Testimony from:
Deb Otis

In OPPOSITION to LD234
February 3, 2025
Maine Joint Standing Committee on Veterans & Legal Affairs

Chair Hickman, Chair Supica, and Members of the Joint Standing Committee,

I am writing to express FairVote Action's opposition to LD234, a bill that would ban the use of ranked choice voting (RCV) in any elections in Maine.

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 RCV. I am the Director of Policy and Research for FairVote Action and, as part of my job, I study the impacts of RCV in the places that use it.

RCV has had an incredible impact in Maine, ensuring elections are fairer and have outcomes that are more representative of the will of the voters. Further, ranked choice voting has: (1) helped parties nominate more consistently viable candidates who bring the party together; (2) offered voters more choices on their ballots; (3) promoted more positive, issues-focused campaigns; and 4) created a more level playing field for female candidates and candidates of color.

LD234 would erase all this progress and allow candidates to win any election even if a majority of voters didn't support them, allowing a small minority of voters to make decisions for everyone. Simply put, banning RCV would overturn the will of the voters, who voted in favor of RCV twice in a row. In its place, LD234 would leave Maine with an election system that gives voters less power to elect leaders who truly speak for them and their values.

From the very beginning, voters in Maine made it clear that they like and understand RCV. Following its first use in the 2018 election cycle, exit polling found 74% of voters said RCV was easy, while 53% of voters said they wanted to expand the use of RCV.[1] After the 2024 elections, 82% of Maine voters said RCV was easy, and 57% said they support ranking candidates.[2]

Maine has also successfully implemented and administered RCV elections over multiple general and primary election cycles. Nearly 500 cities and towns have all proven capable of processing RCV ballots, including over 150 that count ballots by hand.[3] Since RCV was first adopted in 2016, election administrators have ensured each voter was heard, and that voters understood how to cast their ballot.

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[1] What exit polling reveals about Maine's experience with ranked-choice voting. Bangor Daily News. (2018). https://www.bangordailynews.com/2018/11/12/news/exit-polling-finds-narrow-majority-of-mainers-back-expansion-of-ranked-choice-voting%E2%80%8B/

[2] New Ranked Choice Poll in Maine: Harris Leads Statewide and in 1st District, Trump leads in 2nd District. FairVote. (2024). https://fairvote.org/press/maine-poll-oct2024/

[3] Maine Ranked Choice Voting State Readiness Assessment 2023 Edition. Ranked Choice Voting Resource Center. (2023). https://www.rcvresources.org/maine-state-assessment

But RCV has proven itself as an effective reform beyond Maine's borders. Today, approximately 14 million voters in 51 jurisdictions across the U.S. use RCV in public elections. It is an increasingly popular, party-neutral electoral reform with successes including:

- New York City held the largest citywide RCV races in U.S. history in its 2021 primaries. Its successful voter education campaign resulted in much higher voter participation than recent primaries, high use of rankings, and a low error rate. 95% of voters said voting with RCV was simple, and New York City successfully used RCV again in 2023.
- Alaska became the first state to elect its governor, state legislature, and federal offices using RCV. 84%[4] of Alaska voters said the system was simple to use and 60%[5] said it resulted in more competitive races than past elections.
- Legislatures in 14 states have passed RCV bills since 2020, including "local options" legislation that allows municipalities in Maine, Utah, Virginia, and Colorado to begin using RCV.
- Five Democratic presidential primaries and caucuses used RCV ballots in 2020. In 2024, voters in Maine used RCV ballots in both parties' presidential primaries, and the U.S. Virgin Islands Republican Party used RCV in its presidential primary.
- Voters have approved RCV ballot measures in 31 of the last 32 cities to vote on it, and in Maine and Alaska.

RCV offers voters greater choice, creating space for both voters and candidates to express a wide range of views. Voters may rank as many or as few candidates as they like but, in practice, most voters choose to use multiple rankings in order to express their full preferences.

