Steven Sepe

From: Sara V <saravieira803@hotmail.com>
Sent: Thursday, March 26, 2026 1:26 PM
To: House State Government and Elections Committee
Subject: Oppose H 7788
Attachments: The-Effects-of-Ballot-Position-on-Election-Outcomes.pdf; The-Failed-Experiment-of-Ranked-Choice-Voting.pdf; Heritage_RCV-is-a-bad-choice.pdf

Follow Up Flag: Follow up
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My name is Sara Vieira and I live in Coventry. I oppose 7788

There has been so much information on why Ranked Choice Voting is a bad choice for states. RCV has been banned in 19 states and it is growing nationwide that states do not want RCV.

As of today, Alaska who has statewide RCV, will decide in November 2026 (again) to keep RCV or to go back to plurality voting.

RCV is not popular. There have been many white papers on the subject regarding disenfranchisement, low turnout and confusion of voters. Additionally, RCV makes audits and recounts harder and can obscure whether a candidate truly won a majority of first-choice votes.

The papers are included as PDF's in this email.

Thank you,
Mrs. Sara Vieira

The Heritage Foundation

ISSUE BRIEF
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Ranked Choice Voting Is a Bad Choice

Hans A. von Spakovsky and J. Christian Adams

KEY TAKEAWAYS

Ranked choice voting is a scheme to disconnect elections from issues and allow candidates with marginal support from voters to win.

It obscures true debates and issue-driven dialogs among candidates and eliminates genuine binary choices between two top-tier candidates.

It also disenfranchises voters, because ballots that do not include the two ultimate finalists are cast aside to manufacture a faux majority for the winner.

You will not believe what "reformers" have devised to tinker with and manipulate our elections. It is called ranked choice voting (or "instant runoff voting")—but it is really a scheme to disconnect elections from issues and allow candidates with marginal support from voters to win elections. Some jurisdictions in the U.S. have already replaced traditional elections with the ranked choice scheme.[1]

Here is how it works. In 2008, instead of choosing to cast your ballot for John McCain, Barack Obama, Ralph Nader, Bob Barr, or Cynthia McKinney, all of whom were running for president, you would vote for all of them and rank your choice. In other words, you would list all five candidates on your ballot from one to five, with one being your first choice for president and five being your last choice.

If none of the candidates were chosen as the number one pick by a majority of voters in Round One,

then the presidential candidate with the lowest number of votes would be eliminated from the ballot. People who selected that candidate as their top pick—let us say it was McKinney—would automatically have their votes changed to their second choice. Then the scores would be recalculated, over and over again, until one of the candidates finally won a majority as the second, third, or even fourth choice of voters.

In the end, a voter's ballot might wind up being cast for the candidate he ranked far below his first choice—a candidate to whom he may have strong political objections and for whom he would not vote in a traditional voting system.

Rigging the System

We do not often agree with former California Governor Jerry Brown Jr. (D), but he was right in 2016 when he vetoed a bill to expand ranked choice voting in his state, saying it was "overly complicated and confusing" and "deprives voters of genuinely informed choice."[2] Such a system would present many opportunities to rig the electoral system.

Think about what ranked choice voting destroys. It destroys your clear and knowing choices as a political consumer. Let us call it the supermarket contemplation. In reality, you are choosing one elected official to represent you, just like you might choose one type of steak sauce to buy when you are splurging for steaks. At the supermarket you ponder whether to buy A1, Heinz 57, HP, or the really cheap generic brand you have never tried.

In the real world, you compare price, taste, mood, and maybe even the size of the bottle and then decide on your steak sauce. You know nothing about the generic brand, so you rank it last among your choices, while A1 is ranked a distant third. In your mind, it comes down to Heinz or HP, and you choose the Heinz. You buy that bottle and head home to the grill.

Now imagine if, instead, you had to rank-order all the steak sauces—even the ones you dislike—and at checkout the cashier swaps out your bottle of Heinz 57 with the cheap generic you ranked dead last. Why? Well, the majority of shoppers also down-voted it, but there was no clear front-runner, so the generic snuck up from behind with enough down ballot picks to win. In fact, in this ranked choice supermarket, you might even have helped the lousy generic brand win.

Ballot Exhaustion

How could this happen? Because of a phenomenon known as ballot exhaustion. A study published in 2015 that reviewed 600,000 votes cast

using ranked choice voting in four local elections in Washington State and California found that "the winner in all four elections receive[d] less than a majority of the total votes cast."[3]

Going back to our original example of the 2008 presidential election, not all voters are going to rank all five presidential candidates on their ballot. Many voters may only list their top two or three candidates, particularly when there are candidates on the ballot for whom they would never even consider voting.

Thus, if a voter only ranks two of the five candidates and those two are eliminated in the first and second rounds of tabulation, their choices will not be considered in the remaining rounds of tabulation. This ballot exhaustion leads to candidates being elected who were not the first choice of a majority of voters, but only a majority of *"all valid votes in the final round of tallying."* Thus, "it is possible that the winning candidate will fall short of an actual majority," eliminating the "influence [of many voters] over the final outcome."[4]

Cautionary Examples

Another example of this problem is demonstrated by what happened in Australia (which uses ranked choice voting) in the 2010 election. The liberal Labor Party won the Australian House despite receiving only "38 percent of first-place votes on the initial ballot, while the second-place Liberal-National coalition [the center right choice] captured 43 percent" of first-place votes.[5] In other words, more voters wanted a center-right government than a left-wing government, but ranked choice made sure that did not happen.

