CAN RANKED-CHOICE VOTING WORK?

A Conservative Approach

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INTRODUCTION

Key Points:

- Single-elimination ranked-choice voting is easy to understand, lets voters vote their conscience instead of gaming their vote, reveals true voter preferences, reduces election costs, and likely increases civility.
- Every election system has flaws and benefits. Single-elimination ranked-choice voting usually has the best mix.
- To satisfy a broad political spectrum of voters and legislators, voting reform proposals that include ranked-choice voting should only proceed with strong protections of election integrity including transparency and results on, or immediately after, election day.

New York City's experience with ranked-choice voting (RCV) in 2021 was abysmal. [1] That fiasco does not, however, invalidate the benefits of RCV. Can pairing RCV with election integrity satisfy a broad range of the political spectrum? A single-elimination RCV process, using an instant runoff, can make voting more valuable to the voter while making it harder to cheat and improving confidence in the count.

[1] Rosenthal, B. M., Rubinstein, D., Newman, A., Barnard, A., & Shanahan, E. (2021, June 30). Inside the turmoil at the agency running ranked-choice voting. New York Times. https://www.nytimes.com/2021/06/30/nyregion/board-elections-nyc.html

BACKGROUND

What Is Single-Elimination Ranked-Choice Voting?

Traditional ranked-choice voting lets voters order their preferences on a ballot. If no candidate has a majority, and your first choice did the worst, a computer counts your second choice instead. In other words, the worst-performing candidate is eliminated, and everyone who chose that candidate gets his second-choice vote counted instead. Then, if no candidate has a majority, whichever candidate is performing worst is eliminated again, and everyone who chose that person (some people's first choice and some people's second choice) gets his next-ranked choice counted. The process continues until a candidate has a majority.

The many steps are confusing to voters, many of whom lack basic literacy. Other voters are not sure they can trust a computer program and those who program it. Many others barely care to vote in the first place and cannot be troubled to thoughtfully rank several candidates. After all, the principle of rational ignorance dictates that when the cost of gaining knowledge outweighs its benefits, a person should choose ignorance, and there is virtually never enough at stake for a single voter to put time into determining his third-best or fourth-best choice. [2]

[2] See, generally, Jason Brennan (2017), Against Democracy (Princeton University Press).

A BETTER RCV MODEL

The traditional model of RCV is not the only option. A model in which voters rank only their top two candidates is easy to understand and can yield most of the benefits of RCV. A limited RCV model is easy to learn. I call this model single-elimination ranked-choice voting. The model is:

1. Rank your top two candidates.
2. If somebody has a majority, he wins.
3. If there is no majority, there is an instant runoff among the top two candidates. All the others are eliminated.
4. If a voter's candidate was eliminated, but she recorded one of the top two as her second choice, that second-choice vote now counts instead.
5. In this runoff, whichever candidate has more votes wins.

This candidate wins regardless of whether he holds a majority of all votes.

Benefits of Ranked-Choice Voting

Among people who choose to vote, the burden of ranking only their top two candidates is small compared with the benefits.

Voters Vote Their Conscience

In most cases involving multiple political parties, the candidates from the two leading parties are the top scorers. But often there is a "spoiler" candidate who "splits" the vote, such that, for example, a Democrat and an almost-Democrat, or a Republican and an almost-Republican, both score below a major-party candidate without a politically-similar challenger. Or there are "third-party" candidates who are perceived as spoilers because they are said to draw votes from leading-party candidates. Occasionally it is even alleged that a party intentionally enlisted an additional candidate to split another party's vote.

"Spoilers" are not problematic in principle; they merely represent additional diversity of options. Yet, in a traditional winner-take-all election without primaries that winnow candidates, a majority of voters may split their votes between two similar candidates, enabling a minority of voters to choose a different plurality winner.

