

THE  
MAINE HERITAGE  
POLICY CENTER

*We the people of Maine*

ADAM CREPEAU AND LIAM SIGAUD

# A FALSE MAJORITY

| The Failed Experiment of  
| Ranked-Choice Voting

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# **A FALSE MAJORITY:**

*The Failed Experiment of Ranked-Choice Voting*

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## INTRODUCTION

In 2016, Maine launched a bold experiment by becoming the first state to adopt ranked-choice voting, otherwise known as instant run-off voting. Several municipalities have experimented with ranked-choice voting for more than a decade. For example, the City of San Francisco, California has been using ranked-choice voting since 2004.<sup>[1]</sup> Because this voting system has been used in municipalities nationwide, The Maine Heritage Policy Center was able to compile results from 96 elections in the U.S. that triggered ranked-choice voting. Put differently, these election results were compiled from 96 races where more than one round of tabulation occurred.

Using this data, we can examine and draw conclusions about ranked-choice voting and compare Maine’s recent experience with other jurisdictions to identify patterns. The goal of this report is to analyze the history, claims and mechanisms of ranked-choice voting in an attempt to understand how the system works, its merits and shortcomings, and how it compares to plurality elections and other voting systems. This report also intends to help lawmakers and the public decide if ranked-choice voting is right for Maine and other states.

## HOW DOES RANKED-CHOICE VOTING WORK?

In contrast to plurality elections where voters select a single candidate and the candidate with the most votes wins, ranked-choice voting gives voters the option to rank-order candidates on their ballots. For example, in the 2018 race for Maine’s Second Congressional District, voters could have ranked up to five candidates, including a write-in, on their ballots.

Rep. to Congress District 2	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
<b>Bond, Tiffany L.</b> Portland Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Golden, Jared F.</b> Lewiston Democratic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Hoar, William R.S.</b> Southwest Harbor Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Poliquin, Bruce</b> Oakland Republican	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Write-in</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Source: Maine Secretary of State

If a candidate receives more than 50 percent of first-place votes, they are declared the winner of the election. However, oftentimes one candidate does not receive a majority of the votes

<sup>[1]</sup>FairVote.org. "Ranked Choice Voting in US Elections." FairVote. Accessed July 23, 2019. [https://www.fairvote.org/rcv\\_in\\_us\\_elections](https://www.fairvote.org/rcv_in_us_elections).

cast on Election Day. When this occurs, the candidate(s) who do not stand a mathematical chance of winning are eliminated from contention, and additional rounds of tabulation occur until a candidate receives a majority of the remaining votes. In Maine’s 2018 Second Congressional District election, both William Hoar and Tiffany Bond were eliminated from contention after the first round of tabulation, and the ballots that listed them as a voter’s first choice were then awarded to the candidate listed as the voter’s next choice. This recurs until a candidate receives over 50 percent of the remaining, non-exhausted ballots. In Maine’s 2018 Second Congressional District election, only two rounds of tabulation were needed to declare a winner. However, races with a large field of candidates can require many rounds of tabulation. Regardless, most ranked-choice voting elections that have more than one round of tabulation produce exhausted ballots.

**What is an Exhausted Ballot?**

An exhausted ballot occurs when a voter overvotes, undervotes, or ranks only candidates that are mathematically eliminated from contention. Because these votes are not tabulated in the final round, their ballot does not influence the election after it becomes exhausted. For example, if a ballot becomes exhausted in round four of an election that necessitates 20 rounds of tabulation, the voter’s ballot is not included in the final tally; it is as if they never showed up on Election Day. Below are definitions for each type of exhausted ballot:

**Overvote**

An overvote occurs when a voter marks two candidates in a single column/rank. For example, if a voter marked both Candidate A and Candidate B as their first choice, their ballot would not count in the election. Likewise, if a voter correctly ranked their first choice but marked two candidates in the following column, only their first choice would be tabulated.

Rep. to Congress District 2	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
<b>Bond, Tiffany L.</b> Portland Independent	●	○	○	○	○
<b>Golden, Jared F.</b> Lewiston Democratic	○	○	○	○	○
<b>Hoar, William R.S.</b> Southwest Harbor Independent	●	○	○	○	○
<b>Poliquin, Bruce</b> Oakland Republican	○	○	○	○	○
<b>Write-in</b>	○	○	○	○	○

Source: Maine Secretary of State, The Maine Heritage Policy Center

**Undervote**

An undervote occurs when a voter skips two or more columns or rankings. For example, if a voter picked Candidate A as their first choice, skipped their second and third choice and

selected another candidate as their fourth choice, their ballot would not count in the election after the first round.

Rep. to Congress District 2	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
<b>Bond, Tiffany L.</b> Portland Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Golden, Jared F.</b> Lewiston Democratic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Hoar, William R.S.</b> Southwest Harbor Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Poliquin, Bruce</b> Oakland Republican	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Write-in</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Source: Maine Secretary of State, The Maine Heritage Policy Center

### Exhausted Choices

An exhausted choice occurs when a voter ranks only candidates that are eliminated from contention. For example, a voter may only rank candidates A and B, even if they are eventually eliminated after round one of tabulation.

Rep. to Congress District 2	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
<b>Bond, Tiffany L.</b> Portland Independent	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Golden, Jared F.</b> Lewiston Democratic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Hoar, William R.S.</b> Southwest Harbor Independent	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>Poliquin, Bruce</b> Oakland Republican	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Write-in</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Source: Maine Secretary of State, The Maine Heritage Policy Center

For the purpose of this report, the distinction between exhausted ballots in the first round of tabulation and the rest of the election merits clarification. In this report, we do not consider overvotes and undervotes in the first round of tabulation as “exhausted votes”

because voters could make the same mistake on a ballot in an election decided by plurality. In other words, votes that are exhausted in the second and subsequent rounds of tabulation are purely a consequence of using ranked-choice voting. Thus, this report will focus on and isolate those exhausted ballots when considering elections in Maine and across the United States.

## **A BRIEF HISTORY OF RANKED-CHOICE VOTING IN MAINE**

For those who have not followed Maine politics closely, the transformation of our voting system over the last three years can be confusing. Here's how it all started and how we got to the current state of ranked-choice voting.

The concept of ranked-choice voting is not new to Maine. In fact, proposals to overhaul our plurality voting system in favor of an instant run-off system were proposed in the legislature long before the 2016 ballot initiative put the issue before voters. The first bill related to an instant run-off system or ranked-choice voting was LD 1714, proposed in the 120<sup>th</sup> Legislature in 2001.<sup>[2]</sup> Subsequently, the Committee on Veterans and Legal Affairs voted "Ought Not to Pass" on LD 1714 and it was defeated. While LD 1714 died, it gave the idea of ranked-choice voting inertia in the State of Maine.

During the 121<sup>st</sup> Maine Legislature, lawmakers directed the Secretary of State to conduct a feasibility study of instant run-off elections in Maine and report back to the Committee on Veterans and Legal Affairs in January 2005.<sup>[3]</sup> The report concluded that the voting method required further study before being implemented in Maine.<sup>[4]</sup> Several additional bills to implement an instant run-off system were proposed between 2005 and 2013, all of which failed to pass the legislature.<sup>[5]</sup>

In October 2014, ranked-choice voting proponents received authorization from the Secretary of State to collect signatures for the initiative that would appear on the ballot in 2016. Approximately one year later, proponents of ranked-choice voting presented 64,687

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<sup>[2]</sup> Summary of LD 1714, 2001, , accessed July 23, 2019, <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280003440>; Dunlap, Matthew. "A Timeline of Ranked-choice Voting in Maine." Maine Secretary of State. 2018. Accessed July 23, 2019. <https://www.maine.gov/sos/cec/elec/upcoming/pdf/rcvtimeline.pdf>.

<sup>[3]</sup> "Resolve, Directing the Secretary of State To Study the Feasibility of Instant Run-off Voting." Maine Legislature. April 1, 2004. Accessed July 23, 2019. [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=212&PID=1456&snum=121](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=212&PID=1456&snum=121).

<sup>[4]</sup> "Report on the Feasibility of Instant Runoff Voting (IRV)." Maine Legislature. January 15, 2005. Accessed July 23, 2019. [http://lldc.mainelegislature.org/Open/Rpts/jk2890\\_m32\\_2005.pdf](http://lldc.mainelegislature.org/Open/Rpts/jk2890_m32_2005.pdf).

<sup>[5]</sup> Dunlap, Matthew. "A Timeline of Ranked-choice Voting in Maine." Maine Secretary of State. 2018. Accessed July 23, 2019. <https://www.maine.gov/sos/cec/elec/upcoming/pdf/rcvtimeline.pdf>.

valid signatures to the Secretary of State, more than the 61,123 threshold necessary to receive ballot access at that time.<sup>[6]</sup>

The Secretary of State subsequently released the official ballot question and decided the initiative would appear as Question 5 on the ballot in November 2016, which stated:

*“Do you want to allow voters to rank their choices of candidates in elections for U.S. Senate, Congress, Governor, State Senate, and State Representative, and to have ballots counted at the state level in multiple rounds in which last-place candidates are eliminated until a candidate wins by majority?”*

Maine voters decided to adopt the new voting system on November 8, 2016. The vote tally was 388,273 in favor and 356,621 in opposition to the initiative.<sup>[7]</sup> Despite its approval by voters at the ballot box, the legislature felt compelled to intervene by fixing parts of the law that some felt were unconstitutional.

Since its inception, opponents of the 2016 initiative, including The Maine Heritage Policy Center, had raised constitutional concerns over changes it made to how elections would be decided. In February 2017, the Maine State Senate requested an advisory opinion from the Maine Supreme Judicial Court on the constitutionality of ranked-choice voting in state-level general election races, specifically for the offices of governor, state senator and state representative. The Maine Heritage Policy Center and other interested parties submitted briefs regarding their perspective on the constitutionality of ranked-choice voting to the Court. In response, the Maine Supreme Judicial Court, determining they had a “solemn occasion,” issued an advisory opinion concluding that the use of ranked-choice voting for state-level general election races is incompatible with the Maine Constitution.<sup>[8]</sup> The Maine Constitution dictates that candidates for governor, state senator, and state representative win their elections if they receive a plurality of the total votes cast. Thus, the use of ranked-choice voting is unconstitutional for state-level general election races because it could prevent the candidate who first receives a plurality of the votes from winning the election.

In response to the Maine Supreme Judicial Court’s advice, the legislature in October 2017 passed LD 1646, which sought to delay the implementation of ranked-choice voting until

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<sup>[6]</sup>“Determination of the Validity of a Petition for Initiative Legislation Entitled: “An Act to Establish Ranked-choice Voting”.” Maine Secretary of State. November 18, 2015. Accessed July 23, 2019. <https://www.maine.gov/sos/news/2015/Ranked Choice DECISION.pdf>.