Or consider the mayor's race in Oakland, California, in 2010, in which the candidate that received the most first-place votes lost the election to "a candidate on the strength of nearly 25,000 second- and third-place votes" after *nine rounds* of redistribution of the votes.[6]

This also happened recently in Maine. In 2018, the first-ever general election for federal office in our nation's history was decided by ranked choice voting in the Second Congressional District in Maine. Jared Golden (D) was declared the eventual winner—even though incumbent Bruce Poliquin (R) received more votes than Golden in the first round. There were two additional candidates in the race, Tiffany Bond and William Hoar. However, the Maine Secretary of State, Matt Dunlop, "exhausted" or threw out a total of 14,076 ballots of voters who had not ranked all of the candidates.[7]

Ranked choice obscures true debates, true issue-driven dialogues between and among candidates, and eliminates genuine binary choices between two top-tier candidates.

You never really know who will be running against whom in the final vote count with ranked choice. Your votes are thrown into a fictional fantasy in which no one knows which candidate is really a substitute for another candidate who may not survive the initial rounds. It is all a numbers gimmick. You, as a voter, are not given the opportunity to make the final decision between competing substitutes.

As Professor James G. Gimpel, an expert on voter behavior, testified in a recent case challenging Maine's ranked choice voting law, "unlike ordinary elections and ordinary runoffs, voters are required to make predictions about who will be left standing following an initial tabulation of the votes."[8] He believes that "a portion of the voting public has insufficient interest and information to make a meaningful assessment about likely outcomes."[9]

Clarity Obstruction and Disenfranchisement

Ranked choice destroys clarity of political debate and forces voters to cast ballots in hypothetical future runoff elections. When we have Republicans versus Democrats versus Greens and Libertarians, we know who is running against whom and what the actual distinctions are between the candidates on issues. Second- or third-choice votes should not matter in America; they do not provide the mandate that ensures that the representatives in a republic have the confidence and support of a majority of the public in the legitimacy of their decisions.

Not only is ranked choice voting too complicated, it disenfranchises voters, because ballots that do not include the two ultimate finalists are cast aside to manufacture a faux majority for the winner. But it is only a majority of the voters remaining in the final round, not a majority of all of the voters who actually cast votes in the elections.

Ballot exhaustion is not just a minor problem with ranked choice voting. According to the 2015 study, "a substantial number of voters either cannot or choose not to rank multiple candidates, even when they have the ability to do so."[10] Instead, many voters "opt to cast a vote for their top choice, neglecting to rank anyone else."[11]

Additionally, some jurisdictions that have implemented ranked choice voting also limit the number of candidates that can be ranked. All of the localities in the study limited voters to ranking three candidates—even when there were more candidates in the race. Thus, "if each of a voter's top three candidates is eliminated, his or her ballot becomes exhausted and, as a result, is excluded from the final total."[12]

In other words, a ranked choice election will, in the end, boil down to only two opposing candidates, but many voters (not knowing how the roulette

wheel will spin) will not cast ballots between those two choices. That voter ends up with no say in the contest between the final two candidates in the black box elections governed by ranked choice voting.

Of course, had that election been between just those two candidates in the first place, that same voter would have heard debates, listened to the issues discussed, and made an informed choice between those two. With ranked choice voting, a candidate whose support was too marginal to get into public debates may end up winning—eliminating the process that informs the electorate and forcing average American voters into the world of mixed strategy game theory, where they are forced to try to predict the probability that particular candidates that they favor or do not favor will survive multiple rounds of vote tabulation.[13]

Tactical Gimmickry

Ranked choice voting also provides voters with an incentive to tactically game the system and falsify their preferences for candidates.

For example, if enough Ross Perot voters had listed George H. W. Bush as their second choice over Bill Clinton in 1992, Bush might have won that presidential election instead of Clinton. Since Perot came in third in the race, his votes with Bush as the second choice would have counted for Bush in the second round of vote tabulation.

If you could convince enough other voters to do that, you could potentially eliminate a viable candidate from the next rounds of ballot tabulations—even though he is one of the two candidates in a multiple-member field with the largest plurality of support. As one analyst says, the tactic is to "'up-vote your lesser-evil candidate and 'bury' your lesser-evil candidate's most viable opponent."[14]

While this might sound farfetched, in today's social media world, it would not seem that difficult to implement and coordinate such a strategy, particularly in local elections where there is a much smaller electorate. It is easy to imagine sophisticated insiders and campaign consultants creating and employing such a strategy to reach their candidate's supporters and voters for second-, third-, or fourth-round recalculations of voting results.

The Solution: Runoff Elections

The answer to this gimmickry is runoff elections. In the normal electoral process in the vast majority of states, there is a runoff election several weeks after a general election in which no candidate won a majority of the vote.

It is true that some voters might not turn out for a runoff election that is held several weeks after the general election because their preferred candidate did not gather enough votes to be in the runoff. However, the added time window gives potential voters the opportunity to reexamine and reeducate themselves about the character and views on issues of the two candidates who received the largest pluralities in the general election. Voters have a greater opportunity to make an informed choice than with instant runoffs (i.e., ranked choice voting). Runoff elections guarantee that the winner of the runoff election has a genuine mandate from a majority of the voters—a crucial factor in a democratic system.

Runoff elections carry additional costs—but so do primary and general elections. Yet few people suggest abolishing them because of their cost. Consent of the governed matters.

