

**POLICY BRIEF** 

# Rank the Vote: The Implications and Record of Ranked-Choice Voting



Noah Diekemper Senior Research Analyst

## Key Takeaways

In recent years, many American jurisdictions have changed their method of voting and awarding elections winners to "ranked-choice voting." Ranked-choice proponents promise a slate of benefits from the system: more honest voting, more options, less polarization and mud-slinging.

Yet, considering hypothetical scenarios as well as recent American elections, we unearth a few conclusions that deflate the promise of ranked-choice voting:

- The question of whom voters prefer varies based on electoral system. There are several methods for designating electoral winners, and different reasonable systems could elevate any of several candidates in a given election.
- Ranked-choice is supposed to invite more perspectives, but third parties already have a significant voice in American politics. The 1992 Reform Party's concern for fiscal responsibility occasioned fiscally conscious moves from both Republicans and Democrats during President Clinton's first term, while the 2016 election prominently featured two candidates (Trump and Sanders) of questionable major party loyalty and a significant bloc of voters who backed one in the primaries and the other in the general.
- Ranked-choice is supposed to give voters more options and make politics less acrimonious, but a two-party system already maximizes coalition building. Republican and Democratic caucuses both include voters with different priorities and necessitate compromise; widening the number of viable parties discourages compromise.
- The "majority" winner in a ranked-choice election need not have anything like majority preference. Americans have deep underlying disagreements about politics that rule out much true majority rule. The majorities established by ranked-choice elections hardly deserve the name; in one scenario, a candidate could win a ranked-choice election despite being ranked last or second-to-last out of five choices by a majority of voters.
- **Overhauling elections systems invites chaos and mistakes.** New York City's experience implementing a new system of voting, where they published thousands of dummy results in the middle of high national skepticism of elections, is the sort of thing that civic leaders should be at pains to avoid.
- **Ranked-choice elections delay results.** At a time when Americans already dislike being made to wait longer for results, ranked-choice voting requires the presence of all ballots before counting can begin. In an age of mailed-in ballots, this means significant delays.
- Ranked-choice elections in America have mostly looked like typical ones: plurality candidates winning and lots of mud-slinging. Roughly 97% of American ranked-choice elections have been won by the candidate who won a plurality of first-place ballots (in the manner of usual American elections) anyway, while the tone and hostility of those elections has not noticeably differed from usual ones.

## Introduction

Ranked-Choice Voting has been gathering attention, from its adoption for certain races in Maine and New York City to commentary on the subject from NPR, R Street Institute, and *Time* magazine.<sup>i</sup> It is a curious topic that cuts across party lines: it defies classification as either progressive or Right-wing, even as it invites Americans to reconsider the very meaning of voting and electoral victory. Recent legislative proposals to bring some form of it to Wisconsin prompt us to examine it here.<sup>ii</sup>

## **Ranked-Choice Voting: What is it?**

Most American elections are conducted with a "first-past-the-post" or "plurality winner" system, where voters receive lists of candidates and indicate the one they are casting their vote for. Then, the candidate with more votes than any other is declared the winner. It's sometimes called "plurality" because candidates can (and frequently do) win elections with less than a *majority* of votes (which technically means more than 50%).<sup>iii</sup>

Ranked-choice voting is a fairly different way of electing people, based on the idea that voters should be able to order candidates by preference and that this will better satisfy the will of the electorate. There are a couple different versions of it, but the one frequently proposed is a style called "instant runoff." In this type of election, a voter would rank candidates by order of preference—first choice, second choice, and so on. If no one candidate commands more than 50% (a real majority) of the first-place vote, the candidate with the fewest first-place votes is eliminated and all of the ballots that had had him or her in first place get reallocated to whichever candidate those ballots had listed second. This is repeated until someone's vote share surpasses 50% and wins a majority of support.

Our current, "first-past-the-post" way of running elections tends to produce two-party systems.<sup>iv</sup> One of the impetuses for ranked-choice voting is dissatisfaction with that system's flaws, including polarization, "races to the bottom," and having to choose between "the lesser of two evils." Proponents of ranked-choice promise less polarized elections, more broadly acceptable nominees and elected officials, and the freedom to vote one's conscience free from strategizing or compromise.

## **An Illuminating Hypothetical**

To really get a handle on ranked-choice voting, it's first important to explore how "the will of the electorate" is more difficult to define than it may seem at first glance.