As a result, in winner-take-all voting—what most voters know today—many people game their votes. If their first choice is an unlikely-to-win candidate, they do not vote for him but vote for a good-enough candidate who could win. Or they vote for the better-polling candidates between two similar candidates despite preferring the other one. Or they may vote so that a candidate they strongly do not want will lose. Gaming one's vote, all things considered, is also a form of voting one's conscience. But it is preferable not to put voters in the position of strategically voting against the candidate they think would be best for the job.

In contrast, RCV lets people feel comfortable choosing a likely-losing candidate. They know that if no one gets a majority and their preferred candidate is eliminated, their second choice will get counted. As a result, a candidate with broad overall support, even if the candidate is not a widespread first choice, may win and be a better overall fit for the electorate.

Democratic Benefits Outweigh Democratic Costs

It is true that single elimination RCV might eliminate a candidate who would win in a more complex RCV model. This event, however, seems quite rare. For example, if neither leading party runs a strong candidate, and there are two strong third-party candidates, the vote could be:

A	>30%
B	30%
C	20%
D	<19%
E	<1%

In a traditional RCV model, only E would be eliminated in the first round, and then D would almost certainly be eliminated in the second round. But in such scenarios, the only way for C to win is if a large majority of the D voters choose C with too few choosing A or B to keep one of them ahead. This is unlikely.

Furthermore, if C is a popular second choice among A and B voters, we never get to know, and C never gets that benefit unless the D voters make it happen. Traditional RCV is not blithely "better for democracy" but has its own benefits and flaws like every other voting system.

Furthermore, in winner-take-all, C was going to lose anyway. Single-elimination RCV gives B a chance. In single-elimination RCV, the C, D, and E voters can vote their conscience as well as a second choice. The flaws of winner-take-all are worse than those of RCV.

If single-elimination RCV uses three finalists instead of two for the instant runoff, there is a key flaw. In that scenario, D and E voters would get their second-choice options but C voters would not get theirs (since C would be a finalist). While the C voters would be pleased in the rare cases when the D and E voters gave C a victory, they much more often would be displeased by not having their second-choice votes counted at all—forfeiting their ability to decide whether A or B wins.

This flaw—denying some voters the opportunity to have their second choices counted while giving that opportunity to others—is essentially the same in all forms of RCV. Consider, for example, a polarized election in which A and B are extreme candidates and C is a moderate "compromise" candidate—the widespread second choice of A and B voters alike. RCV would never count the second-choice votes of the A and B voters to reveal the relative popularity of C. [3] Nevertheless, in winner-take-all, C would have lost anyway. (An even more complicated point system, in which voters give their first choice most of the available points and other choices the remaining points, could reduce this flaw—at the expense of additional voter confusion.) In single-elimination RCV, the compromise candidate maintains an ability to push A and B to (at least pretend to) be more moderate because the C voters may yet choose between A and B as their second choice on the basis of the candidate being more moderate.

In single-elimination RCV, voters who do not prefer the likely winner or either of the likely top-two might still game their votes. For example, an E voter whose second choice is neither A nor B, but who nevertheless prefers B over A, might place a second-choice vote for B in the hope that A does not win. In this scenario, the E voter does not vote for her second-most-favored candidate but for the one she deems politically expedient.

Yet, in single-elimination RCV, these voters nevertheless remain likely to choose their actual first choice first, then to decide whether to game their second choice. On balance, weighing flaws against benefits, single-elimination RCV appears the best option for most elections.

[3] See the August 2019 report by A. Crepeau and L. Sigaud, "A False Majority: The Failed Experiment of Ranked-Choice Voting," published by The Maine Heritage Policy Center, p. 24 (https://www.scribd.com/document/421886759/RCV-Final-Booklet).

Voters Reveal Their True Preferences to the Public

Knowing that voters put their real candidates first benefits more than just the voters. Revealing the actual preferences of the voters helps candidates and policy makers understand the electorate. We should want to know how many people, when freed from gaming the system, truly support extremists or other third parties, and we should want to observe trends. We should want to know voters' second choices so as to understand the electorate even better. (Since voters generally do not study enough to develop well-considered third choices, an even finer level of detail often will be noise instead of signal.)