Consent of the governed is what fosters domestic tranquility. When people believe that elections produce clear results between known opposing ideas, people learn to live with results even if they do not like the outcome. The vast number of Americans who are perfectly comfortable with how elections have been run for centuries will likely see ranked choice as a gimmick. When a body politic comes to believe election outcomes are a gimmick, beware.

A few years ago, there was a movement to add "none of the above" to ballots in some states. Ranked choice voting does the opposite—forcing voters who want to have any say to vote for "all of the above."

Birds of a Feather

For over a decade, we have been warning about the people and institutions who want to fundamentally transform our elections.[15] You should pay close attention to, and be highly skeptical of, anyone who wants to tinker with long-standing and revered electoral institutions, whether that is the people controlling redistricting, voter registration, citizen-only voting, or the Electoral College.

We have detected a pattern. Most of the time, when fundamental transformations to elections are proposed, the people proposing them have two characteristics. First, they think it will help their side win. Second, their ideological perspectives are usually rooted in a transformational extreme: They want to change the rules to manipulate elections outcomes in order to force the public into their distorted vision of a supposedly utopian society.

Foes of the Electoral College, for example, want to undo it because they want large, densely populated cities with their one-party control over

election administration determining who becomes the President of the United States. Foes of legislatures drawing district lines oppose the people having control over the process because they want friendly bureaucrats who sit on "independent" redistricting commissions and who are unaccountable to voters drawing lines instead.

Conclusion

In the end, it is all about political power, not about what is best for the American people and for preserving our great republic. So-called reformers want to change process rules so they can manipulate election outcomes to obtain power.

Ranked choice voting is no different.

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Endnotes

1. Ella Nilsen, "Maine Voters Blew Up Their Voting System and Started From Scratch," Vox, June 12, 2018, https://www.vox.com/2018/6/12/17448450/maine-ranked-choice-voting-paul-lepage-instant-runoff-2018-midterms (accessed August 17, 2019). However, ranked choice voting only applies to federal elections, not state elections, because the Maine Supreme Judicial Court held that the law conflicts with the state's constitution. *Opinion of the Justices*, 162 A.3d 188, at 209–211 (Me. 2017). Some municipalities in states like California, Minnesota, and Washington State also use ranked choice voting. Simon Waxman, "Ranked-Choice Voting Is Not the Solution," *Democracy Journal*, November 3, 2016, https://democracyjournal.org/arguments/ranked-choice-voting-is-not-the-solution/ (accessed August 17, 2019).
2. David Sharp, "Ranked Choice as Easy as 1, 2, 3? Not So Fast, Critics Say," Associated Press, October 9, 2016, https://apnews.com/62c997cfd2ab403ca0b3c3333e1a9312 (accessed August 17, 2019).
3. Craig M. Burnett and Vladimir Kogan, "Ballot and Voter 'Exhaustion' Under Instant Runoff Voting: An Examination of Four Ranked-Choice Elections," *Electoral Studies*, Vol. 37 (2015), pp. 41–49, https://cpb-us-w2.wpmucdn.com/u.osu.edu/dist/e/1083/files/2014/12/ElectoralStudies-2fupfhd.pdf (accessed August 17, 2019).
4. Ibid., p. 42 (emphasis in original).
5. Waxman, "Ranked-Choice Voting Is Not the Solution."
6. Sharp, "Ranked Choice as Easy as 1, 2, 3?"
7. *Baber v. Dunlap*, 376 F.Supp.3d 125, footnote 6 (D. Maine 2018) ("Whether RCV [ranked choice voting] is a better method for holding elections is not a question for which the Constitution holds the answer.... To the extent that the Plaintiffs call into question the wisdom of using RCV, they are free to do so but...such criticism falls short of constitutional impropriety." *Baber*, at 135).
8. Ibid., at 131.
9. Ibid., at 132. Thousands of ballots were discarded in the Second Congressional District that was being litigated in this case, illustrating, according to Professor Gimpel, "that those voters guessed wrong due to an information deficit," Ibid.
10. Burnett and Kogan, "Ballot and Voter 'Exhaustion' Under Instant Runoff Voting," p. 49.
11. Ibid.
12. Ibid., p. 44.
13. Mixed-strategy game theory "is a probability distribution that assigns to each available action a likelihood of being selected." See "Mixed Strategy," International Encyclopedia of the Social Sciences, 2nd ed., p. 290, http://www.columbia.edu/~rs328/MixedStrategy.pdf (accessed August 17, 2019).
14. Jason Sorens, "The False Promise of Instant Runoff Voting," CATO Unbound, December 9, 2016, https://www.cato-unbound.org/2016/12/09/jason-sorens/false-promise-instant-runoff-voting (accessed August 17, 2019). Sorens argues that ranked choice voting is worse than "the status quo because it neuters third parties" by eliminating their "blackmail power." Under our current system, Sorens contends, major parties have "an incentive to cater a bit to ideological minorities" to avoid those third parties fielding a candidate in a race that will take votes away from the major party candidate.
15. See J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Washington, DC: Regnery Publishing, 2011), and John Fund and Hans von Spakovsky, *Who's Counting? How Fraudsters and Bureaucrats Put Your Vote at Risk* (New York: Encounter Books, 2012).