Let's walk through one hypothetical election. Say that five candidates are running for the 2024 GOP presidential nomination, and the choice is up to 55 electors whose preferences sort them into six different voting blocs. (This example is adapted from one provided by mathematician John Allen Paulos in the days of the 1992 primaries.<sup>v</sup>) There is, for example, one bloc of 18 voters whose first choice is Donald Trump, whose second choice would be Kristi Noem, etc.

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump

In Paulos's analysis, he explains how different voting systems, all of them plausible, could award victory *to any of the five candidates*. In our recreated analysis, Trump wins under the usual American system where voters cast their ballot for a single candidate and the winner of a plurality of votes wins the election.



Wisconsin Institute for Law & Liberty 4

However, we could also use ranked-choice voting: since no one candidate has a *majority* (at least 50%, i.e. 28 votes) of first-place support, the candidate with the fewest (Nikki Haley) gets eliminated, and people who had voted for her have their votes reapportioned to their second choices: 4 for DeSantis, and 2 for Ben Sasse. Ben Sasse then collects 9 more votes from Kristi Noem voters (for 10+2+9=21), and finally cleans up when third-place finisher Ron DeSantis is eliminated and all of his votes go to Sasse over Trump (21+16=37 for a majority); the ranked-choice winner is therefore Ben Sasse.



The Ranked-Choice Voting (Instant Runoff) Results

But there are more systems than just these two—and different systems could elevate literally any candidate to victory. If this were a primary for U.S. Senate in California or Louisiana, DeSantis would win: in those elections, all candidates run in the same primary regardless of party, and the top two vote-getters then run against each other head-to-head.<sup>vi</sup> And in this scenario, the top two are Trump and DeSantis, and everyone else prefers DeSantis to Trump (37 vs. just 18):

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump

Or you could consider head-to-head matchups: Nikki Haley, who is not ranked lower than third by anyone, is preferred over Trump by 37 voters (a healthy 67%), and over everyone else at margins of 36-19 (Ben Sasse), 33-22 (Ron DeSantis), and 28-27 (Kristi Noem).

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump

Haley vs. Trump

Haley vs. Sasse

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump
		18 + 1	2 + 4 + 2 = 3	<b>6</b> > 10 + 9	= 19	

Haley vs. DeSantis

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump

18 + 9 + 4 + 2 = 33 > 12 + 10 = 22

	# of Voters	First Choice	Second Choice	Third Choice	Fourth Choice	Fifth Choice
Bloc A	18	Donald Trump	Kristi Noem	Nikki Haley	Ben Sasse	Ron DeSantis
Bloc B	12	Ron DeSantis	Nikki Haley	Kristi Noem	Ben Sasse	Donald Trump
Bloc C	10	Ben Sasse	Ron DeSantis	Nikki Haley	Kristi Noem	Donald Trump
Bloc D	9	Kristi Noem	Ben Sasse	Nikki Haley	Ron DeSantis	Donald Trump
Bloc E	4	Nikki Haley	Ron DeSantis	Kristi Noem	Ben Sasse	Donald Trump
Bloc F	2	Nikki Haley	Ben Sasse	Kristi Noem	Ron DeSantis	Donald Trump
		12 + 10	) + 4 + 2 = 2	8 > 18 + 9	= 27	

Haley vs. Noem

This results in a pretty strong intuitive argument for Nikki Haley and against anyone else winning the election: why should Trump or DeSantis or Ben Sasse win if a majority of voters prefers Nikki Haley to any of them? (This is known as the "Condorcet method," after the French mathematician known for popularizing the idea.<sup>vii</sup>)

Finally, Kristi Noem is situated similarly to Nikki Haley in this scenario—little top-level support, but a popular second- or third-choice among voters. Under a system that lets voters allocate points to candidates based on their preference—say, their top choice of five gets five points, their second choice gets four, and so on—then Kristi Noem would triumph, winning the most points thanks to her broad support across the electorate. Parliamentary elections in Iceland incorporate this method, called the "Borda method" after the French mathematician who devised it.<sup>viii</sup>

#### **The Popular Case for Ranked-Choice**

Turning back now to ranked-choice voting: this particular elections method has been gaining steam in American elections, becoming the system of choice for statewide races in Maine and (as of 2022) Alaska, primary elections for NYC mayor, several local elections in California cities, and some other jurisdictions around the nation as well.<sup>ix</sup>

The main theme among proponents is that it does away with "wasted votes," where voters cast ballots for someone they truly like but who has virtually no chance of winning—Ross Perot, Ralph Nader, Gary Johnson, Jill Stein. Under ranked-choice voting (RCV), they say, voters have the freedom to cast their votes to their true preferences knowing that if their selected candidate does not win but their least preferred candidate also fails to secure a majority, then their votes will shift towards a candidate with a more realistic choice of winning. No longer will it be the case that "a vote for Evan McMullin is a vote for Hillary Clinton."