In winner-take-all, we cannot use votes to accurately observe third-party or extremist trends since so many voters avoid spoiler candidates whom they otherwise would have chosen. In contrast, all forms of RCV better reveal voters' true first choices than a winner-take-all model.

RCV Arguably Increases Civility

Winner-take-all voting encourages candidates to attack one another so as to win not-the-other-guy votes. This incentive is reduced in RCV. If a candidate alienates voters whose first choice is someone else, they are less likely to prioritize the attacking candidate. While outside advertisers will not have this incentive, [4] it remains for the candidates themselves.

RCV Reduces Costs

Elections are expensive in dollars, time, and trouble. Traditional and single-elimination RCV contain instant runoffs—after all, the ballots already contain voters' preferences. No separate runoff election is needed. If a jurisdiction chooses, it can also avoid party primaries, saving the cost, time, and trouble of running multiple elections, by letting all voters vote among all candidates.

[4] Freedom Foundation of Minnesota. (2021). Ranked choice voting: A risk voters shouldn't take. [Report]. https://freedomfoundationofminnesota.com/ranked-choice-voting/

How to Overcome Drawbacks to Ranked-Choice Voting

RCV alone, even single-elimination RCV, may not draw enough support to pass in many jurisdictions. New York City's poor experience provides good lessons in what to avoid. To buffer RCV against incompetence and potential fraud, lawmakers and policy makers should require transparency and should require results on, or immediately after, election day. Severe penalties for chain-of-custody violations should be required, and the new method should not take effect immediately but at least one year after adoption.

These requirements would provide strong protections for election integrity and reduce voter confusion. Legislators should not institute any form of RCV without building these protections into the election process. With such protections, conservative legislators who are skeptical of RCV should be able to support it. By reducing voter confusion, single-elimination RCV should be more palatable to progressive legislators concerned about voter turnout.

Indeed, integrity protections are critical. "In a 2017 study," Vin Weber and Annette Meeks write, "political scientist Lindsay Nielson found [evidence suggesting] that ranked-choice voting has 'no positive impact on voters' confidence in elections and the democratic process.'" [5] Nielson notes that "While research has shown that RCV encourages the election of more ideologically moderate candidates and candidates from outside the two-party system and encourages more sincere voting, as well as reduces administrative costs, this method of tallying votes remains less transparent" (p. 537). [6] His study featured a survey showing very significant preferences for winner-take-all after subjects practiced RCV one time (without knowing the results) under experimental conditions with real presidential candidates (p. 554).

Furthermore, legislators and policy makers should not see single-elimination RCV as a step toward traditional RCV because each additional step in traditional RCV will tend to confuse voters and introduce additional real or perceived opportunities for fraud. It is important to remember the low levels of literacy, numeracy, and general education among much of the electorate. Nielson notes that although "San Francisco and Minneapolis surveys show that voters can grow accustomed to RCV rules and appreciate these elections …, other research shows voters struggling to adapt" (p. 542).

[5] Meeks, A., & Weber, V. (2021, July 9). Ranked-choice voting helped wreck Minneapolis. Wall Street Journal. https://www.wsj.com/articles/ranked-choice-voting-helped-wreck-minneapolis-11625854937 [quotation corrected].
[6] Nielson, L. (2017). Ranked choice voting and attitudes toward democracy in the United States: Results from a survey experiment. Politics and Policy, 45(4), 535–570. https://onlinelibrary.wiley.com/doi/epdf/10.1111/polp.12212

Additionally, "having a larger slate of candidates and eliminating party primaries weakens the usefulness of party identification as an information cue to voters, increasing the amount of information that is needed to cast an informed vote and possibly decreasing turnout" (p. 543; citation removed).