The Failed Experiment of Ranked-Choice Voting

A Case Study of Maine and Analysis of 96 Other Jurisdictions

October 2020

ALASKA POLICY FORUM

MAINE POLICY INSTITUTE

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Introduction

A movement currently sparking interest across the country, including in Alaska, is called ranked-choice voting (RCV), also known as instant run-off voting (IRV). Several U.S. municipalities have experimented with ranked-choice voting for more than a decade. For example, the City of San Francisco, California has been using ranked-choice voting since 2004.[1] Via a 2016 ballot initiative, Maine launched a bold experiment by becoming the first state to adopt ranked-choice voting statewide. This case study has been created using data previously compiled by the Maine Policy Institute from those municipal elections and Maine. The results analyzed are from 96 elections in the U.S. that triggered ranked-choice voting. Put differently, these election results were compiled from 96 races where more than one round of tabulation occurred.

Using this data, we can examine and draw conclusions about ranked-choice voting and compare Maine's most recent experience with other jurisdictions to identify patterns. The goal of this report is to analyze the history, claims, and mechanisms of ranked-choice voting in an attempt to understand how the system works, its merits and shortcomings, and how it compares to plurality elections and other voting systems.

1 "Ranked Choice Voting in US Elections." FairVote. Accessed July 23, 2019. https://www.fairvote.org/ranked_choice_voting_is_a_victory_for_san_francisco_voters.

How Does Ranked-Choice Voting Work?

In contrast to plurality elections where voters select a single candidate and the candidate with the most votes wins, ranked-choice voting gives voters the option to rank-order candidates on their ballots. For example, voters may have the choice to rank up to four candidates on their ballots.

Alaska Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Smith, Janie Juneau	○	○	○	○	○
Jones, Aaron Anchorage	○	○	○	○	○
Williams, Polly Palmer	○	○	○	○	○
Johnson, Freddie Fairbanks	○	○	○	○	○
Write-in	○	○	○	○	○

If a candidate receives more than 50 percent of first-place votes, they are declared the winner of the election. However, oftentimes one candidate does not receive a majority of the votes cast on Election Day. When this occurs, the candidate(s) who do not stand a mathematical chance of winning are eliminated from contention, and additional rounds of tabulation occur until a candidate receives a majority of the remaining votes. If Janie Smith was eliminated from contention after the first round of tabulation, then the ballots that listed her as a voter's first choice are then awarded to the candidate listed as the voter's next choice. This recurs until one candidate receives over 50 percent of the leftover, non-exhausted ballots. In some races, it may only take one or two rounds of tabulation to declare a winner. However, races with a large field of candidates can require many rounds of tabulation. Regardless, most ranked-choice voting elections that have more than one round of tabulation produce exhausted ballots.

What Is an Exhausted Ballot?

An exhausted ballot occurs when a voter overvotes, undervotes, or ranks only candidates that are eliminated from contention. Because these votes are not tabulated in the final round, that ballot does not influence the election after it becomes exhausted. For example, if a ballot becomes exhausted in round four of an election that necessitates 20 rounds of tabulation, the voter's ballot is not included in the final tally; it is as if they never showed up on Election Day. Below are definitions for each type of exhausted ballot:

Overvote

An overvote occurs when a voter marks two candidates in a single column/rank. For example, if a voter marked both Janie Smith and Aaron Jones as his first choice, his ballot would not count in the election. Likewise, if a voter correctly ranked his first choice but marked two candidates in the following column, only the first choice would be tabulated.

Alaska Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Smith, Janie Juneau	●	○	○	○	○
Jones, Aaron Anchorage	○	○	○	○	○
Williams, Polly Palmer	●	○	○	○	○
Johnson, Freddie Fairbanks	○	○	○	○	○
Write-in	○	○	○	○	○

Undervote

An undervote occurs when a voter skips two or more columns or rankings. For example, if a voter picked Janie Smith as his first choice, skipped his second and third choice and selected another candidate as his fourth choice, his ballot would not count in the election after the first round.

Alaska Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Smith, Janie Juneau	○	○	○	○	○
Jones, Aaron Anchorage	○	○	○	●	○
Williams, Polly Palmer	○	○	○	○	○
Johnson, Freddie Fairbanks	●	○	○	○	○
Write-in	○	○	○	○	○

Exhausted Choices

An exhausted choice occurs when a voter ranks only candidates that are eliminated from contention. For example, a voter may only rank Janie Smith and Polly Williams, even if they are eventually eliminated after round one of tabulation.

Alaska Governor	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Smith, Janie Juneau	●	○	●	○	●
Jones, Aaron Anchorage	○	○	○	○	○
Williams, Polly Palmer	○	●	○	●	○
Johnson, Freddie Fairbanks	○	○	○	○	○
Write-in	○	○	○	○	○

For the purpose of this report, the distinction between exhausted ballots in the first round of tabulation and the rest of the election merits clarification. In this report, we do not consider overvotes and undervotes in the first round of tabulation as "exhausted votes" because voters could make the same mistake on a ballot in an election decided by plurality. In other words, votes that are exhausted in the second and subsequent rounds of tabulation are purely a consequence of using ranked-choice voting. Thus, this report will focus on and isolate those exhausted ballots.

Voter Confusion and Information Deficits

In a plurality election, the choice facing voters is simple: Of all the candidates running, whom do you prefer?

