



Opposition Statement SB383/HB215

Elections – Ranked-Choice Voting in Contests for Presidential Nomination and Certification of Election-Supporting Technology

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We Strongly Oppose Ranked Choice Voting

On behalf of the Board of Directors of Maryland Right to Life and our many chapters across the state, I object to HB215/SB383 and ask for your unfavorable report. This bill would undermine our elections by replacing the longstanding principle of “one person, one vote” with a contrived ranking system where voters cast votes for more than one candidate.

According to the Freedom Foundation, 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; and
- RCV does not foster positive campaigns or increase voter participation.

Ranked Choice Voting is Confusing

Political scientists Francis Neely and Jason McDaniel have 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.”¹ McDaniel explained that “it is highly likely that implementation of RCV will result in higher rates of ballot errors that cause individual ballots to be disqualified. These ballot errors will be concentrated among those portions of the electorate who are already most vulnerable to being underrepresented.”²

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."³ 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.⁴

RCV Undermines Principle of One-Person, One-Vote

Two political scientists, Ohio State University associate professor Vlad Kogan and Craig M. Burnett 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. 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 pair 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."⁵

RCV Lowers Voter Confidence in Elections

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."⁶

Following the 2018 race in Maine's second congressional District, Massachusetts Institute of Technology Political Science Department Ph.D. candidate Jesse 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."⁷ Clark concluded "[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. Furthermore, it lowers satisfaction in voting, as well as increases the belief that the rules are stacked against the voter and their party."⁸

RCV Disenfranchises Minority Voters

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 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.”⁹

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. 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.”¹⁰

New York City voters approved RCV in 2019. As the city transitioned to this system in 2021, prominent civil rights leaders sounded the alarm about the unique dangers RCV poses to communities of color. Several prominent African-American leaders in New York City rebuked RCV in strong terms. “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. Following the approval of RCV, Dukes continued to sound the alarm “Some progressive white folks got together in a room and thought this would be good, but it’s not good for our community.”¹¹ The New York State chapter of the NAACP joined a group of city officials in suing to preclude the Board of Elections from implementing RCV.¹²

RCV Does Not Increase Voter Confidence

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.¹³

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.

In the progressive bastion of Ann Arbor, Michigan, voters overwhelmingly repealed the city’s RCV’s system (then oftentimes referred to as preferential voting) with 61 percent in 1976.¹⁴

“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.” The *Michigan Daily* reported at the time.

In sum, Ranked Choice Voting 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, we urge your unfavorable report on House Bill 215/Senate Bill 383.

Original Source: Freedom Foundation of Minnesota, “*Ranked Choice Voting: A Risk Voters Shouldn't Take*”, 2021.

End Note Citations:

1 McDaniel, Jason, “Ranked Choice Voting Likely Means Lower Turnout, More Errors,” CATO-Unbound.org, Dec. 13, 2016. <https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-moreerrors>

2 McDaniel, Jason, “Ranked Choice Voting Likely Means Lower Turnout, More Errors,” CATO-Unbound.org, Dec. 13, 2016. <https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-moreerrors>

3 “Unger, Stephen H., Instant Runoff Voting: Looks Good--But Look Again,” Columbia.edu, March 26, 2007. <http://www1.cs.columbia.edu/~unger/articles/irv.html>

4 Unger, Stephen H., Instant Runoff Voting: Looks Good--But Look Again,” Columbia.edu, March 26, 2007. <http://www1.cs.columbia.edu/~unger/articles/irv.html>

5 Burnett Craig M. and Kogan, Vladimir, “Ballot (and voter) ‘exhaustion’ under Instant Runoff Voting: An examination of four ranked-choice elections,” Electoral Studies 37, p. 25, 2015. <https://cpb-us-w2.wpmucdn.com/u.osu.edu/dist/e/1083/files/2014/12/ElectoralStudies-2fupfhd.pdf>

6 Nielson, Lindsay, “Ranked Choice Voting and Attitudes toward Democracy in the United States: Results from a Survey Experiment,” Politics and Policy, Aug. 10, 2017. <https://onlinelibrary.wiley.com/doi/abs/10.1111/polp.12212>

7 Clark, Jesse, Rank Deficiency? Analyzing the Costs and Benefits of Single-Winner Ranked-Choice Voting, MIT Political Science Department Research Paper No. 2020-8, p. 1, Oct. 1, 2010. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3703197

8 Clark, Jesse, Rank Deficiency? Analyzing the Costs and Benefits of Single-Winner Ranked-Choice Voting, MIT Political Science Department Research Paper No. 2020-8, p. 30, Oct. 1, 2010. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3703197 37 McQueen, Gregg, “Vexed over Voting,” Manhattan

9 McDaniel, Jason “Ranked Choice Voting Likely Means Lower Turnout, More Errors,” CATO-Unbound.org, Dec. 13, 2016. <https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-moreerrors>

10 Written Testimony of Vignesh Ganapathy, Policy Director, American Civil Liberties Union of Kansas, Kansas Special Committee on Elections, Oct. 27, 2017. https://www.aclukansas.org/sites/default/files/field_documents/aclu_testimony_on_ranked_choice_voting.pdf

11 Rubinstein, Dana, Mays, Jeffrey C. and Fitzsimmons Emma G., “Why Some N.Y.C. Lawmakers Want to Rethink RankedChoice Voting,” The New York Times, Dec. 9, 2020. <https://www.nytimes.com/2020/12/09/nyregion/ranked-choice-lawsuit-voting.html>

12 Hicks, Nolan and Campanile, Carl, “NYC lawmakers sue to delay new ranked-choice voting system,” The New York Post, Dec. 9, 2020. <https://nypost.com/2020/12/09/new-york-pols-sue-to-delay-new-ranked-choice-voting-system/>

13 Fortin, Jacey, “Why Ranked-Choice Voting Is Having a Moment,” The New York Times, Feb. 10, 2020. <https://www.nytimes.com/2020/02/10/us/politics/ranked-choice-voting.html?searchResultPosition=2>

14 Alaska Policy Forum, The Failed Experiment of Ranked-Choice Voting, p.24, 2020. <http://alaskapolicyforum.org/wp-content/uploads/2020-10-APF-Ranked-Choice-Voting-Report.pdf>