A median of 68% of voters choose to rank multiple candidates.[6] In highly competitive or highly publicized elections, the rate is even higher. In 2024, for example, 85% of Portland voters ranked multiple candidates for mayor and 91% ranked multiple candidates for city council.[7] In 2021, 89% of New York City voters ranked multiple candidates for mayor;[8] of those who didn't rank, most said they only liked one candidate and didn't want to rank anyone else.[9]

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

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

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

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

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

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

Like those in Maine, voters across the country say they 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.[10] Survey data from Utah found that 82% of RCV voters there found it easy to use and that 94% were satisfied with it. 60% of all Utah voters – not just those who used RCV – wanted to keep or expand RCV.[11]

The numbers are even higher in New York and Alaska. In New York City, 95% of poll respondents found the ballot simple and 77% want to keep using RCV.[12] In Alaska, 84% said RCV was "simple," including supermajorities of every ethnic group.[13]

Voters not only find RCV easy to use, but they understand it intuitively, especially compared to other electoral reforms. Survey data shows that more voters understand RCV than the "top-two" systems used in California and Washington.[14] Researchers have found no evidence of racial or ethnic differences in understanding of RCV.[15] Voter support for RCV tends to increase over time, as voters get more chances to use it.[16]

Using RCV has proven it can be a positive experience for election administrators as well. In most cities using RCV, preliminary results are produced on election night or the day after – the same timeline as in single-choice elections.

For example, Boulder, Colorado successfully used RCV to elect its mayor for the first time in 2023. Boulder election administrators communicated with voters, the media, and stakeholders about what to expect; released RCV results on election night with visualizations of the round-by-round results; and performed a risk-limiting audit. The winner in the RCV mayoral race was called before the winners in Boulder's plurality city council races – directly contradicting some opponents' claims that RCV contests take longer to count or call. 86% of Boulder voters said it was easy to complete their ballot, and 77% said they were satisfied with their voting experience.[17] Following the election in Boulder, Colorado Gov. Jared Polis endorsed RCV – citing how smooth the process was.[18]

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[10] FairVote. 2024. Exit Surveys: Voters Love Ranked Choice Voting.
https://fairvote.org/report/exit-surveys-report-2024/
[11] 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/
[12] 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
[13] Exit Polling Shows Alaskans Found Ranked Choice Voting Simple. Alaskans for Better Elections. (2024).
https://www.alaskansforbetterelections.com/exit-polling-shows-alaskans-found-ranked-choice-voting-simple/
[14] 2014 Eagleton Poll California RCV Survey Results. FairVote. (2021).
https://www.fairvote.org/2014-survey-results.
[15] 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.
[16] The 2017 Municipal Election: An Analysis & Recommendations. Minneapolis City Council. (2018).
https://lims.minneapolismn.gov/Download/RCAV2/4684/2017-Municipal-Election-Report.pdf
[17] Boulder Ranked Choice Voting. Citizen Data. (2023)
https://drive.google.com/file/d/19Jz5dUo5JYv2kq9Hb8AQM11J57sW1ytz/view
[18] Colorado Governor Jared Polis endorses ranked choice voting. Oberstaedt, M. (2023)
https://fairvote.org/colorado-governor-jared-polis-endorses-ranked-choice-voting/

Research shows that RCV also decreases negative campaigning because candidates need to reach beyond a single base of voters – and talk to everyone in order to win. Sometimes, this means appealing to be the second or third choice of voters who support a different candidate as their first choice. Studies have found that candidates use more positive language in debates,[19] voters in RCV cities perceive less negativity compared to voters in non-RCV cities,[20,21] and newspaper articles in RCV cities are more positive than in non-RCV cities.[22]

RCV is particularly well-suited for elections with crowded fields, like those often seen in primary elections in Maine. RCV ensures that elections are won with majorities without the need for costly runoff elections – where turnout drops by a median of 41%.[23]

In RCV elections, voters may rank candidates in order of preference: first, second, third, and so on. If a candidate receives more than half of the first choices, they win, just like any other election. If not, the candidate with the fewest votes is eliminated, and voters who picked that candidate as "number 1" will have their votes count for their next choice. This process continues until one candidate wins a majority over their final opponent.