Ranked-choice voting entails a much more complicated — and somewhat artificial — decision. To fully participate, voters must rank-order all of the candidates. In contrast to run-off elections, voters do not get the benefit of evaluating candidates as they face-off one-on-one. In Maine, voter confusion was so pervasive that proponents of ranked-choice voting felt the need to publish a 19-page instruction manual to help voters navigate the process.[2]

This inherent feature of ranked-choice voting is problematic because it demands that voters have a large amount of information about candidates' differing views. The fact is that most Alaska voters, like most voters in any election, do not follow political races closely enough to meaningfully rank multiple candidates. Yet in order to avoid losing influence in a ranked-choice voting election, a voter must rank each and every candidate. A voter, even one without strong feelings for or against certain candidates, may feel pressured to rank them anyway based on little more than random chance. It is impossible to know exactly how many voters in ranked-choice elections feel this way since nothing can be inferred from how they filled out their ballots, but this phenomenon is likely common.

It is well documented that American voters often lack basic information about candidates' policy positions. A Pew Research Center survey conducted shortly before the 2016 presidential election revealed that a significant proportion of registered voters knew little or nothing about where the two major candidates stood on key issues.[3] For instance, 48 percent of all voters knew a lot about Hilary Clinton's positions, 32 percent knew some, and 18 percent knew not much or nothing. Knowledge about Donald Trump's stances was even lower: 41 percent of all voters knew a lot about his positions, 27 percent knew some, and 30 percent knew little or nothing.[4] In 2018, a poll found that 34 percent of registered Republican voters and 32.5 percent of registered Democratic voters said they did not even know the names of their party's congressional candidates in their districts.[5]

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2 "Voting in Maine's Ranked Choice Election." Town of Wiscasset. 2018. Accessed July 23, 2019. https://www.wiscasset.org/uploads/originals/rankchoicevoting.pdf.

3 Oliphant, J. Baxter. "Many Voters Don't Know Where Trump, Clinton Stand on Issues." Pew Research Center. September 23, 2016. Accessed July 24, 2019. https://www.pewresearch.org/fact-tank/2016/09/23/ahead-of-debates-many-voters-dont-know-much-about-where-trump-clinton-stand-on-major-issues/.

4 Ibid.

5 "What's in a Name? One-third of US Voters Don't Know Candidates." CNBC. October 03, 2018. Accessed July 24, 2019. https://www.cnbc.com/2018/10/03/one-third-of-us-voters-dont-know-candidates-reutersipsos-poll.html.

In other words, tens of millions of Americans enter the voting booth knowing virtually nothing about the policy stances of the candidates. It seems unlikely that they could confidently rank multiple candidates based on a sound assessment of their platforms. A 2014 study conducted in California provides additional reasons to be skeptical that ranked-choice voting functions in practice as its proponents predict.[6] The study found voters are "largely ignorant about the ideological orientation of candidates, including moderates."[7] This information deficit is already a concern in plurality contests and is greatly magnified in ranked-choice voting elections when voters are asked to rank more than a single candidate.

Less knowledgeable voters are more likely to rank fewer candidates, potentially denying them influence over the election outcome. Giving knowledgeable voters more electoral influence may be defensible as a matter of political philosophy, but it is surely not the intent behind adoption of ranked-choice voting.

The 2018 Maine Democratic gubernatorial primary provides a good example of the practical challenges this poses to voters in ranking their preference in a large field of candidates. There were seven candidates on the ballot in this race and more than seven percent of the ballots were exhausted by the end of the fourth round of tabulation.[8] Another example is the 2011 mayoral race in Portland, where ranked-choice voting was used, and 15 candidates appeared on the ballot. In this race, voters had 15 choices, and almost 18 percent of the votes were exhausted before a winner was determined.[9]

When the 96 ranked-choice voting races from across the nation were analyzed, the results show an average of 10.92 percent of ballots cast are exhausted by the final round of tabulation. This phenomenon can be seen in Figure 1.

When presented with a ranked-choice voting ballot, many voters do not rank every candidate, potentially due to insufficient information about the candidates or confusion about how ranked-choice voting works. Exhausted ballots are a serious problem under ranked-choice voting, as they systematically reduce the electoral influence of certain voters. A study in 2014 reviewed more than 600,000 ballots in four municipal ranked-choice voting elections from around the country and found ballot exhaustion to be a persistent and significant feature of these elections.[10] The rate of ballot exhaustion in that study was high in each election, ranging from 9.6 percent to 27.1 percent.

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6 Ahler, Douglas, Jack Citrin, and Gabriel S. Lenz. "Why Voters May Have Failed to Reward Proximate Candidates in the 2012 Top Two Primary." *California Journal of Politics and Policy*. January 15, 2015. Accessed July 24, 2019. https://escholarship.org/uc/item/9714j8pc.

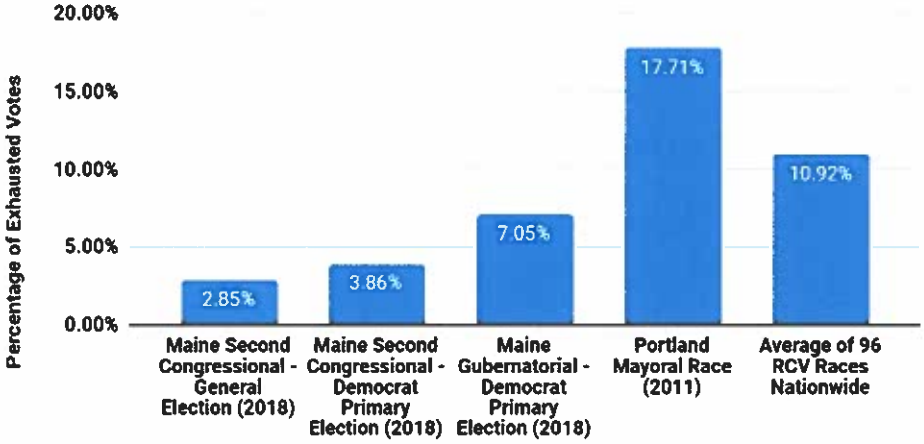
7 Ibid.