<sup>[7]</sup> “2016 General/Referendum Election Results.” Maine Secretary of State. 2016. Accessed July 23, 2019. <https://www.maine.gov/sos/cec/elec/results/2016/referendum16.xlsx>.

<sup>[8]</sup>“OPINION OF THE JUSTICES OF THE SUPREME JUDICIAL COURT GIVEN UNDER THE PROVISIONS OF ARTICLE VI, SECTION 3 OF THE MAINE CONSTITUTION Docket No. OJ-17-1.” Maine Supreme Judicial Court. 2017. Accessed July 23, 2019. [https://www.courts.maine.gov/opinions\\_orders/supreme/lawcourt/2017/17me100.pdf](https://www.courts.maine.gov/opinions_orders/supreme/lawcourt/2017/17me100.pdf).

2021 and repeal the system unless the Maine Constitution was amended to comply with the original language of the 2016 initiative.<sup>[9]</sup> This spurred proponents of ranked-choice voting to collect signatures for a People's Veto aimed at overturning parts of LD 1646, ultimately allowing it to apply only to primary elections and general elections for federal offices. In doing so, ranked-choice voting proponents sidestepped the constitutionality concerns raised by the Court. The People's Veto prevailed at the ballot box on June 12, 2018, with 149,900 voting in support and 128,291 voting in opposition to the measure.<sup>[10]</sup>

Thus, the State of Maine currently utilizes ranked-choice voting for all federal and primary elections, with the exception of presidential elections. Because the first version of the law was incompatible with the Maine Constitution, the legislature submitted proposals to amend Articles IV and V, which establish that Maine must elect candidates in races for governor, state representative, and state senator via a plurality.<sup>[11]</sup> LD 1196, a bill to amend the Maine Constitution, failed with an "Ought Not to Pass" report out of committee in April 2019.<sup>[12]</sup> This bill would have required candidates to be elected with a majority of votes cast in an election for governor, state senator, and state representative. While LD 1196 was defeated, similar proposals are likely to be introduced in the future.

The State of Maine currently uses two different voting systems and is at a crossroads in deciding how candidates should be elected. Will the state legislature and the people of Maine change the Constitution of Maine to apply ranked-choice voting to all state-level elections, keep the current system, or repeal the new voting method altogether?

## **VOTER CONFUSION AND INFORMATION DEFICITS**

In a plurality election, the choice facing voters is simple: Of all the candidates running, whom do you prefer?

Ranked-choice voting entails a much more complicated — and somewhat artificial — decision. To fully participate, voters must rank-order all of the candidates. In contrast to run-off elections, voters do not get the benefit of evaluating candidates as they face-off one-on-

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<sup>[9]</sup>"An Act To Implement Ranked-choice Voting in 2021." Maine Legislature. November 4, 2017. Accessed July 23, 2019. <https://legislature.maine.gov/ros/LawsOfMaine/breeze/Law/getDocById/?docId=59538>.

<sup>[10]</sup> "2018 Special Referendum Election Results." Maine Secretary of State. 2018. Accessed July 23, 2019. <https://www.maine.gov/sos/cec/elec/results/2018/referendum618.xlsx>

<sup>[11]</sup> "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting." Maine Legislature. March 12, 2019. Accessed July 23, 2019. <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0371&item=1&snum=129>.

<sup>[12]</sup>Ibid.



one. In Maine, voter confusion was so pervasive that proponents of ranked-choice voting felt the need to publish a 19-page instruction manual to help voters navigate the process.<sup>[13]</sup>

This inherent feature of ranked-choice voting is problematic because it demands that voters have a large amount of information about candidates' differing views. The fact is that most Maine voters, like most voters in any election, do not follow political races closely enough to meaningfully rank candidates in contests with more than three or four candidates. Yet, in order to avoid losing influence in a ranked-choice voting election, a voter must rank each and every candidate. A voter, even one without strong feelings for or against certain candidates, may feel pressured to rank them anyway based on little more than random chance. It is impossible to know exactly how many voters in ranked-choice elections feel this way since nothing can be inferred from how they filled out their ballot, but this phenomenon is likely common.

It is well-documented that American voters often lack basic information about candidates' policy positions. A Pew Research Center survey conducted shortly before the 2016 presidential election revealed that a significant proportion of registered voters knew little or nothing about where the two major candidates stood on key issues.<sup>[14]</sup> For instance, 48 percent of Hillary Clinton voters knew a lot about her positions, 32 percent knew some, and 18 percent knew not much or nothing. Knowledge about Donald Trump's stances was even lower: 41 percent of Trump voters knew a lot about his positions, 27 percent knew some, and 30 percent knew little or nothing.<sup>[15]</sup> In 2018, a poll found that 34 percent of registered Republican voters and 32.5 percent of registered Democratic voters said they did not even know the names of their party's congressional candidates in their districts.<sup>[16]</sup>

In other words, tens of millions of Americans enter the voting booth knowing virtually nothing about the policy stance of the candidates. It seems unlikely that they could confidently rank five, ten, or more candidates based on a sound assessment of their platforms. A 2014 study conducted in California provides additional reasons to be skeptical that ranked-choice voting functions in practice as its proponents predict.<sup>[17]</sup> The study found voters are "largely ignorant about the ideological orientation of candidates, including

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<sup>[13]</sup> "Voting in Maine's Ranked Choice Election." Town of Wiscasset. 2018. Accessed July 23, 2019.

<https://www.wiscasset.org/uploads/originals/rankchoicevoting.pdf>.

<sup>[14]</sup> Oliphant, J. Baxter, and J. Baxter Oliphant. "Many Voters Don't Know Where Trump, Clinton Stand on Issues." Pew Research Center. September 23, 2016. Accessed July 24, 2019. <https://www.pewresearch.org/fact-tank/2016/09/23/ahead-of-debates-many-voters-dont-know-much-about-where-trump-clinton-stand-on-major-issues/>.

<sup>[15]</sup> Ibid.

<sup>[16]</sup> "What's in a Name? One-third of US Voters Don't Know Candidates." CNBC. October 03, 2018. Accessed July 24, 2019. <https://www.cnn.com/2018/10/03/one-third-of-us-voters-dont-know-candidates-reutersipsos-poll.html>.

<sup>[17]</sup> Ahler, Douglas, Citrin, Jack, Lenz, and Gabriel S. "Why Voters May Have Failed to Reward Proximate Candidates in the 2012 Top Two Primary." California Journal of Politics and Policy. January 15, 2015. Accessed July 24, 2019. <https://escholarship.org/uc/item/9714j8pc>.

moderates..."<sup>[18]</sup> This information deficit is already a concern in plurality contests and is greatly magnified in ranked-choice voting elections when voters are asked to rank more than a single candidate.

Less knowledgeable voters are more likely to rank fewer candidates, potentially denying them influence over the election outcome. Giving knowledgeable voters more electoral influence may be defensible as a matter of political philosophy, but it is surely not the intent behind Maine's adoption of ranked-choice voting.

The 2018 Maine Democratic gubernatorial primary provides a good example of the practical challenges this poses to voters in ranking their preference in a large field of candidates. There were seven candidates on the ballot in this race and more than seven percent of the ballots were exhausted by the end of the fourth round of tabulation.<sup>[19]</sup> Another example is the 2011 mayoral race in Portland, where ranked-choice voting was used and 15 candidates appeared on the ballot. In this race, voters had 15 choices and almost 18 percent of the votes were exhausted before a winner was determined.<sup>[20]</sup>

When we examined the 96 ranked-choice voting races in our sample from across the nation, our analysis found an average of 10.92 percent of ballots cast are exhausted by the final round of tabulation. This phenomenon can be seen in Figure 1.

When presented with a ranked-choice voting ballot, many voters do not rank every candidate, potentially due to insufficient information about the candidates or confusion about how ranked-choice voting works. Exhausted ballots are a serious problem under ranked-choice voting, as they systematically reduce the electoral influence of certain voters. A study in 2014 reviewed more than 600,000 ballots in four municipal ranked-choice voting elections from around the country and found ballot exhaustion to be a persistent and significant feature of these elections.<sup>[21]</sup> The rate of ballot exhaustion in that study was high in each election, ranging from 9.6 percent to 27.1 percent.

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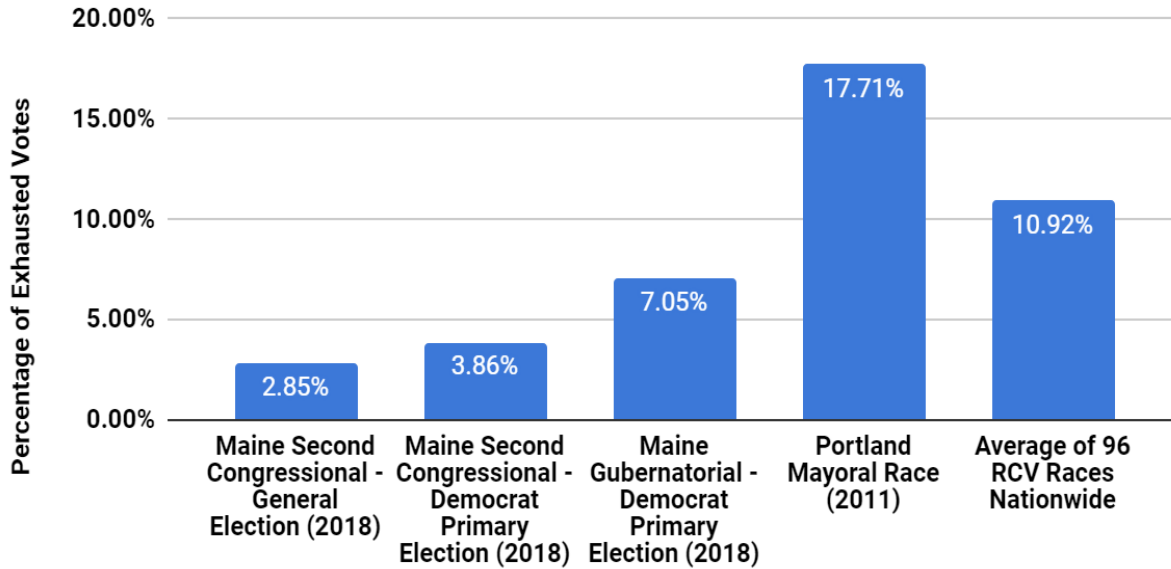
<sup>[18]</sup> Ibid.

<sup>[19]</sup> "2018 General Election Results." Maine Secretary of State. 2018. Accessed July 23, 2019. <https://www.maine.gov/sos/cec/elec/results/results18.html#Nov6>

<sup>[20]</sup> Portland, Maine 2011 Mayoral Election Results. FairVote. 2011. Access July 23, 2019. <https://www.slideshare.net/kkellyfv/portland-me-2011-mayoral-election-graphs-1>

<sup>[21]</sup> Burnett, Craig M., and Vladimir Kogan. "Ballot (and Voter) "exhaustion" under Instant Runoff Voting: An Examination of Four Ranked-choice Elections." Electoral Studies. November 18, 2014. Accessed July 24, 2019. <https://www.sciencedirect.com/science/article/pii/S0261379414001395>.

