

Testimony from:
Rob Richie

In SUPPORT of
HB 2004

March 16, 2023

Oregon House Committee on Rules

Dear Chair Fahey and members of the Committee,

I am writing to express FairVote Action's support for HB 2004 regarding ranked choice voting in state and federal primary and general elections. This bill will improve Oregon's elections by ensuring fairer, more representative outcomes especially in crowded primary elections. Further, ranked choice voting will: (1) help parties nominate more consistently viable candidates who bring the party together; (2) accommodate voters having 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.

FairVote Action is a national nonpartisan organization 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 have led FairVote as Executive Director since 1992 and now I am President and CEO of FairVote and FairVote Action.

Approximately 13 million voters in 63 jurisdictions across the U.S. vote using ranked choice voting (RCV). It has become the fastest-growing and most bipartisan electoral reform in the country. Just since 2020:

- New York City in its 2021 primaries held the largest citywide RCV races in U.S. history and conducted a successful voter education campaign which resulted in much higher voter participation than recent primaries, high use of rankings, and a low error rate.
- Voters approved RCV ballot initiatives in 18 cities and counties between 2020 and 2022, as well as in the states of Alaska and Nevada.
- Legislatures in nine states have passed RCV bills, including "local options" legislation that allows municipalities in Maine, Utah, Virginia, and Colorado to begin using RCV.
- Five Democratic presidential primaries and caucuses used RCV ballots in the 2020 presidential election.
- Alaska became the first state to elect its governor, state legislature, and federal offices using ranked choice voting. A majority of Alaska voters said the system was simple to use and resulted in more competitive races than past elections.

One of the most powerful aspects of RCV is that it **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. Typically, over 70% of voters choose to rank

multiple candidates.¹ In highly competitive or highly publicized elections, the rate is even higher. For example, 89% of New York City voters ranked multiple candidates for mayor in 2021; of those who didn't rank, most said they only liked one candidate and didn't want to rank anyone else.

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 method.² Exit polling in Utah found that 81% of first-time RCV voters found RCV easy to use and 88% were satisfied with the method they used to cast their ballot.³ In New York City, 95% of poll respondents found the ballot simple and 77% want to keep using RCV.⁴ In Alaska, 92% of voters said they received instructions on how to rank their choices and 79% said RCV was "simple."⁵

Understanding of RCV is comparable to plurality voting and better than the "top-two" voting used in California and Washington.⁶ Researchers have found no evidence of racial or ethnic differences in understanding of RCV.⁷ Jurisdictions studying voter reaction on RCV over time, as in Minneapolis, find support tends to keep increasing.⁸

Research shows that RCV decreases negative campaigning because candidates need to reach beyond a single base 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,⁹ voters in RCV cities perceive less negativity compared to voters in non-RCV cities,^{10,11} and newspaper articles in RCV cities are more positive than in non-RCV cities.¹²

¹ Data on Ranked Choice Voting. FairVote. (2021).

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

² FairVote. 2020. Exit Surveys: Voters Evaluate Ranked Choice Voting.

<https://fairvote.app.box.com/s/hlzeu53uw0nrw9yzhbjk4flx2uf9x4fg>

³ 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/>

⁴ 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

⁵ Alaska Exit Poll Results – New Election System. Patinkin Research Strategies. (2022).

https://alaskansforbetterelections.com/wp-content/uploads/2022/11/Patinkin_Alaska_Exit_Poll.pdf

⁶ 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021).

<https://www.fairvote.org/2014-survey-results>

⁷ 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>.

⁸ The 2017 Municipal Election: An Analysis & Recommendations. Minneapolis City Council. (2018).

<https://lms.minneapolismn.gov/Download/RCAV2/4684/2017-Municipal-Election-Report.pdf>

⁹ 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

¹⁰ 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>

¹¹ Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections. FairVote. (2018). <https://fairvote.app.box.com/v/SantaFeExitReport>

¹² Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). <https://www.cogitatiopress.com/politicsandgovernance/article/view/4293>

Ranked choice voting is particularly well-suited for elections with crowded fields, like those often seen in primary elections. RCV ensures that elections are won with majorities without the need for costly, inefficient runoff elections. In RCV elections, voters rank candidates in order of choice: their first choice, with an option to rank backup preferences as a second choice, third choice 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. The process continues until two candidates remain.