8 "2018 General Election Results." Maine Secretary of State. 2018. Accessed July 23, 2019. https://www.maine.gov/sos/cec/elec/results/results18.html#Nov6.

9 Portland, Maine 2011 Mayoral Election Results. FairVote. 2011. Accessed July 23, 2019. https://www.slideshare.net/kkellyfv/portland-me-2011-mayoral-election-graphs-1.

10 Burnett, Craig M., and Vladimir Kogan. "Ballot (and Voter) "exhaustion" under Instant Runoff Voting: An Examination of Four Ranked-choice Elections." *Electoral Studies*. November 18, 2014. Accessed July 24, 2019. https://www.sciencedirect.com/science/article/pii/S0261379414001395.

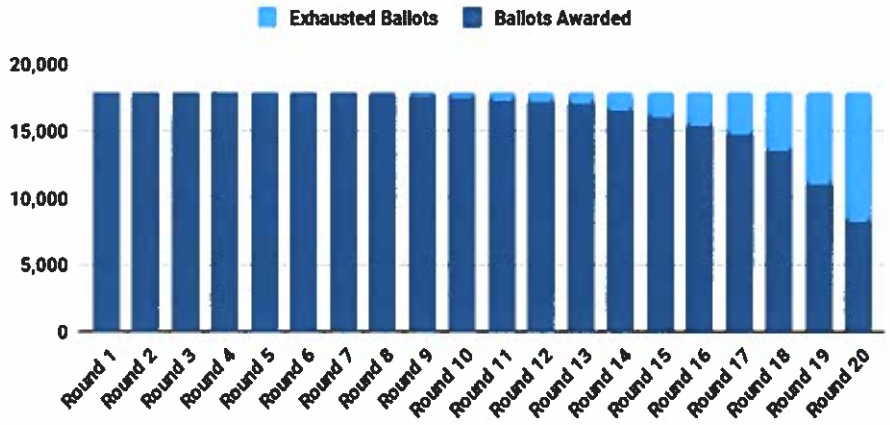
Figure 1: Percentage of Exhausted Votes in Ranked-Choice Elections (Maine and Nationally)



Source: Maine Secretary of State; Maine Policy Institute

While exceedingly rare, ranked-choice voting races can create more exhausted ballots than ballots that are awarded to the winner of an election. For example, the 2010 election for San Francisco's Board of Supervisors in District 10 resulted in 9,608 exhausted ballots whereas the prevailing candidate only received 4,321 votes.[11] More striking, there were 1,300 more ballots that were exhausted than were awarded to a candidate at the end of the 20th round of tabulation.[12] This phenomenon is illustrated in Figure 2.

Figure 2: Exhausted Ballots in San Francisco's Board of Supervisors Election - District 10 (2010)



Source: City of San Francisco, Department of Elections

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[11] "Official Ranked-Choice Results Report November 2, 2010 Consolidated Statewide Direct Primary Election Board of Supervisors, District 10." City of San Francisco. 2011. Accessed July 23, 2019. https://sfelections.org/results/20101102/data/d10.html.

[12] Ibid.

Voter Disenfranchisement

When voters are confused by the election process, their voices can be stifled. There is evidence that ranked-choice voting results in voter disenfranchisement.

After San Francisco's 2004 ranked-choice voting election, a study conducted by FairVote, a proponent of ranked-choice voting, found that "the prevalence of ranking three candidates was lowest among African Americans, Latinos, voters with less education, and those whose first language was not English."[13] In the races examined in FairVote's study, the ballots had three columns for voters to rank their candidates of choice. African Americans, Latinos, voters with less education, and those whose first language was not English disproportionately did not utilize their ballot to the fullest extent possible. More specifically, only 50 percent of African Americans and 53 percent of Latinos ranked three candidates whereas 62 percent of whites ranked a candidate in all three columns. The results of this study are of particular significance in Alaska, where it is required to provide language assistance and ballots for at least 13 other languages for those voters whose primary language is not English.[14]

Those whose first language is not English are more likely to be disenfranchised with a ranked-choice voting system.

When individuals leave columns blank on their ballots, and the candidate(s) they vote for are eliminated from contention, their ballots are not counted in the final tabulation. Therefore, if these voters only choose one candidate on their ballots, they are more likely to become exhausted, thereby giving those who fully complete their ballots more influence over the electoral process. In other words, African Americans, Latinos, voters with less education, and those whose first language is not English are more likely to be disenfranchised with a ranked-choice voting system.

Further, in his analysis of San Francisco elections between 1995 and 2001, Jason McDaniel, an associate professor at San Francisco State University, found that ranked-choice voting is likely to decrease voter turnout, primarily among African Americans and white voters.[15] McDaniel also found that ranked-choice voting increases the disparity between "those who are already likely to vote and those who are not, including younger voters and those with lower levels of education."[16] In short, the complexity of a ranked-choice ballot makes it less likely that disadvantaged voices will be fully heard in the political and electoral process.[17]

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13 Neely, Francis, Lisel Blash, and Corey Cook. "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election Final Report." FairVote. May 2005. Accessed July 23, 2019. http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf.

