Ranked-Choice Voting

BY DAN DIORIO AND WENDY UNDERHILL

Ranked-choice voting—where voters rank their preferences instead of voting for just one candidate—may be on the rise. Maine became the first state to authorize ranked-choice voting in 2016 for statewide races, including for the state Legislature and governor, and 14 states are considering similar measures.

While this system seems newfangled, in fact, ranked choice isn’t entirely new. Several cities adopted it throughout the 1920s and 1930s, according to the Ranked Choice Voting Resource Center. It fell out of favor in the 1950s until a resurgent adoption by cities in the last two decades. Currently, 10 cities use ranked-choice voting, including Cambridge, Massachusetts, Minneapolis and St. Paul, Minnesota, and San Francisco, Oakland and other Bay Area cities in California.

HOW DOES RANKED-CHOICE VOTING WORK?

Voters aren’t limited to simply picking one option as in winner-take-all, or plurality, elections. A winner is not declared until one candidate receives over 50 percent of the votes. Here’s how to get there:

• The ballots are counted per each voter’s number-one preference.
• If no candidate receives 50 percent or more in that first round, the candidate with the fewest number of votes is eliminated and the votes are counted again.
• If a voter’s number-one choice was the eliminated candidate, then the vote is given to that voter’s second-choice candidate.
• The elimination process is repeated until one candidate tops 50 percent.

Did You Know?

• Ten U.S. cities currently use ranked-choice voting for municipal elections.
• Maine was the first state to authorize ranked-choice voting, but its state supreme court has found it to be unconstitutional.
• Ranked-choice voting is used by colleges and universities, private non-government organizations and even by the Academy Awards for deciding Best Picture.
BENEFITS OF RANKED-CHOICE VOTING

In a plurality election with several candidates, the winner may receive less than a majority of the votes, and some may see that as a problem. Cited often is the 2010 Maine governor’s race, when winning candidate Paul LePage (R) received 38 percent of the vote among a divided field of four candidates. Supporters of ranked choice argue that candidates should receive at least 50 percent of the vote to win, proving a broad base of support from their constituents.

Another benefit, depending on whom you ask, is that ranked-choice voting limits the “spoiler” effect of independent or minor-party candidates. In a plurality election, it’s possible for minor-party candidates to siphon off votes from major-party candidates. In the 2000 presidential election, some say that Ralph Nader, from the Green Party, received enough votes that might otherwise have gone to Democratic candidate Al Gore, to swing the election to George W. Bush.

With ranked-choice voting, voters can select their first choice from the Green Party, the Libertarian Party (or any other non-Democrat or non-Republican), and a candidate from one of the two major parties as their second choice. If no candidate receives 50 percent of the first-choice selections, the voter’s second choice—a Democrat or a Republican—would get the vote.

Ranked-choice voting may also bolster access for military and overseas voters when a primary race necessitates a runoff. States must adhere to federal law mandating that ballots be sent 45 days ahead of time to overseas voters, a hard deadline to meet for a primary runoff. Five states—Arkansas, Alabama, Louisiana, Mississippi and South Carolina—use a ranked-choice system for military and overseas voters. This ensures those voters still have a vote in the runoff—their first choice if that candidate is still in the race, or their second choice if the first choice has been eliminated.

ARGUMENTS AGAINST RANKED-CHOICE VOTING

Fairness is in the eye of the beholder: Who’s to say that winning with a plurality but not a majority is a problem? In addition, if a voter decides to only vote for one candidate and not rank the others (sometimes called “bullet” voting), and the counting goes to a second level, the voter’s ballot would be “exhausted” and may not count at all, thus nullifying that citizen’s vote.

While supporters argue that ranked choice forces candidates to appeal for second- and third-place votes, doubters say that today’s polarized environment likely won’t result in voters significantly crossing the aisle anyway.

Evidence from nonpartisan municipal races, the only evidence that exists in the United States now, may not be a good indicator of what would happen with partisan statewide elections.

ADMINISTRATIVE CONSIDERATIONS

Administrators’ concerns center on technology. No voting system currently certified by the U.S. Election Assistance Commission (EAC) has ranked-choice capability. This has left jurisdictions to employ creative methods for doing the complicated calculations needed for allocating (and reallocating) votes. For example, in Minneapolis a hand count is combined with formula-heavy Excel spreadsheets—a clunky process. The city recently changed its ordinance to allow the city to eliminate candidates who are mathematically unlikely to advance. The 2013 mayoral race, where upwards of 30 candidates competed, prompted this change. Advocates are pushing for new voting machines to include ranked-choice capability, and the Ranked Choice Voting Resource Center is developing a tabulator that can be an add-on to any voting machine in the future.

Cost is another factor. The Maine Secretary of State’s office said it would need $761,000 in 2017-2018 and $641,000 in 2018-2019 for additional ballot pages and updated voting equipment. Additionally, the Department of Public Safety would need $149,000 over that same period for the cost of transporting and securing ballots for central counting in Augusta, rather than in local jurisdictions.

What about the voters? Administrators recommend a robust education program that explains how to fill out the ballot. After the 2013 election, a survey of voters in Minneapolis found that 92 percent of voters knew that they would be asked to rank candidates and 80 percent found the explanation of ranked-choice voting by elections judges very or somewhat helpful.

State Action

To date this year, 25 bills have been introduced in 14 states to use ranked-choice voting in elections at various levels. NCSL is tracking these bills and any that relate to other alternative forms of voting.

In Maine, voters approved a ballot measure in 2016 to use ranked-choice voting for most state and federal offices. The Senate asked the state supreme court for an opinion on the constitutionality of the new law. The court ruled in May that ranked choice violates provisions of the Maine Constitution that explicitly state that officials be elected “by a plurality of all votes returned.” The Legislature has several options, including repealing the law or asking the voters to approve a constitutional amendment permitting ranked-choice voting. Other states considering ranked-choice voting are likely to check their constitutional provisions before proceeding.