Testimony from:
Deb Otis

In SUPPORT of SB 878

March 14, 2023

Maryland Senate Committee on Education, Energy, and the Environment

Dear Committee Members,

I am writing to express FairVote Action's support for SB 878, the Maryland Voting Rights Act ("MDVRA").

FairVote Action is a national nonpartisan organization based in Silver Spring 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 serve as Director of Research and Policy.

This landmark legislation would address discrimination against voters of color in Maryland and immediately position Maryland as a national leader on protecting the right to vote. Despite Maryland's progressive reputation, many discriminatory barriers to equal participation still exist in the state for voters of color and voters whose first language is not English, particularly at the local level.

In addition, some local jurisdictions[1] still use at-large winner-take-all elections, which can empower a white majority to capture most or all seats, even where there is a substantial population of Black, Indigenous, and other voters of color. We believe that strong democracy is reflective democracy – that government should reflect the demographics of the electorate.

One of the reasons we support SB 878 is that it includes a provision to use proportional ranked choice voting (RCV) as an option to remedy violations of the voting rights protections affirmed in this Act. Proportional RCV is the gold standard for how to conduct legislative elections in the United States. It ensures both majority rule and fair representation, while giving voters more choices and a more empowering way to vote.

Proportional RCV advances descriptive representation and strengthens voting rights by preserving and enhancing the power of communities of color to elect candidates of their choice. It can be used in at-large elections, meaning one city-wide election can elect multiple representatives, or it can be used in multi-member districts, meaning each district in a city or in the state elects multiple representatives. In both cases, every community niche – be it racial, ethnic, religious, partisan, or bound together by some other characteristic that makes voters like-minded – has the power to elect a number of representatives proportional to the size of that community within the electorate as a whole. Proportional RCV is an ideal remedy

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[1] Some examples of municipalities that still have at-large election systems include Federalsburg in Caroline County, Aberdeen in Harford County, and La Plata in Charles County.

to state VRA violations because it protects minority communities that are too small or too diffuse to elect their preferred candidate in a single-winner district.

Proportional RCV has been used as a VRA remedy in other states in response to vote dilution lawsuits.[2] In addition, implementing ranked choice voting is a smooth and efficient process for remedying voting rights violations – far easier than the often long and expensive process of drawing or redrawing contentious maps of single-seat voting districts.[3]

Data from past RCV elections documents that voters understand RCV and find it easy to use. They like it, and they want to continue to use it after their first experience with it.

Ranked choice voting is in use in over 60 jurisdictions across the country, in which implementation and tabulation are smooth and efficient, with election results returned the same night or next day.

We commend the bill sponsors for including proportional RCV as a component of this bill and urge the committee to recommend passage.

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,

Deb Otis
Director of Research and Policy
FairVote Action

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[2] See "Case Study: Eastpointe, Michigan"
(https://fairvote.org/our-reforms/proportional-ranked-choice-voting-information/#case-study-eastpointe-michigan) and "State Voting Rights Acts"
(https://fairvote.org/our-reforms/proportional-ranked-choice-voting-information/#state-voting-rights-acts)
[3] See "Single-winner district shortcomings"
(https://fairvote.org/our-reforms/proportional-ranked-choice-voting-information/#singlewinner-district-shortcomingsnbsp)