**Figure 1: Percentage of Exhausted Votes in Ranked-Choice Elections (Maine and Nationally)**



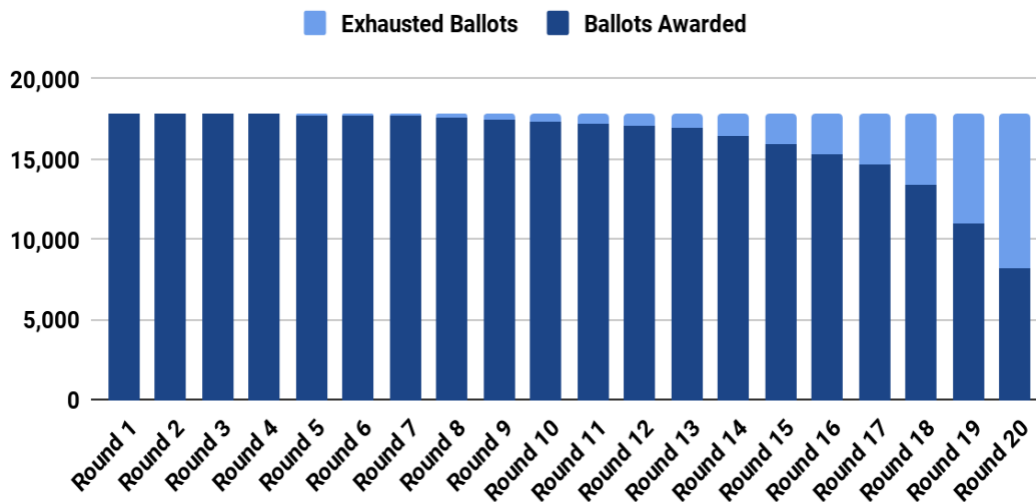
Source: Maine Secretary of State, The Maine Heritage Policy Center

While exceedingly rare, ranked-choice voting races can create more exhausted ballots than ballots that are awarded to the winner of an election. For example, the 2010 election for San Francisco’s Board of Supervisors in District 10 resulted in 9,608 exhausted ballots whereas the prevailing candidate only received 4,321 votes.<sup>[22]</sup> More striking, there were more than 1,300 more ballots that were exhausted than were awarded to a candidate at the end of the 20<sup>th</sup> round of tabulation.<sup>[23]</sup> This phenomenon is illustrated in Figure 2.

<sup>[22]</sup>"Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 10." City of San Francisco. 2011. Accessed July 23, 2019. <https://sfelections.org/results/20101102/data/d10.html>.

<sup>[23]</sup>Ibid.

**Figure 2: Exhausted Ballots in San Francisco's Board of Supervisors Election - District 10 (2010)**



Source: City of San Francisco, Department of Elections

### Voter Disenfranchisement

Of particular significance for Maine, research has found that jurisdictions with higher proportions of older voters are more likely to report ballot-marking mistakes.<sup>[24]</sup> Maine is the oldest state in the nation with a median age 44.6 years of age.<sup>[25]</sup>

Similarly, in San Francisco’s 2004 ranked-choice voting election, a study conducted by FairVote, a proponent of ranked-choice voting, found that “the prevalence of ranking three candidates was lowest among African Americans, Latinos, voters with less education, and those whose first language was not English.”<sup>[26]</sup> In the races examined in FairVote’s study, the ballots had three columns for voters to rank their candidates of choice. African Americans, Latinos, voters with less education, and those whose first language was not English disproportionately did not utilize their ballot to the fullest extent possible. More specifically, only 50 percent of African Americans and 53 percent of Latinos ranked three candidates whereas 62 percent of whites ranked a candidate in all three columns.

<sup>[24]</sup>Cook, Corey, and David Latterman. "Ranked Choice Voting in the 2011 San Francisco Municipal Election: Final Report." The University of San Francisco. 2011. Accessed July 23, 2019. [https://repository.usfca.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1002&context=mccarthy\\_fac](https://repository.usfca.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1002&context=mccarthy_fac).

<sup>[25]</sup>"Northern New England States Still the Oldest." U.S. News & World Report. September 14, 2018. Accessed July 24, 2019. <https://www.usnews.com/news/best-states/maine/articles/2018-09-14/northern-new-england-states-still-the-oldest>.

<sup>[26]</sup>Neely, Francis, Lisel Blash, and Corey Cook. "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election Final Report." FairVote. May 2005. Accessed July 23, 2019. [http://archive.fairvote.org/sfrcv/SFSU-PRI\\_RCV\\_final\\_report\\_June\\_30.pdf](http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf).

When individuals leave columns blank on their ballots and the candidate(s) they vote for are eliminated from contention, their ballot is not counted in the final tabulation. Therefore, if these voters only choose one candidate on their ballot, it is more likely to become exhausted, thereby giving those who fully complete their ballot more influence over the electoral process. In other words, African Americans, Latinos, voters with less education, and those whose first language is not English are more likely to be disenfranchised with a ranked-choice voting system.

Further, in his analysis of San Francisco elections between 1995 and 2001, Jason McDaniel, an associate professor at San Francisco State University, found that ranked-choice voting is likely to decrease voter turnout, primarily among African Americans and white voters.<sup>[27]</sup> McDaniel also found that ranked-choice voting increases the disparity between “those who are already likely to vote and those who are not, including younger voters and those with lower levels of education.”<sup>[28]</sup> In short, the complexity of a ranked-choice ballot makes it less likely that disadvantaged voices will be fully heard in the political and electoral process.<sup>[29]</sup>

One key question is whether the rate of ballot exhaustion declines as ranked-choice voting becomes an accepted practice in a jurisdiction and voters become acclimated to it. Evidence suggests that, although mistake rates may decline slightly over time, ranked-choice voting produces consistently higher proportions of exhausted ballots than plurality elections. When we examined races in San Francisco, the data showed inconsistent results — some districts showed higher rates of exhausted ballots over time while others realized a decline. In Australia, which has used ranked-choice voting in its legislative elections for more than a century, officials still report a much higher rate of invalid ballots than comparator countries like the United States.<sup>[30]</sup>

While confusion at the ballot box is difficult to quantify, the large percentage of exhausted ballots after the first round of tabulation in ranked-choice voting elections is troubling. It is clear that plurality elections do not elicit as many exhausted ballots. In addition, it is easier for voters to understand and participate in plurality elections. In short, policymakers should make voting as simple as possible and strive to increase engagement in our electoral process.

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<sup>[27]</sup> McDaniel, Jason. “Ranked Choice Voting Likely Means Lower Turnout, More Errors.” Cato Unbound. December 13, 2016. Accessed July 23, 2019.

<sup>[28]</sup> Ibid.

<sup>[29]</sup> Ibid.

<sup>[30]</sup> “Spoilage and Error Rates with Range Voting versus Other Voting Systems.” RangeVoting.org - Experimental Ballot Spoilage Rates for Different Voting Systems. Accessed July 24, 2019. <https://rangevoting.org/SPRates.html>.

# CLAIMS MADE BY PROPONENTS OF RANKED-CHOICE VOTING

Too often, proponents of ballot initiatives advance lofty claims to win support at the ballot box. Question 5 was no different when it achieved ballot access for the 2016 general election. Below are some of the claims made by proponents of ranked-choice voting and how they measure up to the data.

## CLAIM 1: A CANDIDATE NEEDS A MAJORITY TO WIN

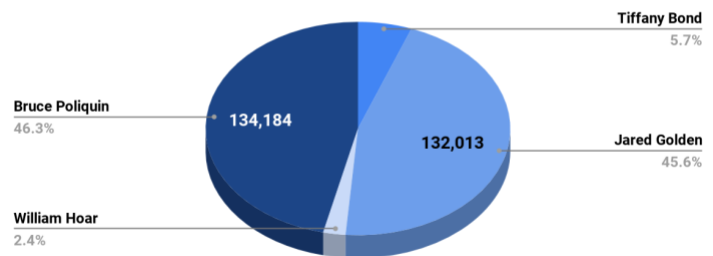
Proponents of ranked-choice voting often claim that “in a ranked-choice election, a candidate needs to earn more than half of the votes to win.”<sup>[31]</sup> While this might seem logical based on the sequence of events in a ranked-choice election, it does not always hold true. In fact, a candidate in Maine has already prevailed in a ranked-choice election without receiving a true majority of the votes cast.

In Maine’s 2018 Second Congressional District election, incumbent Bruce Poliquin won a plurality (46.33 percent) in the first round of voting. Because the election was governed by ranked-choice voting and Poliquin had not earned more than 50 percent of the votes cast, a second round of tabulation was conducted and the candidates who could not mathematically win were eliminated from contention.

In the second round, Jared Golden secured victory after he gained enough votes from the eliminated candidates to eclipse Poliquin's lead. However, in this case, “majority” is a misnomer. In reality, Golden prevailed with only 49.18 percent of the total votes cast in the election. This phenomenon is due to the number of ballots that were exhausted during the reallocation of votes from William Hoar

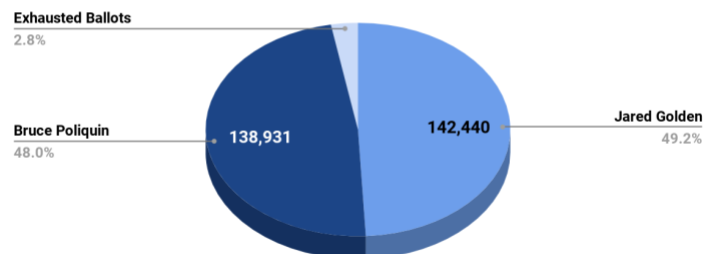
**Figure 3: 2nd Congressional District Ranked-Choice Voting (Round 1)**

Source: Maine Secretary of State



**Figure 4: 2nd Congressional District Ranked-Choice Voting (Round 2)**

Source: Maine Secretary of State



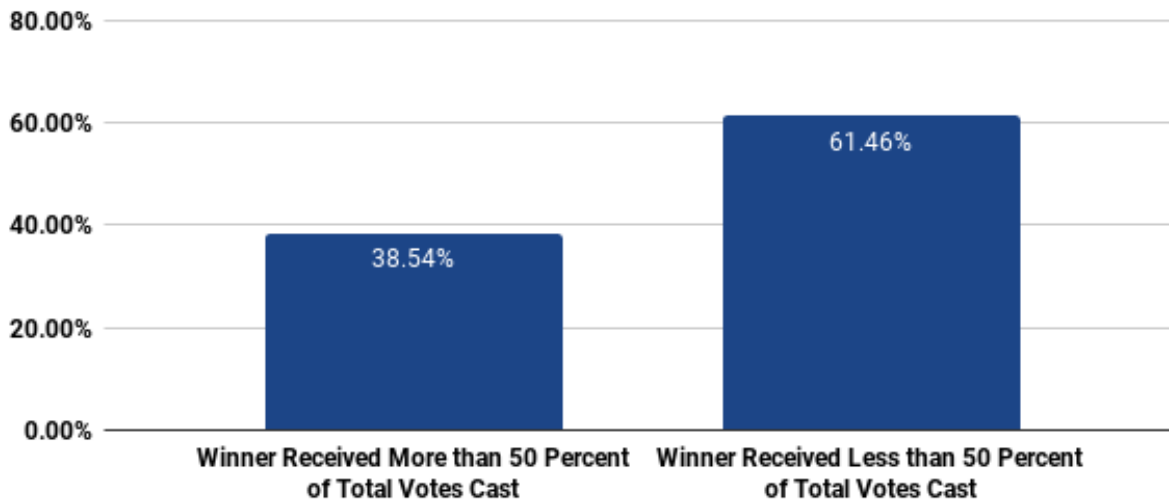
<sup>[31]</sup>FairVote.org. "Benefits of Ranked Choice Voting." FairVote. Accessed July 24, 2019. <https://www.fairvote.org/rcvbenefits>.

and Tiffany Bond, who were eliminated after the first round.