Producing an easy-to-understand, well-protected RCV system out of the gate is critical to success. Failure to do so causes bad early experiences and leads voters to abandon RCV. [7]

Transparency

RCV is new, and voters are often skeptical that the computer software and election administrators will work without mistakes. This skepticism is warranted in light of the major NYC staff mistake of keeping more than 100,000 test ballots in the computer.

A large proportion of voters also remain concerned about the potential for election fraud. The more complicated the voting and tabulation process, the more entry points for fraudsters.

To increase legitimacy, transparency is fundamental. First, the source code for the algorithm that counts votes must be well annotated and open to the public. Furthermore, election officials should publish the code from the computer that actually runs counting software both immediately before and immediately after counting the votes. As a result, the public can check the software and feel confident in the integrity of the calculations.

Second, each precinct using a computer to record votes should publish the relevant code both immediately before voting begins, again on the morning of election day, and again immediately after the polls close.

Third, no computers should be connected to the Internet so as to dramatically reduce the opportunity for hacking.

Fourth, to prevent the information loss from removing candidates' party affiliations from the ballot, party affiliations should be disclosed on the ballot.

Finally, all ballots (minus information that identifies a voter) should be open to the public and published immediately after the winner is certified. This level of transparency permits any interested and sufficiently talented person to reproduce the exact results.

[7] Freedom Foundation of Minnesota (2021).

Additional Election Day Protections

Votes Must Arrive by Election Day

Slow counting of absentee and mailed ballots produces complications and reduces trust in the results. In addition, when votes are allowed to arrive after election day, the total number of votes cast by election day is not the real vote, and RCV software cannot run until all votes are in. Yet, voters deserve to know, on election day, exactly how many people voted–both precinct by precinct and overall. Voters will lend the election more legitimacy if they know it is impossible to add votes after the fact.

Results Must Be Calculated on (Or Immediately After) Election Day

In New York City, the algorithm's results were only preliminary until the large number of absentee ballots were added weeks later. Many other jurisdictions similarly cannot tell the voters who won until long after the polls close. But voters deserve to know who won (pending official certification) no later than the day after election day.

The considerations above dictate time limits on absentee and other early voting. All such votes ought to be received far enough in advance that they can be loaded into the computer that will do the RCV calculations before the bustle of election day preparation and execution. A receipt deadline of, for example, five days before election day ensures that all early votes will be ready to be counted along with votes from election day. Hard cases normally can be resolved during the five-day period to minimize the number of ambiguous ballots remaining on election day.

Limits on Provisional Ballots

If a jurisdiction permits provisional ballots, the vast majority of voters should not be expected to wait for ambiguous ballots to be resolved before the RCV algorithm determines the winner. Accordingly, if there is no scenario in which the ambiguous ballots would change the outcome, the algorithm should run as expected on election day or immediately afterward.

These considerations dictate strict limits on the kinds of scenarios in which provisional ballots are allowed. In general, government errors (when proven or reasonably alleged) are good reasons to permit provisional ballots, while voter errors are not. If a voter does not appear on the precinct's list, the voter should be required to demonstrate identity and a compliant address as conditions of casting a provisional vote at that location.

Chain-of-Custody Penalties

As hackers become more sophisticated, chain of custody becomes more important. Legislators should ensure that every handoff of a ballot, piece of software, thumb drive, and so on is reasonably controlled and documented so as to minimize opportunities for fraud or allegations of fraud. But paperwork errors should not disenfranchise voters, so penalties for noncompliance should provide strong disincentives against errors and fraud among election workers and anyone who handles someone else's ballot—rather than disallowing votes absent extreme circumstances.

Can Voters Handle Ranked-Choice Voting?

One challenge to RCV articulates that low-information voters are overwhelmed by ordering their preferences across many candidates, and that voters sometimes stay home rather than face the ballot.