This enticement is sometimes coupled with the promise that voters can be freed from the need to vote strategically. As pro-RCV organization Fair Vote argued, "With RCV, voters can honestly rank candidates in order of choice. Voters know that if their first choice doesn't win, their vote automatically counts for their next choice instead. This frees voters from worrying about how others will vote and which candidates are more or less likely to win."<sup>x</sup>

Proponents tout the benefits for the voters while also predicting a healthier party system. Here's FairVote, again: "In non-RCV elections, candidates benefit from mudslinging and attacking their opponent instead of sharing their positive vision with voters. This can lead to increasingly toxic and polarizing campaigns."<sup>xi</sup> A *Houston Chronicle* opinion reasoned further: "Since general election voters would rank all candidates, rather than choosing just one, being a voter's second or third choice could be the difference between victory or defeat. This means that [state representative candidates] Wright and Ellzey, along with their additional competitors, would have an incentive to reach out to a wider swath of voters. The result would be less mudslinging within the party and more cross-partisan engagement."<sup>xii</sup>

The RCV vision is often contrasted with what could be called the epitome of a "race-to-thebottom" election: the 2016 presidential race. Both Republicans and Democrats experienced bitter, tumultuous primaries: Donald Trump won the nomination with 44.9% of the primary vote, the smallest share for a GOP presidential nominee since 1968, while Hillary Clinton's boost from establishment "superdelegate" votes angered Bernie Sanders supporters throughout the campaign.<sup>xiii</sup> The result was a lot of voters, on both sides, feeling deeply dissatisfied with their nominee and being made to feel that they had no choice but to vote for them anyway, since the only alternative was the other side winning.

So, ranked-choice proponents promise to remedy bitterness by rewarding candidates who project positive energy and build broader coalitions, and to do away with the need to vote for a lesser of two evils, giving voters the freedom to vote their "honest" preferences. But is this reality?

## **Revisiting American Third Parties**

Let's revisit the "wasted vote" idea, because the idea that third parties play a non-role in American elections just because their candidates rarely win significant elections is not sufficiently thought through.

Tara Ross, a legal scholar on the electoral college, has written, "Third parties usually form when one of the two major parties is either unable or unwilling to work with a bloc of minority voters. This third party, if it is big enough, may be able to impact an election . . . it may be able to win enough votes in a swing state to shift the outcome . . . if it demonstrates its ability to affect an election, it usually encourages one of the two major parties to work with it. The result is compromise and moderation because it is unproductive for either the third party or the major party to refuse to do so."xiv

This is not hypothetical. Ross cites as an example the Reform Party campaign in 1992, the most recent prominent third-party run at the U.S. Presidency: "One of the major campaign platforms for the Reform Party in 1992 was fiscal responsibility . . . Is it any coincidence that both parties made a push for fiscal responsibility before and during the 1994 mid-term elections? Democrats supported a 1993 budget reconciliation bill that raised taxes . . . necessary to bring the budget back into balance. As the election neared, Republicans countered with their 'Contract with America.'"<sup>xv</sup>

One could also consider the 2016 election in this light. The Republicans nominated Donald Trump—a man who had been a registered Republican (1987-1999), a Reform Party member (1999-2001), a Democrat (2001-2009), a Republican again (2009-2011), an Independent (2011-2012), and, finally, <sup>xvi</sup> a Republican (2012-present). The Democrats nominated Hillary Clinton—partially as a result of their establishment, "superdelegates" institution that made the nomination an uphill fight for Bernie Sanders from the outset; Sanders received tremendous support in spite of his ambiguous party affiliation. Then in November, about 10% of those who had voted for Sanders in the Democratic primary voted for President Trump.<sup>xvii</sup> It was, for both candidates and voters, an election of strong-willed independents.