To come to this conclusion, one must look at the total number of votes cast in the first round of the election, which was 289,624. After enough ballots were exhausted, Jared Golden was declared the winner with 142,440 votes.<sup>[32]</sup> However, this was only the majority of the votes tallied in the second round of tabulation, which totaled 281,375. Thus, 8,253 votes were exhausted after the first round and were not carried over into the second round. Figures 3 and 4 outline the distribution of votes in each round of tabulation.

Further, peer-reviewed research points to the lack of a majority winner as a crucial flaw in the ranked-choice voting system. A 2014 study revealed that ranked-choice voting does not always produce a majority winner. In fact, none of the winners of the elections examined in the study won with a majority of the votes cast.<sup>[33]</sup> In examining 96 ranked-choice voting race from across the country where additional rounds of tabulation were necessary to declare a winner, The Maine Heritage Policy Center concludes that the eventual winner failed to receive a true majority 61 percent of the time. This can be seen in Figure 5. The most extreme

**Figure 5: Percentage Of Elections That Resulted In A Majority Winner**



Source: The Maine Heritage Policy Center

<sup>[32]</sup>"2018 Second Congressional District Election Results." Maine Secretary of State. 2018. Accessed July 23, 2019.

<https://www.maine.gov/sos/cec/elec/results/2018/updated-summary-report-CD2.xls>

<sup>[33]</sup> Burnett, Craig M., and Vladimir Kogan. "Ballot (and Voter) "exhaustion" under Instant Runoff Voting: An Examination of Four Ranked-choice Elections." Electoral Studies. November 18, 2014. Accessed July 24, 2019.

<https://www.sciencedirect.com/science/article/pii/S0261379414001395>.

example was from the 2010 San Francisco District 10 Board of Supervisors race, where the prevailing candidate received less than 25 percent of the votes cast.

Thus, the claim that ranked-choice voting always provides a majority winner because a candidate is required to earn more than 50 percent of the vote is false and deserves further scrutiny from voters. While candidates sometimes do receive a majority of the total votes cast, a winner is often declared only after a large number of exhausted ballots have been removed from the final denominator.

## **CLAIM 2: RANKED-CHOICE VOTING REDUCES NEGATIVE CAMPAIGNING AND MITIGATES THE IMPACT OF MONEY IN POLITICS**

Ranked-choice voting is often presented as a solution to the bitter, divisive campaign rhetoric that has come to characterize much of politics in Maine and the nation.<sup>[34]</sup> The argument goes like this: Since candidates hope to be the second choice of voters who prefer a rival candidate, all candidates are dissuaded from trashing their opponents and alienating potentially crucial voters.

But while this logic may discourage candidates from attacking each other directly, it may also augment the role of unaccountable third-party groups in negative campaigning. We could not test whether the candidates themselves reduced negative campaigning because the Federal Elections Commission does not compile data related to expenditures in opposition or support of a candidate from the principal campaign committees.

As empirical evidence of the claim that ranked-choice voting makes elections more civil, advocates point to a survey of voters conducted in 2014 in several U.S. cities that used ranked-choice voting to elect city officials.<sup>[35]</sup> While this study does suggest that negativity declines with ranked-choice voting, it simply measures the “perception of campaign cooperation and civility” and was conducted through a telephone survey. In addition, the sample size was relatively small — measuring only 2,400 respondents in several municipalities. The conclusion that ranked-choice voting decreases negative campaigning merits additional scrutiny.

We can test proponents’ claims with campaign finance data from Maine’s 2018 gubernatorial primaries and the Second Congressional District general election. The largest limitation to

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<sup>[34]</sup>“What Data Exists to Support the Argument That Ranked Choice Voting Has Reduced Negative Campaigning in Jurisdictions Where It Has Been Adopted?” The Committee for Ranked Choice Voting 2020. Accessed July 24, 2019. <http://www.rcvmaine.com/what-data-exists-to-support-the-argument-that-ranked-choice-voting-has-reduced-negative-campaigning-in-jurisdictions-where-it-has-been-adopted>.

<sup>[35]</sup>Tolbert, Caroline. “Experiments in Election Reform: Voter Perceptions of Campaigns Under Preferential and Plurality Voting.” University of Iowa. March 15-16, 2014. Accessed July 23, 2019. <https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/caroline-tolbert.pdf>.



this research is that independent expenditures below \$250 do not have to be reported to the Maine Ethics Commission, so some campaign spending is not captured in our analysis.<sup>[36]</sup>

### **Maine's Gubernatorial Primaries**

In Maine's 2018 gubernatorial primaries, there was a clear increase in independent expenditures (spending by third-party groups unaffiliated with a particular candidate or party) when compared to prior gubernatorial primaries. In 2018, a total of \$207,500 was spent through independent expenditures to oppose specific candidates. Similarly, \$146,775 was spent through independent expenditures to support candidates in the 2018 gubernatorial primaries.

While this may seem insignificant for gubernatorial races, we need to consider that there were zero independent expenditures in opposition to specific candidates during the 2006, 2010, and 2014 gubernatorial primaries.<sup>[37]</sup> Of these elections, the 2010 gubernatorial race would most closely resemble the 2018 election because of the large field of candidates and the fact that the incumbent was term limited out of office, making it an open seat.

As outlined in Table 1, there were zero independent expenditures in opposition to a candidate in 2010 and only \$46,669 was spent in support of a candidate. In contrast, \$207,500 was spent in opposition to a candidate in 2018 and \$146,775 was spent in support. Support expenditures actually decreased by more than 40 percent from 2014 to 2018 while opposition expenditures increased by 100 percent.

According to fundraising data from the Maine Ethics Commission, 2018 Democrat gubernatorial candidate Adam Cote had raised over \$1 million in the primary election whereas candidate Janet Mills hovered around \$792,000 before June 12, 2018. Instead of Mills' campaign attacking Cote directly, it may have been more effective for her to allow third-party groups to launch attacks against Cote to avoid tarnishing her image in the eyes of Cote supporters. That is exactly what happened — \$192,500 of the opposition spending came from Maine Women Together to attack Cote for once being a Republican and accepting corporate donations.<sup>[38]</sup> Since a third-party group was levying attacks on Cote, it was more plausible that Mills would receive his voters' second choice votes if he was eliminated from contention than if she attacked him through her own campaign channels.

Unfortunately, this analysis is limited by the records that were available from the Maine Ethics Commission. Records for gubernatorial races prior to 2006 are unavailable.

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<sup>[36]</sup>Title 21-A, §1019-B: Reports of Independent Expenditures. Accessed July 24, 2019. <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec1019-B.html>.

<sup>[37]</sup>"Candidate Elections." Maine.gov. Accessed July 24, 2019. <https://www.maine.gov/ethics/disclosure/candidates.htm>.

<sup>[38]</sup>"Maine Women Together." Maine Women Together. Accessed July 24, 2019. <http://www.mainewomentogether.org/>.

<b>Table 1: Independent Expenditures by Third Parties in Maine's Gubernatorial Primaries (2006-2018)</b>				
	<b>Opposition (\$)</b>	<b>Support (\$)</b>	<b>Total</b>	<b>Total Number of Candidates</b>
<b>2018</b>	<b>\$207,500</b>	<b>\$162,275</b>	<b>\$369,775</b>	<b>13</b>
<b>2014</b>	<b>\$0</b>	<b>\$274,858</b>	<b>\$274,858</b>	<b>3</b>
<b>2010</b>	<b>\$0</b>	<b>\$46,669</b>	<b>\$46,669</b>	<b>15</b>
<b>2006</b>	<b>\$0</b>	<b>\$1,559</b>	<b>\$1,559</b>	<b>6</b>
Source: Maine Ethics Commission				

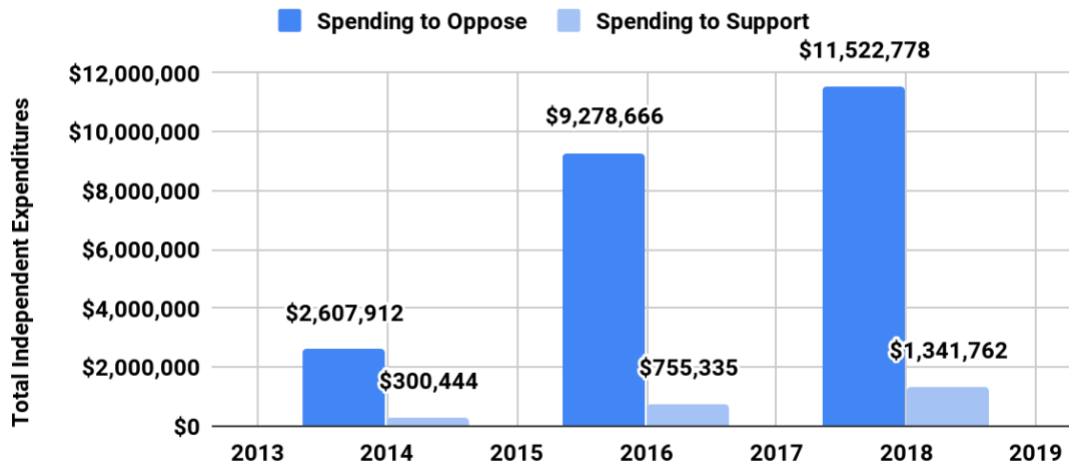
**Maine's 2018 Second Congressional Race**

A similar phenomenon occurred in Maine's 2018 Second Congressional District election. According to Federal Election Commission data, approximately \$11.52 million was spent through independent expenditures in opposition to a candidate in the 2018 Second Congressional District race. This was a 24 percent increase from 2016, which saw \$9.27 million spent on opposition expenditures.