This challenge rings hollow. Voters also shop among thousands of choices at the supermarket, the clothing store, and online retailers. They determine their preferences and buy products accordingly. Voting is more like buying a service, but as consumers they also look up ratings, ask their friends, determine their preferences, and choose a vendor. Being a good consumer within market capitalism helps citizens be good voters within a democracy. So long as voters have at least one year to hear about and consider RCV, they will understand how to vote.

Furthermore, single-elimination RCV dramatically reduces the complexity of traditional RCV. Voters need to understand little more than, "Rank your top two. If nobody gets a majority, there's an instant runoff for the top two. If your first choice can't win, your second choice gets counted."

Another challenge to RCV is that a candidate can use polling data to game his pitch to voters. In New York, as the Wall Street Journal noted, "The weekend before the primary Andrew Yang urged his supporters to rank Kathryn Garcia second on their ballots," presumably to try to knock out the frontrunner and position Yang to win from behind. [8] This is a minor concern, however, and no worse than what winner-take-all candidates already do with polling data.

A third concern with RCV is that many voters do not express more than one or two preferences. That is, their ballot can be exhausted before it has any vote that counts. This challenge also rings hollow. In winner-take-all voting, up to half of voters already do not get the candidate they chose—their ballots are exhausted in the first instance. Furthermore, in single-elimination RCV, voters are limited to two preferences.

[8] Editorial Board. (2021, June 30). New York's ranked-choice fiasco. Wall Street Journal. https://www.wsj.com/articles/new-yorks-ranked-choice-fiasco-11625092570

But there is a different concern with exhausted ballots: The denominator for the total number of votes must exclude those whose ballots are exhausted, otherwise no candidate may ever have a majority. In other words, it is possible that no candidate appears anywhere on at least half of the ballots. As a result, only a small proportion of total ballots might be used to determine a winner. But this issue exists for winner-take-all models as well as RCV models. To get the benefits of instant runoffs, lawmakers and policy makers should be content with the plurality winner and should not argue that an RCV model represents a "majority" when it often does not.

Nevertheless, in many cases, single-elimination RCV will push one of the top two candidates over the 50 percent threshold; single-elimination RCV is therefore much more likely to overcome the exhausted-ballot flaw [9] than traditional RCV. If not, a jurisdiction might decide to implement a minimum threshold for the highest-scoring candidate—say, 25 percent—below which it will hold a separate runoff election after all. Such scenarios, however, may not be worth the time, trouble, and expense. In addition, voters might game their vote and list no second choice, thinking it preferable to force the second election rather than enabling a less-preferred candidate to win.

For example, imagine a crowded field in which voters collectively do not have strong preferences:

A	15%
B	14%
C	13%
D	12%
E	12%
F	12%
G	12%
H	10%

[9] Von Spakovsky, H., & Adams, J. (2019). Ranked choice voting is a bad choice. The Heritage Foundation. https://www.heritage.org/election-integrity/report/ranked-choice-voting-bad-choice

In single-elimination RCV, only A and B would have a chance to win. Yet, it is easy to imagine most voters not choosing A or B as a second choice, with the C–H voters splitting their second choices evenly across the candidates or gaming the system by recording no second choice. The jurisdiction might decide that the voters in such elections do not really know the candidates and do not really care enough to come back for a runoff, and there is not enough at stake, so the plurality winner, whether A or B, will work out well enough. In these cases, a successful and peaceful voting process yielding an A or B plurality may be counted as the optimal win for democracy.

Finally, ballots should minimize the prospects of voter error. An electronic ballot should first show all candidates and take the voter's first choice. Then, the ballot should show the remaining candidates—omitting the first choice—to offer the voter a second choice. A voter can undo her first choice and change it before submitting her vote. This process prevents a voter from overvoting—choosing more than one candidate as first choice.

Paper ballots similarly should show one grid for the first choice and a separate one for the second choice rather than combining both choices into the same grid. In single-elimination RCV, that is all that is needed. In contrast, paper ballots under traditional RCV must use either a large, confusing grid or a large number of separate grids that risk additional confusion. This is another reason why single-elimination RCV provides more benefit and less cost in comparison with traditional RCV.