Perhaps voters matter whether they realize it or not—and perhaps when national politics are as tightly divided as they are these days, the influence of disaffected independents and passionate blocs is at an all-time high.<sup>xviii</sup>

## **Ranked-Choice and the Will of the People**

The related claim of ranked-choice voting that deserves more scrutiny is the idea that it will foster cross-partisan engagement. But a two-party system is already a system with maximum coalition building built-in. The Left today is a coalition of technocrats and the environmentally-conscious, free speech absolutists and speech code proponents, the very poor and the uber-rich.<sup>xix</sup> On the flip side, the Right houses interventionists and isolationists, free trade believers and tariff-fond protectionists. A system that fosters many parties would give voters more choices—choices that would be more uncompromising and less responsive to change than those the voters are currently accustomed to.

And yet, the promise of ranked-choice voting is that elected officials will appeal to broader swaths of the electorate and win elections with majorities (as opposed to mere pluralities) of support.<sup>xx</sup> But the above example suggests how thin of a guarantee that is: the RCV winner is Ben Sasse, a man who is voters' *fourth choice out of five* 34/55 times. RCV is a system that can, under circumstances like these, elevate relatively unpopular candidates to victory; and does winning with such a "majority" really deserve the good feelings and governing mandate that that word is supposed to suggest?

Alternatively, imagine a personally affable moderate with good communications and a compromise platform, but who isn't hardline on any bloc's key issue. He or she could secure the second-choice place on every single voter's ballot—and be eliminated immediately.

Even scenarios where RCV seems to succeed at elevating broadly acceptable candidates come with the asterisk that putting candidates in order masks any absolute positive or negative feelings. Suppose five candidates are running to be mayor of Madison—one Republican and four liberals of different stripes. One of the liberals could break 50% and win a RCV election because a quarter of Madisonians were fanatic about him and the quarter of Republican Madisonians considered him the least bad choice, like how Republicans could marginally prefer Ron Kind to Mark Pocan. But this victory does not exactly embody the positivity associated with "majority rule," and it runs the risk of emboldening politicians to act as though they have broader mandates for their agendas than they actually do.

These, of course, are hypothetical scenarios that illuminate just how slippery the concept of "the will of the people" is to nail down, regardless of how good a slogan it makes. It's worth noting that the characterization of a voting system as "good" or "better" is almost entirely due to the precise nature of the definition picked. In actual elections, of course, it would be uncommon for there to be *such* radically different results as hypothesized above. But there is a quirk in the results of ranked-choice elections that have already been happening in U.S. elections: by FairVote tracking, some 97% of them have ultimately gone to the candidate who won a plurality of first-round first-place votes anyway.<sup>xxi</sup> (This also happened in the recent NYC mayoral primary.)

Proponents might object that just because a RCV election went to the plurality winner, that doesn't render RCV irrelevant: having RCV in place changes the incentive structures that drive campaigns and strategies.<sup>xxii</sup> Still, it's hard not to see winners being the same almost all of the time and wonder where the material benefits are—especially looking for them in the most high-profile races. One analyst noted that "The Democratic primary for New York City mayor was a nasty affair, and there was still plenty of negative campaigning in the 2018 Maine gubernatorial primary."<sup>xxiii</sup>

## **Ranked-Choice in the Real World**

Everything said so far considers hypothetical scenarios and historical results, but turning to the future there are (at least) two more practical realities to deal with.

The first is the management of implementing a new system for voting, something that was on display during NYC's inaugural RCV primary last summer. NYC election officials released fake numbers as actual results, having generated 135,000 dummy votes to test their new software on and then forgot to delete them before real results came rolling in.<sup>xxiv</sup> And while it might be fun to laugh at the incompetence of the individuals that officiate NYC politics, that kind of snafu could happen to anyone overhauling a major system and implementing something new.

The other practical issue that clips the wings of ranked-choice voting is that every last ballot must be present and accounted for before counting can properly begin and the instant runoff rounds of reapportioning votes can proceed. All results must be postponed until all ballots are reported to a central counting facility that can begin processing the allocations and reallocations of everyone's votes. This means further delays at a time when delayed results are already on the rise and, for good reasons or bad ones, inviting scorn and distrust from voters.

American confidence in government and in the reliability of elections have been trending down in recent decades.<sup>xxv</sup> Even when RCV systems are explained to voters, research suggests that support for them does not increase, and single-vote methods are still preferred.<sup>xxvi</sup> Prudence dictates that public perception be taken into account.