14 "English (About Language Assistance)." Alaska Division of Elections. Accessed August 6, 2020. https://elections.alaska.gov/Core/EnglishLanding.php.

15 McDaniel, Jason. "Ranked Choice Voting Likely Means Lower Turnout, More Errors." Cato Unbound. December 13, 2016. Accessed July 23, 2019. https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-more-errors.

16 Ibid.

17 Ibid.

One key question is whether the rate of ballot exhaustion declines as ranked-choice voting becomes an accepted practice in a jurisdiction and voters become acclimated to it. Evidence suggests that, although mistake rates may decline slightly over time, ranked-choice voting produces consistently higher proportions of exhausted ballots than plurality elections. The data from races in San Francisco showed inconsistent results — some districts showed higher rates of exhausted ballots over time while others realized a decline. In Australia, which has used ranked-choice voting in its legislative elections for more than a century, officials still report a much higher rate of invalid ballots than comparator countries like the United States.[18]

While confusion at the ballot box is difficult to quantify, the large percentage of exhausted ballots after the first round of tabulation in ranked-choice voting elections is troubling. It is clear that plurality elections do not elicit as many exhausted ballots. In addition, it is easier for voters to understand and participate in plurality elections. In short, policymakers should make voting as simple as possible and strive to increase engagement in our electoral process.

[18] "Spoilage and Error Rates with Range Voting versus Other Voting Systems." RangeVoting.org - Experimental Ballot Spoilage Rates for Different Voting Systems. Accessed July 24, 2019. https://rangevoting.org/SPRates.html.

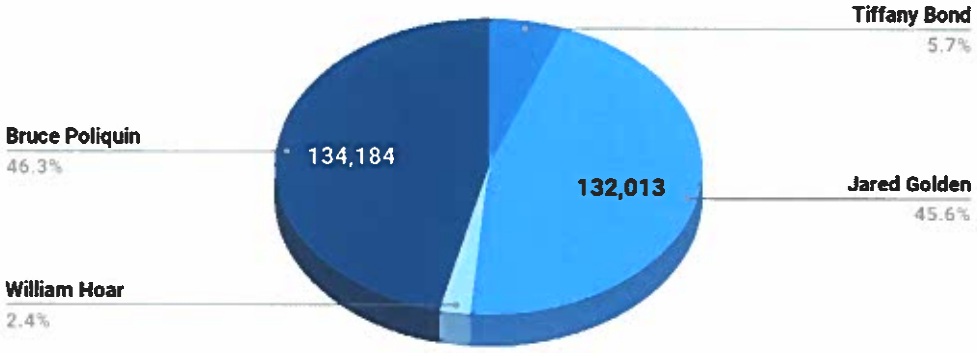
Claims Made by Proponents of Ranked-Choice Voting

Too often, proponents of ballot initiatives advance lofty claims to win support at the ballot box. Below are some of the claims made by proponents of ranked-choice voting and how they measure up to the data.

Claim 1: A Candidate Needs a Majority to Win

Proponents of ranked-choice voting often claim that "in a ranked-choice election, a candidate needs to earn more than half of the votes to win."[19] While this might seem logical based on the sequence of events in a ranked-choice election, it does not always hold true. In fact, a candidate in Maine in 2018 prevailed in a ranked-choice election without receiving a true majority of the votes cast.

Figure 3: 2nd Congressional District Ranked-Choice Voting (Round 1)



Source: Maine Secretary of State

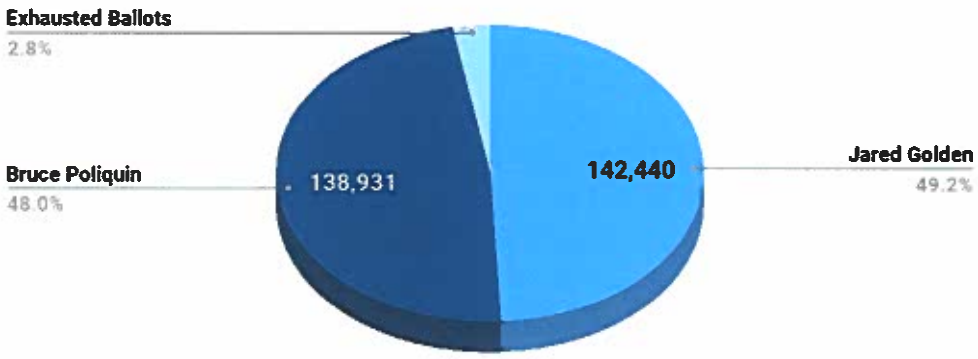
In Maine's 2018 Second Congressional District election, incumbent Bruce Poliquin won a plurality (46.33 percent) in the first round of voting. Because the election was governed by ranked-choice voting and Poliquin had not earned more than 50 percent of the votes cast, a second round of tabulation was conducted and the candidates who could not mathematically win were eliminated from contention.

In the second round, Jared Golden secured victory after he gained enough votes from the eliminated candidates to eclipse Poliquin's lead. However, in this case, "majority" is a

[19] "Benefits of Ranked Choice Voting." FairVote. Accessed July 24, 2019. https://www.fairvote.org/rcvbenefits.

misnomer. In reality, Golden prevailed with only 49.18 percent of the total votes cast in the election. This phenomenon is due to the number of ballots that were exhausted during the reallocation of votes from the candidates who were eliminated after the first round.