When we compare the opposition expenditures in non-presidential elections (2014 and 2018), we find that opposition expenditures increased by 341 percent. Only \$2.91 million was spent on independent expenditures to oppose a candidate in 2014. Figure 6 breaks down the amounts spent through independent expenditures in support and opposition to candidates in the Second Congressional District.

While this analysis does not provide sufficient evidence that ranked-choice voting increases negative campaigning by third-party groups, it casts doubt on the claim that ranked-choice voting improves the tone and civility of political races. This data should be interpreted as a preliminary indication that ranked-choice voting does not reduce negative campaigning.

**Figure 6: Independent Expenditures in Maine's 2nd Congressional District (2014-2018)**



Source: Federal Election Commission

### **CLAIM 3: RANKED-CHOICE VOTING WILL INCREASE TURNOUT**

A common metric used to judge the performance of a voting system — although by no means the only criterion — is its impact on voter turnout. In a democratic society, public participation in elections is critical. A voting system that, for whatever reason, discourages a large portion of eligible voters from casting a ballot could hardly claim to reflect the will of the people.

By international standards, voter turnout in the United States is low.<sup>[39]</sup> In the 2018 midterms, only 50.3 percent of eligible voters nationwide cast a ballot, and even that level of engagement marked a 50-year high for a midterm election.<sup>[40]</sup> Maine performs much better than the national average (turnout was 60.2 percent in 2018), largely due to the demographic characteristics of our population. Older people tend to vote more, as do whites.<sup>[41]</sup>

<sup>[39]</sup> DeSilver, Drew. "U.S. Voter Turnout Trails Most Developed Countries." Pew Research Center. May 21, 2018. Accessed July 24, 2019. <https://www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/>.

<sup>[40]</sup> "Voter Turnout in United States Elections." Ballotpedia. Accessed July 24, 2019. [https://ballotpedia.org/Voter\\_turnout\\_in\\_United\\_States\\_elections](https://ballotpedia.org/Voter_turnout_in_United_States_elections).

<sup>[41]</sup> U.S. Census Bureau. "Behind the 2018 U.S. Midterm Election Turnout." The United States Census Bureau. July 16, 2019. Accessed August 01, 2019. <https://www.census.gov/library/stories/2019/04/behind-2018-united-states-midterm-election-turnout.html>.

Of course, the United States' comparatively low voter turnout has a multitude of causes. Cultural differences, barriers to voter registration, political party dynamics, the competitiveness of races, and other factors influence voter turnout.

Some argue that ranked-choice voting could improve America's chronically low levels of citizen participation in elections by making voters feel that their voice has a greater impact on the outcome of the election. On the other hand, ranked-choice voting might depress turnout by discouraging voters who are confused about how to vote or who don't feel knowledgeable enough to make an informed decision. By increasing the complexity of the ballot, ranked-choice voting could also make it harder for voters to understand the connection between any one vote they cast and the resulting impact on government policies.

The empirical evidence is mixed but tends to show that ranked-choice voting slightly depresses turnout relative to plurality elections. It is important to note that ranked-choice voting has been tried in a small number of jurisdictions in the U.S., which limits the sample size and reduces the power of statistical analyses. It is also exceedingly difficult to isolate other variables — such as voter enthusiasm generated by specific candidates and other concurrent election reforms — that can play a major role in voter turnout.

It is too early to evaluate the specific impact of ranked-choice voting on voter turnout in Maine. The 2018 elections in Maine saw exceptional voter participation, but national politics may have been the driving force behind this phenomenon.

A study of four cities in California that adopted ranked-choice voting in the early 2000s found that “voter turnout has remained stable when compared to previous elections.”<sup>[42]</sup> In contrast, testimony to the Kansas Special Committee on Elections from the American Civil Liberties Union (ACLU) said:

*“Ranked-choice ballots have suppressed voter turnout, especially among those segments of the electorate that are already least likely to participate. Ranked-choice voting (RCV) has resulted in decreased turnouts up to 8% in non-presidential elections. Low-propensity voters are already less likely to participate in elections that do not coincide with congressional or presidential races. By adding additional steps to voting, RCV exacerbates this tendency, making it less likely that new and more casual voters will enter into the process. Moreover, RCV exacerbates economic and racial disparities in voting. Voting errors and spoiled ballots occur far more often. In Minneapolis, for example,*

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<sup>[42]</sup>Henry, Madeline Alys. "THE IMPLEMENTATION AND EFFECTS OF RANKED CHOICE VOTING IN CALIFORNIA CITIES." 2016. Accessed July 23, 2019. <https://csus-dspace.calstate.edu/bitstream/handle/10211.3/182785/Henry.pdf>.

*nearly 10% of ranked choice ballots were not counted, most of these in low-income communities of color. Other municipalities have seen similar effects.”*<sup>[43]</sup>

Proponents of ranked-choice voting point to an analysis commissioned by FairVote that found ranked-choice voting is associated with a 10-point increase in voter turnout compared to primary and run-off elections, but is not associated with any change in turnout in general elections. The study was based on data on 26 American cities across 79 elections.<sup>[44]</sup> According to the study, this 10 point “increase” in turnout is likely due to the compression of voting and “winnowing” of candidates into one election.<sup>[45]</sup> Overall, the study suggested that ranked-choice voting elections have “minimal effects on rates of voter participation.”<sup>[46]</sup>

As previously mentioned, a study of San Francisco’s election data from 1995 to 2011 found that turnout declined among African American and white voters and exacerbated the disparities between voters who were already likely to vote and those who were not.<sup>[47]</sup> The author attributes these effects, at least in part, to the fact the ranked-choice voting increases the “information costs” of voting (i.e., the need to be familiar with how ranked-choice voting works further discourages low-propensity voters from participating in elections).<sup>[48]</sup> Exit polls of voters participating in ranked-choice voting bolster these findings.<sup>[49]</sup>

Since the answer to whether ranked-choice voting actually increases turnout when compared to plurality elections is still up for debate, it is irresponsible to make this lofty claim.

## COMPARING ELECTION OUTCOMES

A relevant question in comparing plurality elections against ranked-choice voting is to ask how often the two voting systems would produce a different electoral outcome. Those cases are relatively sparse, occurring only when the votes cast for eliminated candidates are reallocated to a contender who came in second place or worse in the first round of tabulation,

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<sup>[43]</sup>Ganapathy, Vignesh. "Written Testimony" October 27, 2017. Accessed July 23, 2019.

[https://www.aclukansas.org/sites/default/files/field\\_documents/aclu\\_testimony\\_on\\_ranked\\_choice\\_voting.pdf](https://www.aclukansas.org/sites/default/files/field_documents/aclu_testimony_on_ranked_choice_voting.pdf).

<sup>[44]</sup>Kimball, David, and Joseph Anthony. "The Adoption of Ranked Choice Voting Raised Turnout 10 Points." FairVote. Accessed July 24, 2019. <https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/426/attachments/original/1449182124/Kimball-and-Anthony-one-pager-27-Oct.pdf?1449182124>.

<sup>[45]</sup> Ibid.

<sup>[46]</sup> Ibid.

<sup>[47]</sup> McDaniel, Jason. "Ranked Choice Voting Likely Means Lower Turnout, More Errors." Cato Unbound. December 13, 2016. Accessed July 24, 2019. <https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-more-errors>.

<sup>[48]</sup> Ibid.

<sup>[49]</sup>Neely, Francis, Lisel Blash, and Corey Cook. "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election Final Report." FairVote. May 2005. Accessed July 23, 2019. [http://archive.fairvote.org/sfrcv/SFSU-PRI\\_RCV\\_final\\_report\\_June\\_30.pdf](http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf).

and the votes gained in subsequent rounds of tabulation exceed the gains made by the leader after the first round.

## Maine

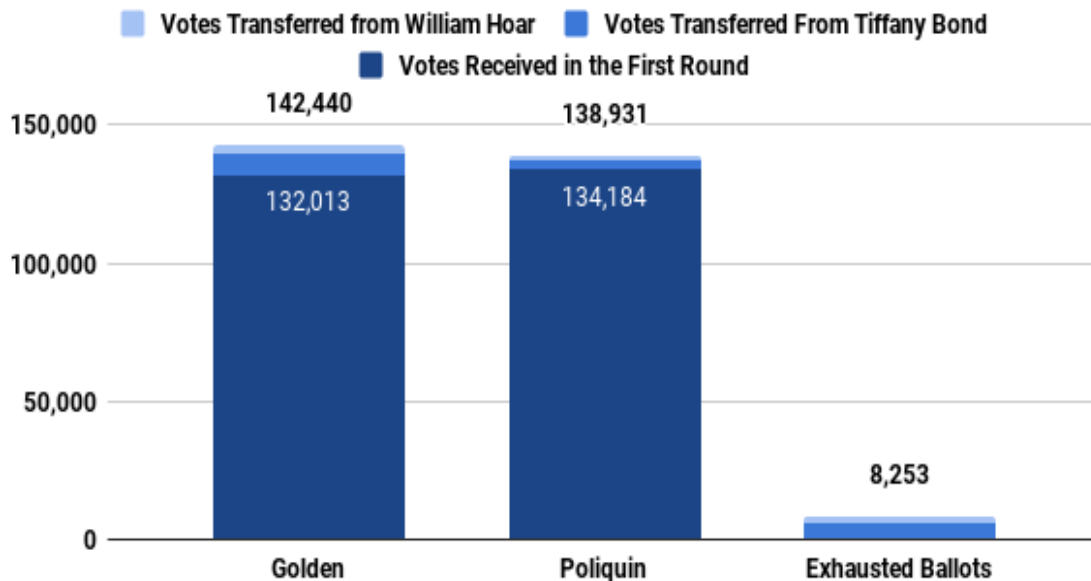
In 2018, only three elections in Maine triggered ranked-choice voting tabulation:

- Democrat Gubernatorial Primary
- Democrat Congressional Primary (Second Congressional District)
- General Election for the Second Congressional District

Of the elections that triggered ranked-choice voting in Maine, the general election race for the Second Congressional District was the only election that produced an outcome different than what would have occurred under a plurality election.

As previously mentioned, Poliquin initially received 134,184 votes, or 46.33 percent of the total votes cast whereas Golden received 132,013 votes, or 45.48 percent of the total votes cast. Once the second round of tabulation was completed, 4,747 votes (3,117 from Bond and 1,630 from Hoar) were allocated to Poliquin and 10,427 votes (7,862 from Bond and 2,565 from Hoar) were awarded to Golden. Figure 7 provides a visual breakdown of how the votes were distributed to change the outcome of the election.