## **Conclusion: Promises That Can't Be Kept**

Earlier on, we looked at five different ways of considering ballots. Under plausible circumstances, voters' preferences could result in several different winners. And these were just five of a whole universe of voting options: there are varieties where voters rank only a top x many candidates (instead of ranking all); Borda counts where voters have a set number of points that they may distribute at will; "approval voting," where voters indicate all candidates whom they would accept, and on and on.

This policy brief does not conclude that ranked-choice voting is some great evil. It is merely one of a number of electoral methods, all having their different strengths and weaknesses. At this particular juncture, though, it is being pushed with promises that it cannot fulfill.<sup>xxvii</sup>

Ranked-choice voting promises to abate the mudslinging that increasingly characterizes American politics and to incentivize positive, uplifting outreach. But the vitriol in American politics stems from deep underlying disagreements about the proper role of government, the amount of money the government takes out of people's paychecks, the burdens of steep medical bills, the impracticality of "controlling" guns, the effective policing of violent crime, the enforcement of national borders, abortion, and so on. The stakes are high and the battle is inevitable.

Ranked-choice voting promises to free voters to vote their honest opinions. But, as the earlier scenario of five GOP hopefuls suggests, there is no voting system that can keep people from speculating on their compatriots' choices and voting strategically with those expectations in mind.<sup>xxviii</sup> And the cultivation of multiple, less compromise-oriented parties could result in elected officials who are less responsive to public opinion generally.

A renovated election process will not wow disaffected voters—least of all when one accounts for the practical difficulties involved in getting it up and running, as well as the necessary delay in results after waiting for all ballots for counting to even begin.

It's easy to understand the psychological appeal of RCV. In an age of gridlock and bitter partisanship, modifying an electoral system is a promising way to actually accomplish something, effect change, and elevate the whole political environment.

But American politics has enough broken promises as it is. Burning state resources to set up a system that may not deliver on its promises and drags the electorate along for the ride is an experiment not worth undertaking.

## **Endnotes**

<sup>1</sup> Montanaro, Domenico. June 23, 2021. *Ranked-Choice Voting Gets a Prime-Time Shot Under New York City's Bright Lights*. NPR. <u>https://choice.npr.org/index.html?origin=https://www.npr.org/2021/06/22/1008807504/ranked-choice-voting-new-york-city-mayors-race.</u>

Germer, Matt. May 12, 2021. *Ranked-Choice Voting: A Conservative Election Reform*. R Street Institute. https://www.rstreet.org/2021/05/12/ranked-choice-voting-a-conservative-election-reform-2/.

Kambhampaty, Anna Purna. November 6, 2019. *New York City Voters Just Adopted Ranked-Choice Voting in Elections. Here's How It Works*. Time. <u>https://time.com/5718941/ranked-choice-voting/</u>.

<sup>ii</sup> Specifically, the Senate Bill would implement instant runoff voting for general elections for the U.S. Senate and Congress. Instant runoff voting is technically one type of ranked-choice voting (others appear later in this policy brief), though it is the kind most commonly intended with the term "ranked-choice voting" in the US. March 25, 2021. SB 250. <u>https://docs.legis.wisconsin.gov/2021/related/proposals/sb250</u>.

<sup>iii</sup> E.g., President Clinton's 1992 and 1996 victories, or President Trump's 2016 victory. Levy, M. (2020, October 27). *United States presidential election of 1992. Encyclopedia Britannica*. <u>https://www.britannica.com/event/United-States-presidential-election-of-1992</u>.

Federal Election Commission. January 26, 1997. *1996 Official Presidential General Election Results*. Accessed October 4, 2021, from <u>https://web.archive.org/web/20100127215534/http://www.fec.gov/96fed/geresult.htm</u>.

Federal Election Commission. January, 2017. *Federal Elections 2016*. Accessed October 4, 2021, from <u>https://www.fec.gov/resources/cms-content/documents/federalelections2016.pdf</u>.

<sup>iv</sup> This tendency is referred to in political science as "Duverger's Law." Riker, W. (1982). The Two-party System and Duverger's Law: An Essay on the History of Political Science. *American Political Science Review*, *76*(4), 753-766. doi:10.1017/S0003055400189580. Not every US election uses a "first-past-the-post" system, but it is by far the most common.

