote's support for HB 767, a Montgomery County Delegation bill that would authorize the Montgomery County Council to adopt, by law, a ranked choice voting method or an approval voting method for elections for certain local offices.

This bill would mean that even in a crowded field, such as those often seen in primary elections in Montgomery County, a representative winner will be selected in the election without the risk of vote-splitting. All voters are able to participate in a single, decisive election. HB 767 is straightforward to implement with Maryland's current voting equipment and directly addresses the County has experienced with crowded fields.

FairVote Action is a national nonpartisan organization that educates and advocates for electoral system reforms that improve democracy in our elections. We work closely with FairVote, our 501-c-3 partner organization at FairVote.org, which I have led as executive director and now president and CEO since 1992. While based in Montgomery County, we are seen as the leading national resource on ranked choice voting (RCV).

In recent years, RCV has made major progress. Just in the past 12 months:

- 1) Five Democratic presidential primaries and caucuses relied on RCV ballots, including the Hawaii Democratic primary, with remarkably high (over 99.8%) rates of valid ballots and high voter use of rankings;
- 2) Maine and Alaska have adopted RCV for all future presidential elections, and Maine used it successfully in November 2020
- 3) All six cities voting on RCV passed it, by an average victory margin over 20%
- 4) Several new cities starting using RCV, including New York City for all its vacancy elections.

HB 767 would give Montgomery County the option to join these jurisdictions and improve elections by upholding the principles of majority rule and representative democracy. In RCV elections for an office like county executive, voters rank candidates in order of choice: their first choice, with an option to rank backup preferences as a

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second choice, third choice and so on. All first choices are counted with a value of one vote. 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 with RCV elections for one seats will always have a majority of the vote when matched head-to-head against their final opponent. These winners usually win the most first choices as well. When a winning candidate initially was in second, RCV has prevented an unfair outcome due to the majority splitting the vote. When electing more than one candidate with RCV, there are proven methods that are highly representative; voters in Albany (CA) approved such a system with 73% of the vote last year.

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 Appeal in 2011 and in federal district courts in Maine in 2018 and 2020. RCV is being used in one state and 21 cities, and will be used in the next election in a second state and at least eight more cities

In 2018, Maine became the first state to adopt RCV for use at the state and federal level, including in the seven-candidate Democratic primary and four-candidate Republican primary for governor in June and in the U.S. Senate and two U.S. House elections in November. (See results of one race on final page.) Despite RCV being introduced to voters without an appropriation for voter education, Maine voters responded well to the system. More votes were cast in the Democratic primary than any in state history, and voter turnout increased in November. The percentage of Maine voters who skipped the US Senate and U.S. House RCV races dropped sharply from recent elections for those offices without RCV, and voter error was miniscule -- more than 99.8% cast valid ballots. A Bangor Daily News exit survey found that more than 60% of voters want to keep RCV for congressional elections and a majority to extend it to governor; a huge majority of voters reported it was easy to vote with RCV.

This first use in Maine mirrors what we have seen elsewhere. As implementation of RCV becomes straightforward and candidates adjust to the new rules, RCV consistently works well. Among examples: 1) in San Francisco in June 2018, more city voters chose to cast an RCV ballot for mayor than a non-RCV ballot for governor and U.S. Senator;

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2) in Santa Fe's first use of RCV in March 2018, voter turnout was sharply up from its comparably contested mayoral election in 2014, 99.9% cast valid ballots, more than three in five voters ranked all five candidates, and RCV results were released on election night; 3) in Minneapolis, a comprehensive city staff report on the November 2017 election provided a range of evidence on how well voters are using RCV and that fewer than one in five voters would prefer not voting with RCV.

Scholarly research about older elections is encouraging as well. In 2013 and 2014 for example, the Rutgers-Eagleton poll conducted a study examining the experiences of voters in RCV and non-RCV cities in seven cities, including four in California. 84% of voters reported understanding RCV; indeed, more voters understood RCV thoroughly than they did plurality voting (limited to one preference). More voters also understood RCV than California's top two runoff system. Majorities of voters across all seven cities supported keeping their RCV system.

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 and use RCV well and the roadmap to implementing RCV smoothly and efficiently, as detailed by the Ranked Choice Voting Resource Center at RCV.Resources.org. RCV is an elegant, intuitive solution to the problems seen in crowded primary elections. It is proven in practice, with more communities interested in its benefits each year.

Limiting voters to one choice in crowded election fields in fact can be seen as a literal form of voter suppression. Consider that in high-profile races with RCV, nearly nine in ten voters will indicate at least a second choice as a backup -- like in the recent mayoral elections in Santa Fe and San Francisco and in the Democratic primary for governor in Maine, where more than three times as many voters chose to rank at least six of the seven candidates as chose to rank only one..

Thank you for this opportunity to testify, and please don't hesitate to contact me at rr@fairvote.org or (301) 270-4616 if you have any questions.

See links to:

- Report on use of [RCV ballots in 2020 presidential primaries, including Hawaii](#)
- Summary of [scholarly analysis of ranked choice voting](#)

Next Page: *Sample RCV ballot and election outcome from Maine elections in 2018*



Ranked Choice Voting Ballot: Maine Democratic 2018 Primary for Governor

Here is the ballot used in Maine for its Democratic primary election in the governor in 2018 that resulted in the nomination of Janet Mills. Turnout hit an all-time high, and more than three times as many voters chose to rank at least six candidates as only one.

Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	7th Choice	8th Choice
Cote, Adam Roland Sanford	0	0	0	0	0	0	0	0
Dion, Donna J. Biddeford	0	0	0	0	0	0	0	0
Dion, Mark N. Portland	0	0	0	0	0	0	0	0
Eves, Mark W. North Berwick	0	0	0	0	0	0	0	0
Mills, Janet T. Farmington	0	0	0	0	0	0	0	0
Russell, Diane Marie Portland	0	0	0	0	0	0	0	0
Sweet, Elizabeth A. Hallowell	0	0	0	0	0	0	0	0
Write-in	0	0	0	0	0	0	0	0

RCV Election Example: Maine Congressional Elections, 2018

Maine, 2nd U.S. House District Ranked choice Voting Election, November 2018			
Candidate	Round 1	Round 2	Round 3
Jared Golden Democrat	45.5%	46.2%	50.5%
	128,999 votes	130,182 votes	139,231 votes
Bruce Poliquin Republican	46.4%	47.1%	49.5%
	131,631 votes	132,505 votes	136,326 votes
Tiffany Bond Independent	5.7%	6.7%	Defeated
	16,260 votes	18,831 votes	
Will Hoar Independent	2.4%	Defeated	
	6,753 votes		