Winners in RCV elections always have a majority of the vote when matched head-to-head against their final opponent, and most RCV winners earn more than majority support. Most RCV winners are ranked in the top 3 choices by two-thirds of voters or more, demonstrating 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.

Ranked choice voting is also a faster, cheaper, and better alternative to two-round runoffs for achieving majority winners. Both are multi-round systems that promote majority support of winning candidates. However, RCV involves an “instant runoff” with one election; two-round runoffs require two separate elections, doubling election administration costs and requiring voters to visit the polls twice. In fact, turnout declined between the primary and runoff in 266 of the 276 scheduled federal primary runoff elections from 1994 to 2022, by an average of 40%.¹³

In one particularly notable example prior to its implementation of RCV, New York City spent \$13 million on the 2013 Democratic primary runoff for the office of Public Advocate – nearly six times that office’s annual budget of just \$2.3 million.¹⁴ Runoff turnout among registered Democrats was approximately 6 percent.¹⁵

The two-round runoff also places an additional burden on military and overseas voters, and six states currently use RCV for these voters – allowing them to rank their ballots rather than voting in two separate elections.

Importantly, **RCV addresses the problems of “vote-splitting” and “spoiler” candidates that sometimes result in election winners without broad 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 – resulting in a winner whose views reflect the minority of voters. 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

¹³ Primary Runoff Elections and Decline in Voter Turnout, 1994–2022. Rose, J. (2022)
<https://fairvote.org/report/primary-runoffs-report-2022/>

¹⁴ City Councilwoman is chosen in the Democratic runoff for Public Advocate. New York Times. (2013)
<https://www.nytimes.com/2013/10/02/nyregion/letitia-james-is-chosen-in-democratic-runoff-for-public-advocate.html>

¹⁵ NYC Election Atlas. CUNY Graduate School of Journalism. (2021)
<http://www.nycelectionatlas.com/maps.html#!2013runoffInteractive>

elections.^{16,17} In ranked choice voting elections, voters could rank the Green candidate 1st and then rank either the Democratic or Republican candidate as their 2nd choice. Their votes would not be “wasted.” Instead, they would be counted in the final tally and would count for the next candidate who best represents their values, rather than accidentally helping elect the candidate they want least.

RCV would be an ideal choice for both parties in Oregon’s presidential primary in 2024.

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 Oregon voters in order to build the broadest coalition of support.

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. These states found that RCV preserves key benefits of caucuses, like allowing voters to “realign” with a second choice if their top 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. In a year when nearly 3 million early voters in states without RCV cast ballots for presidential candidates who had already withdrawn by the time ballots were counted, RCV made more votes count.¹⁸

Recent research has found that RCV tends to result in greater election rates for women and candidates of color.^{19,20} A 2021 FairVote report also found that voters of color are more likely to rank multiple candidates on their ballots.²¹

This has played out in practice in cities across the country – the first-ever majority-female City Council and second Black Mayor 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.

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

¹⁶ Presidential election in Michigan, 2016. Ballotpedia.

https://ballotpedia.org/Presidential_election_in_Michigan,_2016

¹⁷ 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=>

¹⁸ Ranked Choice Voting in 2020 Presidential Primary Elections. FairVote. (2020). Available at

https://www.fairvote.org/ranked_choice_voting_in_2020_presidential_primary_elections

¹⁹ 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.

²⁰ 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>

²¹ Ranked Choice Voting Elections Benefit Candidates and Voters of Color. Otis, D., Dell, N., Zawora, C., & Danaf, O. (2021)

https://www.fairvote.org/report_rcv_benefits_candidates_and_voters_of_color

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.

With so many prominent examples of the impact of ranked choice voting, and new understanding of how to administer RCV effectively, the **evidence has never been so strong that voters like RCV and engage with the ranked ballot, parties can produce strong nominees with RCV, and implementation is a smooth process.**^{22,23} 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, 20 cities in Utah used RCV as part of a pilot program in 2021, 19 of them for the first time. This included large cities like Salt Lake City and smaller towns of only a few hundred voters. After a voter education campaign partially funded by the lieutenant governor's office, county clerks efficiently administered the RCV elections. Administrators released RCV results on election night alongside results from non-RCV races, including visualizations of the round-by-round results.

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 rr@fairvoteaction.org and my FairVote Action colleagues at info@fairvoteaction.org.

Thank you for the opportunity to testify.

Sincerely,

Rob Richie

President and CEO of FairVote Action

²² Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVResources.org.

²³ 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>