<sup>v</sup> University of Pennsylvania. (n.d.). Accessed October 4, 2021, from

https://www2.math.upenn.edu/~kazdan/210/LectureNotes/voting/Paulos1992Primary.html. Paulos, J. A. (1992). *Beyond Numeracy*. Penguin Books. Paulos himself attributes the numbers to William F. Lucas. Over the years others have provided similar hypotheticals; e.g., Ted-Ed on the subject: TED-Ed. (2020, June 11). *Which voting system is the best? - Alex Gendler* [Video]. YouTube. https://www.youtube.com/watch?v=PaxVCsnox\_4.

<sup>vi</sup> In a Louisiana race (though not in California), the top vote-getter in the "primary" wins office if they secure a majority of votes (which is not the case in this example scenario). Louisiana majority-vote system. (n.d.). Ballotpedia. Accessed October 19, 2021, from <u>https://ballotpedia.org/Louisiana\_majority-vote\_system</u>.

<sup>vii</sup> Princeton. (August 2008). Labs: Voting and Social Choice. Part 1. Condorcet Method. <u>http://web.math.princeton.edu/math\_alive/Voting/Lab1/Condorcet.html</u>.

<sup>viii</sup> Helgason, Thorkell. April 2010. *Apportionment of Seats to Althingi, the Icelandic Parliament*. The National Electoral Commission of Iceland. p. 18. Accessed October 7, 2021, from <a href="https://www.landskjor.is/media/frettir/AnalysisIcelandElection2009.pdf">https://www.landskjor.is/media/frettir/AnalysisIcelandElection2009.pdf</a>.

Barnett, Janet Heine. (n.d.). *The French Connection: Borda, Condorcet and the Mathematics of Voting Theory*. Mathematical Association of America. Accessed October 7, 2021, from <a href="https://www.maa.org/book/export/html/2361819">https://www.maa.org/book/export/html/2361819</a>.

<sup>ix</sup> DeSilver, Drew, Carrie Blazina, Janakee Chavda, and Rebecca Ann Leppert. June 29, 2021. *More U.S. locations experimenting with alternative voting systems*. Pew Research Center. <u>https://www.pewresearch.org/fact-tank/2021/06/29/more-u-s-locations-experimenting-with-alternative-voting-systems/</u>.

<sup>x</sup> FairVote. (n.d.). Benefits of RCV. Accessed October 7, 2021, from <u>https://www.fairvote.org/rcvbenefits.</u>

<sup>xi</sup> Ibid.

<sup>xii</sup> Germer, Matthew. May 21, 2021. *Opinion: Texans shouldn't have to choose between extremes. It's time for ranked choice voting*. Houston Chronicle. <u>https://www.houstonchronicle.com/opinion/outlook/article/Opinion-Texans-shouldn-t-have-to-choose-16190844.php.</u>

<sup>xiii</sup> Wikipedia. 2022. "2016 Republican Party presidential primaries." Last modified January 5, 2022. <u>https://en.wikipedia.org/wiki/2016 Republican Party presidential primaries</u>.

Barabak, Mark Z. May 8, 2016. *Hillary Clinton keeps losing. So how come she's winning*? Los Angeles Times. https://www.latimes.com/politics/la-na-clinton-sanders-democrats-20160516-snap-story.html.

<sup>xiv</sup> Ross, Tara. *Enlightened Democracy: The Case for the Electoral College. Second Edition.* Colonial Press, L.P. Dallas, TX. 2012. p. 83.

<sup>xv</sup> Ibid., p. 82.

<sup>xvi</sup> This policy brief does not speculate on whether President Trump might once again run as a Reform Party candidate or an Independent in 2024 if denied the GOP presidential nomination.

<sup>xvii</sup> Kurtzleben, Danielle. August 24, 2017. *Here's How Many Bernie Sanders Supporters Ultimately Voted For Trump*. NPR. <u>https://www.npr.org/2017/08/24/545812242/1-in-10-sanders-primary-voters-ended-up-supporting-trump-survey-finds</u>.

<sup>xviii</sup> Skelley, Geoffrey. May 28, 2019. *Are Blowout Presidential Elections A Thing Of The Past?* FiveThirtyEight. <u>https://fivethirtyeight.com/features/are-blowout-presidential-elections-a-thing-of-the-past/</u>.

<sup>xix</sup> Keeter, Scott and Ruth Igielnik. Democrats Made Gains From Multiple Sources in 2018 Midterm Victories. Pew Research Center. September 8, 2020. <u>https://www.pewresearch.org/methods/2020/09/08/democrats-made-gains-from-multiple-sources-in-2018-midterm-victories/</u>.