**Figure 7: Second Congressional Race Vote Transfers**



Source: Maine Secretary of State; The Maine Heritage Policy Center

### Other Jurisdictions

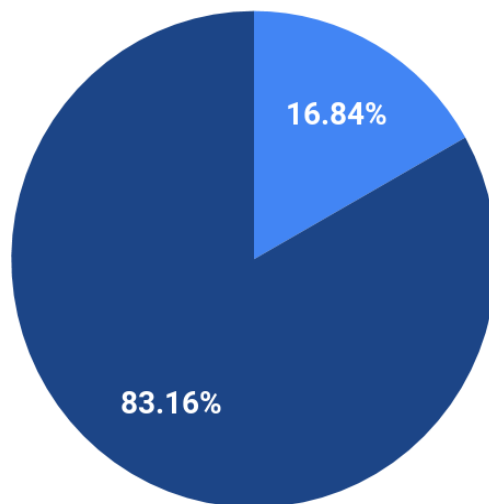
According to the election results obtained from 96 ranked-choice voting elections nationwide that triggered a second round of tabulation (excluding one that resulted in a tie in the first round of tabulation), ranked-choice voting changes the outcome of an election approximately 17 percent of the time. This is illuminated in Figure 8. If all ranked-choice voting races were examined in this analysis, including those that produced a majority winner in the first round, the percentage of races where the outcome changes would decrease.

The frequency with which ranked-choice voting elections produce a different outcome than plurality elections is important because it allows lawmakers to weigh the benefits and consequences of a new voting system. If ranked-choice elections rarely produce a different outcome, the costs of such a system may outweigh the alleged benefits.

## Figure 8: How Often Does The Outcome Change In Ranked-Choice Elections?

Source: The Maine Heritage Policy Center

● Different Than Plurality   ● Same As Plurality



## PARADOXICAL EFFECTS OF RANKED-CHOICE VOTING

One of the primary arguments in favor of ranked-choice voting is that it gives voters a broader set of options and reduces political polarization. However, these claims overlook serious shortcomings of ranked-choice voting.<sup>[50]</sup>

Ranked-choice voting exhibits non-monotonicity, one of the fundamental metrics used by political theorists to evaluate voting systems. Monotonicity is defined as follows: “With the relative order or rating of the other candidates unchanged, voting a candidate higher should never cause the candidate to lose, nor should voting a candidate lower ever cause the candidate to win.” In other words, voting your choice should only help your candidate.

In some cases (such as a tight three-way race), ranked-choice voting violates this principle, meaning that more first-place votes can hurt, rather than help, a candidate.<sup>[51]</sup> To see how non-monotonicity works, consider the following example:

Suppose three candidates, Anne (A), Bob (B), and Corey (C) are running for Congress. For simplicity, assume only 100 ballots are cast. Therefore, the number of ballots needed to win is 51 (assuming no exhausted ballots). The results are shown below.

<b>Table 2: Effects of Non-Monotonicity (Round 1)</b>			
<b>Number of votes</b>	<i>1<sup>st</sup> preference</i>	<i>2<sup>nd</sup> preference</i>	<i>3<sup>rd</sup> preference</i>
<b>39</b>	Anne	Bob	Corey
<b>35</b>	Bob	Corey	Anne
<b>26</b>	Corey	Anne	Bob

No candidate has a majority of the vote, so the last-place finisher, Corey, is eliminated. His 26 votes go to Anne, who wins in the second round with 65 of the 100 votes (her original 39 votes plus the 26 votes she gained when Corey was eliminated).

Now suppose that prior to the election, sensing that Anne was the strongest candidate, 10 of Bob’s voters had shifted their first place preference to Anne. The table below shows the distribution of ballots.

<sup>[50]</sup>Gierzynski, Anthony. "Instant Runoff Voting." Accessed July 24, 2019. <https://www.uvm.edu/~vlrs/IRVassessment.pdf>.

<sup>[51]</sup> "Monotonicity and IRV -- Why the Monotonicity Criterion Is of Little Import." FairVote. Accessed July 24, 2019. <http://archive.fairvote.org/monotonicity/>.



<b>Table 3: Effects of Non-Monotonicity (Round 2)</b>			
<b>Number of votes</b>	<i>1<sup>st</sup> preference</i>	<i>2<sup>nd</sup> preference</i>	<i>3<sup>rd</sup> preference</i>
<b>49</b>	Anne	Bob	Corey
<b>25</b>	Bob	Corey	Anne
<b>26</b>	Corey	Anne	Bob

Under this scenario, Anne falls just short of a majority in the first round. Bob finishes last, so he is eliminated; his 25 votes go to Corey, who carries the election with 51 votes (his original 26 votes plus the 25 votes he gained when Bob was eliminated). Anne received more first-place votes than in the first scenario, but this increase in support turned her victory into defeat.

The 2009 mayoral election in Burlington, Vermont shows that non-monotonicity is not merely a theoretical danger. The three-way race pitted Progressive Bob Kiss against Democrat Andy Montroll and Republican Kurt Wright. Bob Kiss won the election, but he could have lost if more Wright voters had ranked Kiss first, causing Montroll to come in second place in the first round. Then Montroll would have gained enough votes from Wright in the second round to defeat Kiss.<sup>[52]</sup>

Another important result from Burlington’s 2009 mayoral election is that the candidate who was preferred over all other candidates in a head-to-head race, Andy Montroll, lost the election via ranked-choice voting. This demonstrates the issues caused by a non-monotonic voting system. <sup>[53]</sup>

## **RANKED-CHOICE VOTING AND THIRD-PARTY CANDIDATES**

Maine has always had a strong independent political streak, and encouraging third-party involvement in policymaking is a goal many Mainers share. Plurality elections are often accused of stifling third-party candidates and shutting unorthodox voices out of the political process, forcing voters to choose between throwing away their vote on a long-shot candidate or helping to elect a more viable candidate who doesn’t as accurately reflect voters’ preferences.

<sup>[52]</sup> Gierzynski, Anthony. "Instant Runoff Voting." Accessed July 24, 2019. <https://www.uvm.edu/~vlrs/IRVassessment.pdf>.

<sup>[53]</sup> Ibid.

While this is certainly a weakness of plurality elections, ranked-choice voting is not an obvious improvement. In fact, ranked-choice voting can neuter third-parties and help to perpetuate the two-party system that many voters dislike. Despite proponents' claims, ranked-choice voting does not solve the "spoiler" problem, where voters are reluctant to rank their favorite candidate first for fear of letting their least favorite candidate win.<sup>[54]</sup>

There are only two cases in which ranked-choice voting lets you rank your favorite candidate first without worrying about a spoiler effect. First, when your favorite candidate is the clear winner. Second, when your favorite candidate is clearly going to lose (and your second choice vote for a compromise candidate will be tabulated in the second round). In between these two extremes, ranked-choice voting doesn't solve the spoiler problem.

Ranking a strong third-party candidate first, for example, may get your compromise candidate eliminated, causing your least-favorite candidate to win. In this scenario, ranking the compromise candidate first might have buttressed their support enough to win outright or survive a second-round matchup with your least-favorite candidate. In short, voters in ranked-choice voting elections still have to worry about spoiler effects and may still feel pressure not to rank their true favorite candidate first.

In addition, much of third parties' power in the U.S. derives not from the number of elected positions they hold, but from their ability to influence major party candidates to cater to "ideological minorities." Jason Sorens, a lecturer at Dartmouth College, outlines the loss of third parties' "blackmail power" as a disadvantage of instant run-off voting because it allows major party candidates to ignore third party constituencies.<sup>[55]</sup>

Republican candidates, for example, may adopt more Libertarian positions than they would otherwise in order to buttress that small but potentially important constituency. Similarly, Democratic politicians may find it in their interest to defend more environmentally-centered positions to appeal to Green Party voters. Third parties can strategically run candidates in specific districts in order to "punish" a major-party candidate. A Libertarian candidate, for example, may challenge a Republican who is viewed as too distant from Libertarian goals, splitting the vote and causing the Republican to lose an otherwise-winnable election.<sup>[56]</sup>

However, under ranked-choice voting, third parties' "blackmail power" is significantly eroded, since major party candidates can usually be confident of inheriting the votes of an

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<sup>[54]</sup> "Eliminates the Spoiler Effect." Utah Ranked Choice Voting. Accessed July 24, 2019. <http://utahrcv.com/why-ranked-choice-voting/more-choices-more-voices/>.

<sup>[55]</sup> Sorens, Jason. "The False Promise of Instant Runoff Voting." Cato Unbound. December 09, 2016. Accessed July 24, 2019. <https://www.cato-unbound.org/2016/12/09/jason-sorens/false-promise-instant-runoff-voting>.

<sup>[56]</sup> Ibid.

ideologically-similar third-party challenger who is eliminated in the early rounds of tabulation.

Therefore, ranked-choice voting should not be celebrated as a victory for third-party candidates. In fact, it may hurt them because it weakens their ability to push major-party candidates to support more moderate policies.

## **JURISDICTIONS THAT HAVE REPEALED RANKED-CHOICE VOTING**

There have been a handful of jurisdictions that have adopted, tested and subsequently repealed ranked-choice voting or instant run-off election systems. These jurisdictions are identified and described below.

### **Burlington, Vermont**

The City of Burlington adopted ranked-choice voting for mayoral races in 2005 and implemented the new voting system in 2006. It was used in two mayoral elections and was subsequently repealed by nearly 52 percent of voters in 2010.<sup>[57]</sup> The repeal might have been due to voters' discontent with an unpopular incumbent winning reelection in 2009 with only 29 percent of first-place votes.<sup>[58]</sup>

### **Ann Arbor, Michigan**

An initiative organized by the Human Rights Party (HRP) establishing the use of ranked-choice voting in mayoral elections was approved by Ann Arbor voters in 1974. According to an email from an election clerk in Washtenaw County, Michigan, typical elections in the city would play out like this: "the Republican candidate would get the most votes, but the Democrats and HRP would together have a majority." Because of this dynamic, "the Democrats and the HRP worked together to create the ranked choice plan."

After a mayoral election in 1975, Republicans started a petition drive to repeal ranked-choice voting. In 1976, 62 percent of voters cast their ballot in favor of repealing ranked-choice voting.<sup>[59]</sup> Thus, Ann Arbor residents repealed the voting system after their first experiment with it.

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<sup>[57]</sup> McCrea, Lynne. "Burlington Voters Repeal Instant Runoff Voting." VPR Archive. December 12, 2016. Accessed August 07, 2019. <https://vprarchive.vpr.net/vpr-news/burlington-voters-repeal-instant-runoff-voting/>.

<sup>[58]</sup> Scher, Bill. "Is Ranked-Choice Voting Transforming Our Politics?" RealClearPolitics. June 18, 2018. Accessed August 07, 2019. [https://www.realclearpolitics.com/articles/2018/06/18/is\\_ranked-choice\\_voting\\_transforming\\_our\\_politics\\_137294.html](https://www.realclearpolitics.com/articles/2018/06/18/is_ranked-choice_voting_transforming_our_politics_137294.html).

