

Testimony from:
Deb Otis

In SUPPORT of HB215

January 28, 2025
Maryland House of Delegates
Ways and Means Committee

Chairwoman Atterbeary and Members of the Ways and Means Committee,

I am writing to express FairVote Action's support for HB215, a bill that would allow political parties in Maryland to use ranked choice voting in their presidential primaries.

This bill will give parties the tools to run presidential primaries that are fairer and have outcomes that better represent the will of Marylanders. Further, this bill will: (1) help parties nominate more consistently viable candidates who bring their supporters together; (2) offer voters more choices on their ballots; (3) promote more positive, issues-focused campaigns; and (4) create a more level playing field for female candidates and candidates of color. But perhaps most importantly, HB215 will give all Marylanders the chance to have a stronger say in which presidential candidates appear on their ballot in November.

FairVote Action is a national nonpartisan organization based in Maryland 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 14 million voters in 51 jurisdictions across the U.S. use RCV in public elections. It is an increasingly popular, party-neutral electoral reform with successes including:

- Five Democratic presidential primaries and caucuses used RCV ballots in 2020. In 2024, voters in Maine used RCV ballots in both parties' presidential primaries, and the U.S. Virgin Islands Republican Party used RCV in its presidential primary.
- New York City held the largest citywide RCV races in U.S. history in its 2021 primaries. Its successful voter education campaign resulted in much higher voter participation than recent primaries, high use of rankings, and a low error rate. 95% of voters said voting with RCV was simple, and New York City successfully used RCV again in 2023.
- Alaska became the first state to elect its governor, state legislature, and federal offices using RCV. 84%¹ of Alaska voters said the system was simple to use and 60%² said it resulted in more competitive races than past elections.

¹ Exit Polling Shows Alaskans Found Ranked Choice Voting Simple. Alaskans for Better Elections. (2024). <https://www.alaskansforbetterelections.com/exit-polling-shows-alaskans-found-ranked-choice-voting-simple/>

² Polling Shows Alaskan Voters Received Clear Instructions on the System, Found Ranking to be "Simple," and saw more Competitive Races. Alaskans for Better Elections. (2022). <https://www.alaskansforbetterelections.com/polling-shows-alaskan-voters-received-clear-instructions-on-the-system-found-ranking-to-be-simple-and-saw-more-competitive-races/>

- Legislatures in 14 states have passed RCV bills since 2020, including “local options” legislation that allows municipalities in Maine, Utah, Virginia, and Colorado to begin using RCV.
- Voters have approved RCV ballot measures in 31 of the last 32 cities to vote on it, and in Maine and Alaska.

In a standard RCV election, voters may rank candidates in order of preference: first, second, third, 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. This process continues until one candidate wins a majority over their final opponent.

RCV 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.

RCV would be an ideal choice for both major parties in Maryland’s future presidential primaries. RCV lets primary voters navigate a crowded field, ensures every voter’s voice is heard even if their first-choice candidate withdraws just before the primary, and incentivizes presidential candidates to speak to issues important to Maryland voters in order to build the broadest coalition of support.

Most Republican presidential primaries chose a single winner who earns all of that state’s delegates. Most Democratic presidential primaries award delegates to all candidates who cross a certain threshold, typically 15% of the vote. RCV works well in both cases and the voter experience is the same.³

In the 2020 Democratic presidential primaries alone, nearly 3 million early voters in states without RCV cast ballots for candidates who had already withdrawn by the time ballots were counted. But several states used RCV to make more votes count.⁴

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. In 2024, voters in Maine used RCV ballots in presidential primaries for both parties, and the U.S. Virgin Islands GOP used RCV in its presidential caucus. These states found that RCV preserves key benefits of caucuses, like allowing voters to “realign” with a second choice if their first-choice candidate does not earn enough support to remain in the delegate race, while also modernizing the process with a primary that allows for greater participation.

Voters in these states took advantage of the opportunity to rank multiple candidates, made very few ballot errors, and turned out in large numbers.

Research confirms that 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

³ Ranked Choice Voting in 2020 Presidential Primary Elections. FairVote. (2020). Available at https://fairvote.org/report/ranked_choice_voting_in_2020_presidential_primary_elections/

⁴ Ranked Choice Voting in 2020 Presidential Primary Elections. FairVote. (2020). See above.

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,⁸ and 84% said RCV was “simple,” including supermajorities of every ethnic group.⁹

Voters not only find RCV easy to use, but they understand it intuitively, especially compared to other electoral reforms. Survey data shows that more voters understand RCV than the “top-two” systems used in California and Washington.¹⁰ Researchers have found no evidence of racial or ethnic differences in understanding of RCV.¹¹ Voter support for RCV tends to increase over time, as voters get more chances to use it.¹²

A median of 68% of voters choose to rank multiple candidates in RCV elections.¹³ In highly competitive or highly publicized elections, the rate is even higher. In 2024, for example, 85% of Portland voters ranked multiple candidates for mayor and 91% ranked multiple candidates for city council.¹⁴ In 2021, 89% of New York City voters ranked multiple candidates for mayor,¹⁵ of the 11% who did not rank, most said they only liked one candidate and didn’t want to rank anyone else.¹⁶

⁵ FairVote. 2024. Exit Surveys: Voters Love Ranked Choice Voting.
<https://fairvote.org/report/exit-surveys-report-2024/>

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 Exit Polling Shows Alaskans Found Ranked Choice Voting Simple. Alaskans for Better Elections. (2024).
<https://www.alaskansforbetterelections.com/exit-polling-shows-alaskans-found-ranked-choice-voting-simple/>

¹⁰ 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021).
<https://www.fairvote.org/2014-survey-results>

¹¹ 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>.