<sup>xx</sup> Montanaro, Domenico. June 23, 2021. *Ranked-Choice Voting Gets a Prime-Time Shot Under New York City's Bright Lights*. NPR. <u>https://choice.npr.org/index.html?origin=https://www.npr.org/2021/06/22/1008807504/ranked-choice-voting-new-york-city-mayors-race.</u>

<sup>xxi</sup> <u>https://docs.google.com/spreadsheets/d/11U6viuXfay323Gl6zkH5itwmrUIUo9rAzalK\_ntu-</u> ZY/edit#gid=1126870020 pointed out by <u>https://fivethirtyeight.com/features/new-yorks-mayoral-primary-has-put-</u> ranked-choice-voting-under-the-microscope/.

<sup>xxii</sup> Durkin, Erin. *New York's first full ranked-choice election changed campaigns – if not the results*. Politico. August 24, 2021. <u>https://www.politico.com/states/new-york/city-hall/story/2021/08/24/new-yorks-first-full-ranked-choice-election-changed-campaigns-if-not-the-results-1390428</u>.

<sup>xxiii</sup> FiveThirtyEight. *What Did New York's Mayoral Primary Tell Us About Ranked-Choice Voting?* July 7, 2021. <u>https://fivethirtyeight.com/features/new-yorks-mayoral-primary-has-put-ranked-choice-voting-under-the-microscope/</u>.

Rubinstein, Dana. Rancor Between Adams and Yang Marks End of Bruising Mayoral Campaign. New York Times. June 22, 2021.

https://www.nytimes.com/2021/06/21/nyregion/nyc-mayor-primary.html.

Rakich, Nathaniel. *Maine Is Trying Out A New Way To Run Elections. But Will It Survive The Night?* FiveThirtyEight. June 12, 2018. <u>https://fivethirtyeight.com/features/maine-is-trying-out-a-new-way-to-run-elections-but-will-it-survive-the-night/</u>.

<sup>xxiv</sup> Sonmez, Felicia, and John Wagner. June 30, 2021. *New York elections board blames mayoral ballot chaos on 'unacceptable' human error*. Washington Post. <u>https://www.washingtonpost.com/politics/new-york-mayor-board-of-elections-vote/2021/06/30/389ca50a-d99b-11eb-9bbb-37c30dcf9363\_story.html</u>.

<sup>xxv</sup> Pew Research Center. May 17, 2021. *Public Trust in Government: 1958-2021*. https://www.pewresearch.org/politics/2021/05/17/public-trust-in-government-1958-2021/.

Reinhart, RJ. February 13, 2020. *Faith in Elections in Relatively Short Supply in U.S.* Gallup. https://news.gallup.com/poll/285608/faith-elections-relatively-short-supply.aspx.

<sup>xxvi</sup> Kimball, David, and Joseph Anthony. *Public Perceptions of Alternative Voting Systems: Results from a National Survey Experiment*. April 16, 2021. <u>https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3854047</u>.

<sup>xxvii</sup> The focus of this policy brief has been on exploring the complexities inherent in voting systems and rebutting the promises of RCV's own proponents as rosier than reality would have them. There are other critiques as well that are unexplored here, for example, the finding that RCV elections have high numbers of ballots partially left blank and that this is especially noticeable in jurisdictions like Maine with an older and less-educated electorate. See Expert Report of Nolan McCarty, Ph.D. Exhibit A, *Hagopian, et al., v. Dunlap, et al.* July 22, 2020. http://www.themainewire.com/wp-content/uploads/2020/07/Dkt.-1-Complaint.pdf.

<sup>xxviii</sup> In voting theory, more fully, this is the result that, given three or more voters choosing between three or more options when one single option must win out, tactical voting is always liable to intrude. It is known as the Gibbard-Satterthwaite Theorem. Sen, Arunava. February 25, 2000. "Another Direct Proof of the Gibbard-Satterthwaite Theorem." Indian Statistical Institute. *Economics Letters* 70 (2001).

Wisconsin Institute for Law & Liberty 15



Noah Diekemper is a Senior Research Analyst at the Wisconsin Institute for Law and Liberty. He can be reached at <u>Noah@will-law.org</u>.



330 East Kilbourn Ave.|Suite 725 Milwaukee, WI 53202

**will-law.org** 414-727-9455



Wisconsin Institute for Law & Liberty 16