<sup>[59]</sup> Walter, Benjamin. "Instant Runoff Voting: History in Ann Arbor, Michigan." Archive.fo. September 17, 2008. Accessed August 07, 2019. <https://archive.fo/lc5Ww>.

## State of North Carolina

The State of North Carolina adopted ranked-choice voting for judicial vacancies in 2006. In 2010, only two races, a statewide Court of Appeals and a district-wide Superior Court race, resulted in more than one round of counting that triggered ranked-choice voting. According to a local news station in North Carolina, the voting system had “mixed reviews” from voters when it was used in 2010.<sup>[60]</sup>

In 2013, the election system was repealed through HB 589, a voter ID bill that passed in the North Carolina General Assembly and made several changes to the state’s election law.<sup>[61]</sup> Therefore, the legislature decided to repeal the law three years after it was used in a statewide judicial race.

## Aspen, Colorado

After Aspen used ranked-choice voting for the first time in 2009, voters rejected the voting system in 2010 with approximately 65 percent of the vote.<sup>[62]</sup> Curtis Wackerle, an editor for the Aspen Daily News, estimates that voters repealed ranked-choice voting because, “in the four municipal elections in which it was used, the candidate who received the most votes in the first round won the runoff every time, making the extra month of campaigning seem like a money-sucking, brain damage-inducing waste of time.”<sup>[63]</sup>

## Pierce County, Washington

Voters in Pierce County Washington adopted ranked-choice voting to elect county officials in 2006, with 53 percent of voters approving the system.<sup>[64]</sup> Voters who participated in an auditor’s survey indicated they did not like the voting system by a 2-1 margin. According to the Washington Secretary of State, voters repealed ranked-choice voting with 71 percent of the vote in 2009.<sup>[65]</sup> Elections Director Nick Handy had this to say about ranked-choice voting in Pierce County:

*“Just three years ago, Pierce County voters enthusiastically embraced this new idea as a replacement for the then highly unpopular Pick-a-Party*

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<sup>[60]</sup> Binker, Mark. "Q&A: Changes to NC Election Laws." WRAL.com. August 12, 2013. Accessed August 07, 2019. <https://www.wral.com/election-changes-coming-in-2014-2016/12750290/>.

<sup>[61]</sup> S.L. 2013-381. Accessed August 07, 2019. <https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2013-2014/SL2013-381.html>.

<sup>[62]</sup> Wackerle, Curtis. "City Voters Repeal IRV." Aspen Daily News. December 18, 2017. Accessed August 07, 2019. [https://www.aspendailynews.com/city-voters-repeal-irv/article\\_5d3a9245-bfc1-55db-947b-fefdb87031ea.html](https://www.aspendailynews.com/city-voters-repeal-irv/article_5d3a9245-bfc1-55db-947b-fefdb87031ea.html).

<sup>[63]</sup> Ibid.

<sup>[64]</sup> Pierce County Auditor. Ranked Choice Voting. Accessed August 07, 2019. <https://web.archive.org/web/20080109164811/http://www.piercecountywa.org/pc/abtus/ourorg/aud/elections/rcv.htm>.

<sup>[65]</sup> Washington Secretary of State's Office. "Pierce Voters Nix 'ranked-choice Voting'." From Our Corner. November 12, 2009. Accessed August 07, 2019. <https://blogs.sos.wa.gov/FromOurCorner/index.php/2009/11/pierce-voters-nix-ranked-choice-voting/>.

*primary. Pierce County did a terrific job implementing ranked choice voting, but voters flat out did not like it.*

*The rapid rejection of this election model that has been popular in San Francisco, but few other places, was expected, but no one really anticipated how fast the cradle to grave cycle would run. The voters wanted it. The voters got and tried it. The voters did not like it. And the voters emphatically rejected it. All in a very quick three years."*

It is clear that the voters or the legislative body in these jurisdictions felt that their traditional voting method, whatever it may have been, was superior to ranked-choice voting. In addition, these cases show that Maine is not the only jurisdiction that has pondered full repeal in favor of their traditional voting system.

## **BILLS INTRODUCED IN THE 129 LEGISLATURE**

### **LD 1213: "An Act To Repeal the Ranked-choice Voting Law"**

This bill would have simply repealed ranked-choice voting from state statute, effectively returning Maine to a plurality election system.

### **LD 1447: "An Act To Simplify Voting in Maine by Placing a Moratorium on Ranked-choice Voting"**

LD 1447 would have suspended the use of ranked-choice voting until elections held after December 1, 2023. If the Maine Constitution was not amended to allow the legislature to determine the method by which the governor and members of the legislature are elected, then ranked-choice voting would be repealed in December 2023. This reform would have ensured all Maine elections are conducted using the same voting system.

### **LD 1454: "An Act Concerning Elections in Maine Congressional Districts"**

This bill would allow voters in both of Maine's congressional districts to decide which voting system is employed within their respective district. Representative Dick Bradstreet, the bill's sponsor, explained that he felt the new voting system was unfairly imposed on the Second Congressional District. Voters in the First Congressional District overwhelmingly supported the ballot initiative in 2016 and the People's Veto effort in 2018, but voters of the Second Congressional District rejected the voting method in both elections.<sup>[66]</sup>

Tables 5 and 6 show the results of the ranked-choice voting initiative and People's Veto effort

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<sup>[66]</sup> Bradstreet, Richard. "Testimony in Support of LD 1454 An Act Concerning Elections in Maine Congressional Districts". Maine Legislature. April 10, 2019. Accessed July 24, 2019. <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=119465>.

in both of Maine’s congressional districts. The First Congressional District clearly voted for ranked-choice voting with 54.32 percent of the vote. The Second Congressional District voted to retain the plurality system with 50.99 percent of the vote. When each district voted on the People’s Veto, the First Congressional District voted in favor of the measure with 56.98 percent of the vote. In contrast, the Second Congressional District rejected the People’s Veto with 50.51 percent of the vote.

It is important to note that the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) votes were not included in this analysis because their congressional district is not specified by the Maine Secretary of State. Even if all UOCAVA voters decided they wanted ranked-choice voting, the results in both elections would not have changed.

While this would not be a holistic solution to those who dislike ranked-choice voting, it would allow Mainers who live in both congressional districts to decide how they elect the representative that they are solely responsible for electing.

<b>Table 5: First Congressional District</b>				
	<b>Question 5 (2016)</b>	<b>Percent (2016)</b>	<b>People's Veto</b>	<b>Percent (People's Veto)</b>
<b>Yes</b>	219,809	54.32%	90,274	56.98%
<b>No</b>	170,259	42.08%	66,171	41.77%
<b>Blank</b>	14,553	3.60%	1,980	1.25%
<b>Total</b>	404,621	100.00%	158,425	100.00%
Source: Maine Secretary of State				

<b>Table 6: Second Congressional District</b>				
	<b>Question 5</b>	<b>Percent (2016)</b>	<b>People's Veto</b>	<b>Percent (People's Veto)</b>
<b>Yes</b>	165,977	45.70%	59,487	48.39%
<b>No</b>	185,208	50.99%	62,086	50.51%
<b>Blank</b>	12,037	3.31%	1,350	1.10%
<b>Total</b>	363,222	100.00%	122,923	100.00%
Source: Maine Secretary of State				

## **LD 1477: "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Use of Ranked-choice Voting for Governor and Members of the Legislature"**

LD 1477 would have introduced an amendment to the Constitution of Maine to allow the legislature, or the people through a citizen's initiative, to establish the method for determining the winners of general elections for governor, state senators and state representatives. Currently, the Maine Constitution dictates how the winner of these elections are determined.

This legislation could be dangerous if enacted because it could make the state's elections extremely malleable. Essentially, this bill is akin to gerrymandering because it would allow the party in power to decide which voting system is used to elect candidates in the next election. The Maine Constitution, rather than politics, must be the official authority on how elections are decided in the State of Maine.

## **POTENTIAL EXPANSION**

While ranked-choice voting is currently only used in federal and primary elections in Maine, the new voting system could be implemented for presidential primaries and general elections in the state.

Earlier this year, LD 1083, "An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine," had a clear path to victory in the legislature.<sup>[67]</sup> However, the Maine Senate decided to include it in carry-over bills that will be considered in the Second Regular Session in the 129<sup>th</sup> Legislature instead of enacting it and sending it to the governor's desk in the First Regular Session.

Thus, there is a possibility that the legislature will pass the bill in the Second Regular Session and the governor will sign it. If this occurs, Maine would become the first state to use ranked-choice voting in presidential elections.

## **CONCLUSION**

Democratic choice, within the confines of our constitutional republic, forms the bedrock of America's system of governance. Adopting a simple, fair, and secure voting system is fundamental to democratic elections. It is clear that plurality elections are much simpler and easier to understand than races determined by ranked-choice voting.

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<sup>[67]</sup>"LD 1083." Maine Legislature. Accessed July 24, 2019.  
<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0315&item=2&snum=129>.

This analysis of 96 ranked-choice voting elections from across the country shows that the voting system produces false majorities, frequently exhausts more than 10 percent of ballots cast on Election Day, and further disenfranchises voters who are already less likely to vote.

While proponents of ranked-choice voting may claim the new voting system is a better alternative to traditional voting systems, the plurality system offers voters an easier method of selecting representatives without the false promises of ranked-choice voting.