¹² The 2017 Municipal Election: An Analysis & Recommendations. Minneapolis City Council. (2018).
<https://lms.minneapolismn.gov/Download/RCAV2/4684/2017-Municipal-Election-Report.pdf>

¹³ Data on Ranked Choice Voting. FairVote. (2024).
https://www.fairvote.org/data_on_rcv#research_ballotuse

¹⁴ Ranked choice voting debuts in Portland: Vast majority ranked their ballots and elected a candidate of choice. FairVote. (2024).
<https://fairvote.org/ranked-choice-voting-debuts-in-portland-vast-majority-ranked-their-ballots-and-elected-a-candidate-of-choice/>

¹⁵ Voter Analysis Report: 2021 - 2022. NYC Campaign Finance Board. (2022).
<https://www.nyccfb.info/media/reports/voter-analysis-report-2021-2022/>

¹⁶ Common Cause/NY + Rank the Vote Release Exit Poll on Ranked Choice Voting in Bronx, Queens Special Elections. Common Cause of New York. (2021).
<http://readme.readmedia.com/Common-Cause-NY-Rank-the-Vote-Release-Exit-Poll-on-Ranked-Choice-Voting-in-Bronx-Queens-Special-Elections/17727309>

Research shows that RCV also 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,¹⁷ voters in RCV cities perceive less negativity compared to voters in non-RCV cities,^{18,19} and newspaper articles in RCV cities are more positive than in non-RCV cities.²⁰

RCV is particularly well-suited for elections with crowded fields, like those often seen in primary elections in Maryland. RCV ensures that elections are won with majorities without the need for costly runoff elections – where turnout drops by a median of 41%.²¹

Most RCV winners are ranked among the top 3 choices by two-thirds of voters or more.²² This demonstrates a measure of broad consensus among voters. Winners of RCV races usually earn the most first choices as well. When the winner is someone other than the leader in first-choice preferences, RCV has prevented an unfair outcome due to the majority splitting the vote.

Importantly, RCV addresses the problems of vote-splitting and “spoiler” candidates that sometimes result in election winners who lack majority support. In our current system, a majority of voters may support a particular ideology or party, but split their votes among candidates who support that ideology – allowing a candidate to win with a *minority* of the vote. This feature can benefit voters and candidates in both primary and general elections.

For example, 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.^{23,24} Had RCV been used in those states, voters could have ranked the Green candidate 1st and then ranked either the Democratic or Republican candidate as their 2nd choice. Their votes would not be “wasted.” Instead, they would count for a backup-choice candidate who represents their values, rather than accidentally helping elect the candidate who *least* represents their values. The spoiler problem became relevant in the 2024 presidential election as well – with these concerns raised about Robert F. Kennedy, Jr.; Jill Stein; and a possible “No Labels” candidate throughout the campaign.

¹⁷ 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

¹⁸ 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>

¹⁹ Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections. FairVote. (2018). <https://fairvote.app.box.com/v/SantaFeExitReport>

²⁰ Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). <https://www.cogitatiopress.com/politicsandgovernance/article/view/4293>

²¹ Primary Runoff Elections and Decline in Voter Turnout, 1994-2024. Fitzgerald, B. and Hutchinson, R. (2024)

<https://fairvote.org/report/low-turnout-and-high-cost-in-primary-runoffs-1994-2024/>

²² Data on Ranked Choice Voting. FairVote. (2024).

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

²³ Presidential election in Michigan, 2016. Ballotpedia.

https://ballotpedia.org/Presidential_election_in_Michigan_2016

²⁴ 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=E=>

Recent research has found that RCV tends to result in greater election rates for women and candidates of color.^{25,26,27} A 2024 FairVote report also found that voters of color are more likely to rank multiple candidates on their ballots.²⁸

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; 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 where 90% of councilors are women 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.

The issue of RCV has come before the legislature in Maryland 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.^{29,30} In most cities using RCV, preliminary results are produced on election night or the day after – the same timeline as in single-choice elections.

For example, Boulder, Colorado successfully used RCV to elect its mayor for the first time in 2023. Boulder election administrators communicated with voters, the media, and stakeholders about what to expect; released RCV results on election night with visualizations of the round-by-round results; and performed a risk-limiting audit. The winner in the RCV mayoral race was called before the winners in Boulder's plurality city council races – directly contradicting some opponents' claims that RCV contests take longer to count or call. 86% of Boulder voters said it was easy to complete their ballot, and 77% said they were satisfied with their voting experience.³¹ Following the election in Boulder, Colorado Gov. Jared Polis endorsed RCV – citing how smooth the process was.³²

²⁵ 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

²⁶ 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>

²⁷ Election Reform and Women's Representation: Ranked Choice Voting in the U.S. 2021. Terrell, C., Lamendola, C., & Reilly, M. <https://www.cogitatiopress.com/politicsandgovernance/article/view/3924/3924>

²⁸ 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/>

²⁹ Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVResources.org.

³⁰ 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>

³¹ Boulder Ranked Choice Voting. Citizen Data. (2023) <https://drive.google.com/file/d/19Jz5dUo5JYv2kq9Hb8AQM11J57sW1ytz/view>

³² Colorado Governor Jared Polis endorses ranked choice voting. Oberstaedt, M. (2023) <https://fairvote.org/colorado-governor-jared-polis-endorses-ranked-choice-voting/>

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, and I hope you'll support HB215.

Sincerely,

A handwritten signature in black ink that reads "Deb Otis". The script is fluid and cursive, with the first letters of "Deb" and "Otis" being capitalized and prominent.

Director of Policy and Research at FairVote Action