Multiple-Winner Elections: Winner-Take-All or Ranked or Unranked Choice?

As with single-winner elections, there are many options for multiple-winner voting. These are cases where, for example, the top three candidates in a large field are all elected as school board members. The simplest winner-take-all model lets the top three vote-getters win, and a somewhat more complicated version lets voters choose up to three candidates, unranked, with the three leaders winning by plurality.

An RCV model would be even more complicated, working from the bottom to eliminate the worst performers until three winners remain. Yet, RCV's benefits also would operate here. RCV and unranked choice still carry more need for civility than the simplest winner-take-all, in which each candidate still needs to maximize his positives and others' negatives. RCV and unranked choice also reduce or eliminate runoffs, as does plurality winner-take-all.

Moreover, RCV can produce winners with broader support than an unranked-choice winner. In a winner-take-all election with multiple candidates and no runoff, the highest vote getters might nevertheless have small proportions of the total vote. Nobody knows which candidates had the broadest support. By the criterion of breadth of support, RCV and unranked choice are superior to winner-take-all, and RCV should be preferred over unranked choice.

Most of all, however, RCV's superior ability to let voters reveal their true preferences speaks in favor of RCV. Voters in an RCV multiple-winner election may still prioritize extreme or unlikely candidates, revealing their true preferences while having fallback votes.

Single elimination RCV again should be preferred over traditional, multiple-elimination RCV, for the same reasons. It is less complex. If there are to be N winners, voters just choose their top N and then a fallback candidate. For example, in a three-winner election, a voter just needs to understand: "Pick up to three winners and a fallback option. If somebody you chose does not make it into the top four, we'll add in your fallback vote in case the #4 candidate has broader support."

To be frank, though, most voters have little knowledge of most candidates for major offices and even less knowledge of candidates for minor offices, and their interest in minor candidates and issues is low. The cost of voting, for many, seems higher than whatever marginal benefit might come from choosing a better-aligned candidate. Adding even a little complexity to a multiple-winner election may further depress turnout. That is, in most cases, voters correctly do not see enough at stake in whether the third-best or the fourth-best school board candidate has broader support and should be elected.

These observations suggest that the most important factor in running a multiple-winner election is not the method of voting but how well the trouble of voting is minimized. That is, the first priority should be any method that avoids a runoff election. For such elections, traditional winner-take-all plurality voting is sufficient.

Furthermore, in cases where voters are better off trusting an existing elected official to vet candidates, lawmakers and policy makers should consider the benefits of changing the roles from elected to appointed, avoiding the costs of an election for which voters will not take the time to develop significant opinions. The jurisdiction's democracy is not harmed by letting an elected official choose lower unelected officials.

Nevertheless, single-elimination RCV is a reasonably good option with benefits over winner-take-all. Combined with transparency, results on election day, and penalties for chain-of-custody failures, single-elimination RCV may appear to many to have the optimal mix of benefits and costs.

CONCLUSION: TRADITIONAL OR STREAMLINED RCV?

This paper argues that streamlined, single-elimination RCV is best, so long as election integrity protections are included and voters have enough time to learn the new method. In this model, voters choose just a first and second choice, and it is easy to understand the value of a single instant runoff. Without multiple rounds to keep track of, there is less room for error or fraud by election officials, the algorithm is easier to code and understand, and a computer can quickly and easily produce instant results.

Nevertheless, it is likely that election reform proposals often will feature traditional RCV instead of single-elimination RCV. Should these proposals be preferred to the status quo of winner-take-all? Probably, provided that the proposals include sufficient integrity protections that offer the legitimacy that comes with election-day results. Traditional RCV is second best but, with protections, it still is likely to provide greater civility, lower cost, and better exposure of real voter preferences in comparison with winner-take-all, despite the cost of confusion among some voters.

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