## APPENDIX

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
1975	Ann Arbor, MI <sup>18</sup>	Mayoral Race	29,501	29,262	14,684	239	Yes	0.81%	49.77%
2009	Aspen, CO <sup>8</sup>	Mayoral Race	2,528	2,413	1,273	115	No	4.55%	50.36%
2009	Aspen, CO <sup>8</sup>	City Council - Seat 1	2,401	2,143	1,233	258	No	10.75%	51.35%
2009	Aspen, CO <sup>8</sup>	City Council - Seat 2	2,226	2,103	1,073	123	Yes	5.53%	48.20%
2010	Berkeley, CA <sup>13</sup>	City Council - District 7	4,184	4,167	2,086	17	No	0.41%	49.86%
2014	Berkeley, CA <sup>13</sup>	City Council - District 8	4,518	4,128	2,072	390	No	8.63%	45.86%
2016	Berkeley, CA <sup>13</sup>	Mayoral Race	59,144	58,545	29,499	599	No	1.01%	49.88%
2016	Berkeley, CA <sup>13</sup>	City Council - District 2	7,138	6,734	3,451	404	Yes	5.66%	48.35%
2018	Berkeley, CA <sup>13</sup>	City Council - District 1	7,872	7,559	4,120	313	No	3.98%	52.34%
2006	Burlington, VT <sup>6</sup>	Mayoral Race	9,711	8,747	4,761	964	No	9.93%	49.03%
2009	Burlington, VT <sup>4</sup>	Mayoral Race	8,976	8,374	4,313	602	Yes	6.71%	48.05%
2007	Cary, NC <sup>1</sup>	Council Seat - District B	3,022	2,754	1,401	268	No	8.87%	46.36%
2018	State of ME <sup>5</sup>	2nd Congressional	289,624	281,371	142,440	8,253	Yes	2.85%	49.18%
2018	State of ME <sup>5</sup>	2nd Congressional Democrat Primary	45,211	43,464	23,611	1,747	No	3.86%	52.22%
2018	State of ME <sup>5</sup>	Gubernatorial Democrat Primary	126,139	117,250	63,384	8,889	No	7.05%	50.25%
2009	Minneapolis, MN <sup>9</sup>	City Council - Ward 4	3,299	2,992	1,740	307	No	9.31%	52.74%
2009	Minneapolis, MN <sup>9</sup>	City Council - Ward 5	2,170	2,024	1,131	146	No	6.73%	52.12%
2009	Minneapolis, MN <sup>9</sup>	Park Board - District 5	7,848	6,891	3,620	957	No	12.19%	46.13%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2009	Minneapolis, MN <sup>9</sup>	Park Board - District 6	8,354	7,806	4,300	548	No	6.56%	51.47%
2013	Minneapolis, MN <sup>9</sup>	Mayoral Race	79,415	63,842	38,870	15,573	No	19.61%	48.95%
2013	Minneapolis, MN <sup>9</sup>	City Council - Ward 5	3,499	3,236	1,842	263	No	7.52%	52.64%
2013	Minneapolis, MN <sup>9</sup>	City Council - Ward 9	4,179	3,745	1,987	434	No	10.39%	47.55%
2013	Minneapolis, MN <sup>9</sup>	City Council - Ward 13	10,459	9,764	5,059	695	No	6.64%	48.37%
2017	Minneapolis, MN <sup>9</sup>	Mayoral Race	104,522	81,687	46,716	22,835	No	21.85%	44.69%
2017	Minneapolis, MN <sup>9</sup>	City Council - Ward 1	8,734	8,408	4,296	326	No	3.73%	49.19%
2017	Minneapolis, MN <sup>9</sup>	Park Board - District 1	14,303	13,041	7,210	1,262	No	8.82%	50.41%
2017	Minneapolis, MN <sup>9</sup>	City Council - Ward 3	9,592	8,705	4,861	887	Yes	9.25%	50.68%
2017	Minneapolis, MN <sup>9</sup>	Park Board - District 3	14,630	13,594	7,753	1,036	No	7.08%	52.99%
2017	Minneapolis, MN <sup>9</sup>	City Council - District 4	5,263	5,035	2,605	228	Yes	4.33%	49.50%
2017	Minneapolis, MN <sup>9</sup>	City Council - District 5	4,216	4,082	2,313	134	No	3.18%	54.86%
2017	Minneapolis, MN <sup>9</sup>	Park Board - District 6	18,488	17,256	8,785	1,232	No	6.66%	47.52%
2017	Minneapolis, MN <sup>9</sup>	City Council - District 9	5,519	4,916	2,982	603	No	10.93%	54.03%
2017	Minneapolis, MN <sup>9</sup>	City Council - District 11	9,160	8,738	4,757	422	No	4.61%	51.93%
2010	State of NC <sup>11</sup>	Court of Appeals - Judicial	1,943,771	1,081,305	543,980	862,446	Yes	44.37%	27.99%
2010	State of NC <sup>2</sup>	Superior Court Judge - District 12 A	18,704	16,472	8,378	2,232	Yes	11.93%	44.79%
2010	Oakland, CA <sup>13</sup>	Mayoral Race	119,607	105,769	53,897	13,838	Yes	11.57%	45.06%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2010	Oakland, CA <sup>13</sup>	City Council - District 4	20,994	19,671	10,439	1,323	No	6.30%	49.72%
2012	Oakland, CA <sup>13</sup>	City Council - At-Large	143,924	130,057	78,941	13,867	No	9.63%	54.85%
2012	Oakland, CA <sup>13</sup>	City Council - District 1	28,562	23,741	12,293	4,821	No	16.88%	43.04%
2012	Oakland, CA <sup>13</sup>	City Council - District 3	21,991	17,427	9,397	4,564	Yes	20.75%	42.73%
2012	Oakland, CA <sup>13</sup>	City Council - District 5	11,245	10,460	5,716	785	No	6.98%	50.83%
2012	Oakland, CA <sup>13</sup>	School Director - District 3	20,580	19,211	11,725	1,369	No	6.65%	56.97%
2014	Oakland, CA <sup>13</sup>	Mayoral Race	101,888	77,227	48,806	24,661	No	24.20%	47.90%
2014	Oakland, CA <sup>13</sup>	City Council - District 2	13,555	12,347	6,547	1,208	No	8.91%	48.30%
2014	Oakland, CA <sup>13</sup>	City Council - District 6	11,162	10,376	5,430	786	No	7.04%	48.65%
2014	Oakland, CA <sup>13</sup>	School Director - District 4	16,120	14,886	7,802	1,234	No	7.66%	48.40%
2016	Oakland, CA <sup>13</sup>	School Director - District 3	22,351	20,606	10,796	1,745	No	7.81%	48.30%
2016	Oakland, CA <sup>13</sup>	School Director - District 5	13,305	12,286	6,277	1,019	Yes	7.66%	47.18%
2018	Oakland, CA <sup>13</sup>	City Council District 4	25,219	21,696	11,736	3,523	No	13.97%	46.54%
2018	Oakland, CA <sup>13</sup>	City Council District 6	17,845	15,341	9,858	2,504	No	14.03%	55.24%
2008	Pierce County, WA <sup>14</sup>	County Executive	299,132	268,638	136,346	30,494	Yes	10.19%	45.58%
2008	Pierce County, WA <sup>14</sup>	Pierce County Assessor/Treasurer	262,447	189,433	98,366	73,014	No	27.82%	37.48%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2008	Pierce County, WA <sup>14</sup>	County Council - District No. 2	40,000	38,142	21,078	1,858	No	4.65%	52.70%
2009	Pierce County, WA <sup>14</sup>	Pierce County Auditor	153,528	149,304	83,048	4,224	No	2.75%	54.09%
2011	Portland, ME <sup>12</sup>	Mayoral Race	19,728	16,234	9,061	3,494	No	17.71%	45.93%
2011	Saint Paul, MN <sup>10</sup>	City Council - Ward 2	5,363	4,934	2,870	429	No	8.00%	53.51%
2013	Saint Paul, MN <sup>10</sup>	City Council - Ward 1	4,763	3,692	1,970	1,071	No	22.49%	41.36%
2015	Saint Paul, MN <sup>17</sup>	City Council - Ward 2	5,734	5,226	2,782	508	No	8.86%	48.52%
2004	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 1	28,787	25,940	14,011	2,847	No	9.89%	48.67%
2004	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 5	32,643	26,111	13,211	6,532	No	20.01%	40.47%
2004	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 7	31,639	24,325	13,834	7,314	No	23.12%	43.72%
2004	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 11	23,176	18,307	10,679	4,869	No	21.01%	46.08%
2005	San Francisco, CA <sup>16</sup>	Assessor	199,224	189,314	110,053	9,910	No	4.97%	55.24%
2006	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 4	19,814	15,975	8,388	3,839	No	19.38%	42.33%
2006	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 6	17,941	17,646	8,968	295	No	1.64%	49.99%
2008	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 1	28,756	25,957	13,152	2,799	No	9.73%	45.74%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2008	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 3	27,198	22,875	13,582	4,323	No	15.89%	49.94%
2008	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 9	26,486	23,474	12,637	3,012	No	11.37%	47.71%
2008	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 11	24,673	19,317	10,225	5,356	No	21.71%	41.44%
2010	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 2	24,094	22,594	11,426	1,500	Yes	6.23%	47.42%
2010	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 6	21,086	16,393	8,865	4,693	No	22.26%	42.04%
2010	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 8	34,950	32,926	18,239	2,024	No	5.79%	52.19%
2010	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 10	17,808	8,200	4,321	9,608	Yes	53.95%	24.26%
2011	San Francisco, CA <sup>16</sup>	Mayoral Race	194,418	141,617	84,457	52,801	No	27.16%	43.44%
2011	San Francisco, CA <sup>16</sup>	District Attorney	183,487	161,001	100,245	22,486	No	12.25%	54.63%
2011	San Francisco, CA <sup>16</sup>	Sheriff	183,233	161,729	86,592	21,504	No	11.74%	47.26%
2012	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 5	35,147	26,613	14,945	8,534	No	24.28%	42.52%
2012	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 7	31,385	24,878	12,505	6,507	No	20.73%	39.84%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2014	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 10	15,406	14,925	7,719	481	No	3.12%	50.10%
2016	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 1	31,681	28,496	15,037	3,185	No	10.05%	47.46%
2016	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 7	35,274	30,507	17,692	4,767	No	13.51%	50.16%
2016	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 11	25,380	22,031	11,222	3,349	No	13.20%	44.22%
2018	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 2	35,312	33,401	17,340	1,911	No	5.41%	49.11%
2018	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 4	28,422	23,320	13,255	5,102	No	17.95%	46.64%
2018	San Francisco, CA <sup>16</sup>	Board of Supervisors - District 10	23,194	20,647	13,023	2,547	No	10.98%	56.15%
2010	San Leandro, CA <sup>13</sup>	Mayoral Race	22,484	20,322	10,277	2,162	Yes	9.62%	45.71%
2012	San Leandro, CA <sup>13</sup>	City Council - District 2	25,266	23,928	12,057	1,338	No	5.30%	47.72%
2012	San Leandro, CA <sup>13</sup>	City Council - District 4	23,090	21,226	12,945	1,864	No	8.07%	56.06%
2014	San Leandro, CA <sup>13</sup>	Mayoral Race	16,209	15,367	8,801	842	No	5.19%	54.30%
2014	San Leandro, CA <sup>13</sup>	City Council - District 1	15,445	13,697	8,898	1,748	No	11.32%	57.61%
2018	Santa Fe, NM <sup>15</sup>	City Council - District 4	4,899	4,543	2565	356	No	7.27%	52.36%
2018	Santa Fe, NM <sup>15</sup>	Mayoral Race	20,604	19,774	13,088	830	No	4.03%	63.52%
2012	Takoma Park, MD <sup>7</sup>	City Council - Ward 5	190	178	97	12	No	6.32%	51.05%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2014	Takoma Park, MD <sup>7</sup>	City Council - Ward 3	660	656	332	4	No	0.61%	50.30%
2017	Takoma Park, MD <sup>7</sup>	City Council - Ward 2	877	842	459	35	No	3.99%	52.34%
2015	Telluride, CO <sup>3</sup>	Mayoral Race	1,111	1,102	583	9	Tie Vote	0.81%	52.48%

## APPENDIX CITATIONS

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