Most RCV winners are ranked among the top 3 choices by two-thirds of voters or more.[24] This demonstrates a measure of broad consensus among voters. Winners of RCV races usually earn the most first choices as well. When the winner is someone other than the leader in first-choice preferences, RCV has prevented an unfair outcome due to the majority splitting the vote.

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

For example, Green Party candidates Jill Stein and Ralph Nader won enough votes to affect the outcomes in key swing states in the 2016 and 2000 presidential elections.[25,26] Had RCV been used in those states, voters could have ranked the Green candidate 1st and then ranked

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[19] 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
[20] 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
[21] Santa Fe Voters Support Ranked Choice Voting and Have High Confidence in City Elections.FairVote. (2018). https://fairvote.app.box.com/v/SantaFeExitReport
[22] Using Campaign Communications to Analyze Civility in Ranked Choice Voting Elections. Kropf, M. (2021). https://www.cogitatiopress.com/politicsandgovernance/article/view/4293
[23] Primary Runoff Elections and Decline in Voter Turnout, 1994-2024. Fitzgerald, B. and Hutchinson, R. (2024)
https://fairvote.org/report/low-turnout-and-high-cost-in-primary-runoffs-1994-2024/
[24] Data on Ranked Choice Voting. FairVote. (2024).
https://www.fairvote.org/data_on_rcv#research_ballotuse
[25] Presidential election in Michigan, 2016. Ballotpedia.
https://ballotpedia.org/Presidential_election_in_Michigan,_2016
[26] 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=

either the Democratic or Republican candidate as their 2nd choice. Their votes would not be "wasted." Instead, they would count for a backup-choice candidate who represents their values, rather than accidentally helping elect the candidate who *least* represents their values. The spoiler problem became relevant in the 2024 presidential election as well – with these concerns raised about Robert F. Kennedy, Jr.; Jill Stein; and a possible "No Labels" candidate throughout the campaign.

Recent research has found that RCV tends to result in greater election rates for women and candidates of color.[27,28,29] A 2024 FairVote report also found that voters of color are more likely to rank multiple candidates on their ballots.[30]

This has played out in practice in cities across the country – RCV elections helped lead to the first-ever majority-female City Council in New York City; the first all-female City Council in Las Cruces, New Mexico; the first Alaska Native member of Congress; and the first City Councils in Minneapolis and Salt Lake City that are majority-people of color. In 2023, St. Paul elected an all-female city council where 90% of councilors are women of color.

RCV's simplicity, representative outcomes, and positive experience for voters have made it an increasingly popular election method. Recommended by Robert's Rules of Order and used in hundreds of private association elections, RCV is fully constitutional, having been twice upheld in federal courts, including in the Ninth Circuit Court of Appeals in 2011 and in federal district courts in Maine in 2018 and 2020.

The case supporting RCV was already strong when Maine first adopted it in 2016. With so many more prominent examples of its impact and a greater understanding of how to administer RCV effectively, the evidence in its favor has never been stronger. Voters like RCV and engage with the ranked ballot. Parties can produce strong nominees with RCV. And implementation is a smooth process.[31,32]

I ask you to ensure Maine's voters continue to have more voice and more choice in their democracy, and oppose LD234.

FairVote Action is available to answer any other questions from the committee or provide additional data. FairVote Action can also advise the legislature as it deems fit and be a resource for RCV implementation. You can reach me at dotis@fairvoteaction.org and my FairVote Action colleagues at info@fairvoteaction.org.

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[27] 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
[28] 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
[29] Election Reform and Women's Representation: Ranked Choice Voting in the U.S. 2021. Terrell, C., Lamendola, C., & Reilly, M. https://www.cogitatiopress.com/politicsandgovernance/article/view/3924/3924
[30] Ranked Choice Voting Elections Benefit Candidates and Voters of Color: 2024 update. Otis, D. & Laverty, S. (2024) https://fairvote.org/report/communities-of-color-2024/
[31] Additional resources on RCV implementation are available from the Ranked Choice Voting Resource Center at www.RCVReources.org.
[32] 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

Thank you for the opportunity to testify.

Sincerely,

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