Figure 4: 2nd Congressional District Ranked-Choice Voting (Round 2)



Source: Maine Secretary of State

To come to this conclusion, one must look at the total number of votes cast in the first round of the election, which was 289,624. After enough ballots were exhausted, Jared Golden was declared the winner with 142,440 votes.[20] However, this was only the majority of the votes tallied in the second round of tabulation, which totaled 281,375. Thus, 8,253 votes were exhausted after the first round and were not carried over into the second round. Figures 3 and 4 outline the distribution of votes in each round of tabulation.

A 2014 study, examining the results of ranked-choice elections, found that NONE of the winners garnered a majority of the votes cast.

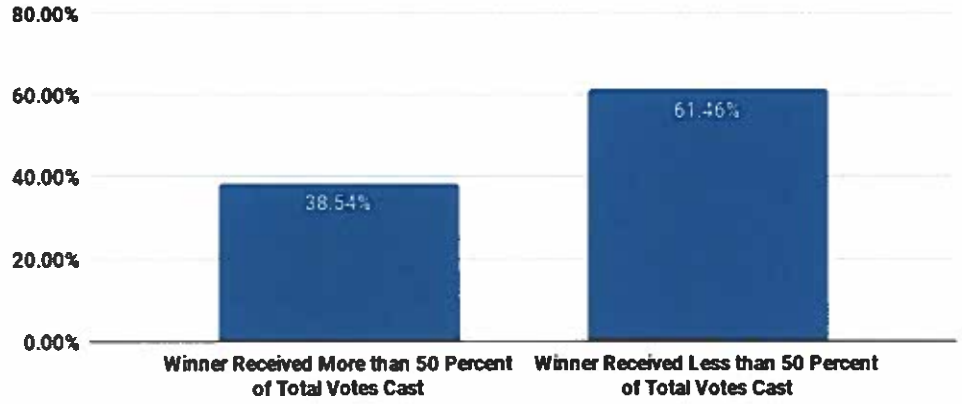
Further, peer-reviewed research points to the lack of a majority winner as a crucial flaw in the ranked-choice voting system. A 2014 study revealed that ranked-choice voting does not always produce a majority winner. In fact, none of the winners of the elections examined in the study won with a majority of the votes cast.[21] In examining 96 ranked-choice voting races from across the country where additional rounds of tabulation were necessary to declare a winner, the data shows that the eventual winner failed to receive a true majority 61 percent of the time. This can be seen in Figure 5. The most extreme

20 "2018 Second Congressional District Election Results." Maine Secretary of State. 2018. Accessed July 23, 2019. https://www.maine.gov/sos/cec/elec/results/2018/updated-summary-report-CD2.xls.

21 Burnett, Craig M., and Vladimir Kogan. "Ballot (and Voter) "exhaustion" under Instant Runoff Voting: An Examination of Four Ranked-choice Elections." *Electoral Studies*. November 18, 2014. Accessed July 24, 2019. https://www.sciencedirect.com/science/article/pii/S0261379414001395.

example was from the 2010 San Francisco District 10 Board of Supervisors race, where the prevailing candidate received fewer than 25 percent of the votes cast.

Figure 5: Percentage Of Elections That Resulted In A Majority Winner



Source: Maine Policy Institute

Thus, the claim that ranked-choice voting always provides a majority winner because a candidate is required to earn more than 50 percent of the vote is false and deserves further scrutiny from voters. While candidates sometimes do receive a majority of the total votes cast, a winner is often declared only after a large number of exhausted ballots have been removed from the final denominator.

Claim 2: Ranked-Choice Voting Reduces Negative Campaigning and Mitigates the Impact of Money in Politics

Ranked-choice voting is often presented as a solution to the bitter, divisive campaign rhetoric that has come to characterize much of politics in Alaska and the nation.[22] The argument goes like this: Since candidates hope to be the second choice of voters who prefer a rival candidate, all candidates are dissuaded from trashing their opponents and alienating potentially crucial voters.

But while this logic may discourage candidates from attacking each other directly, it may also augment the role of unaccountable third-party groups in negative campaigning. Recent analysis could not test whether the candidates themselves

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22 "What Data Exists to Support the Argument That Ranked Choice Voting Has Reduced Negative Campaigning in Jurisdictions Where It Has Been Adopted?" The Committee for Ranked Choice Voting 2020. Accessed July 24, 2019. http://www.rcvmaine.com/what_data_exists_to_support_the_argument_that_ranked_choice_voting_has_reduced_negative_campaigning_in_jurisdictions_where_it_has_been_adopted.

reduced negative campaigning because the Federal Elections Commission does not compile data related to expenditures in opposition or support of a candidate from the principal campaign committees.

As empirical evidence of the claim that ranked-choice voting makes elections more civil, advocates point to a survey of voters conducted in 2014 in several U.S. cities that used ranked-choice voting to elect city officials.[23] While this study does suggest that negativity declines with ranked-choice voting, it simply measures the "perception of campaign cooperation and civility" and was conducted through a telephone survey. In addition, the sample size was relatively small — measuring only 2,400 respondents in several municipalities. The conclusion that ranked-choice voting decreases negative campaigning merits additional scrutiny.

We can test proponents' claims with campaign finance data from Maine's 2018 gubernatorial primaries and the Second Congressional District general election, two of the more recent elections that occurred via RCV. The largest limitation to this research is that independent expenditures below $250 do not have to be reported to the Maine Ethics Commission, so some campaign spending is not captured in the analysis.[24]

Maine's Gubernatorial Primaries

In Maine's 2018 gubernatorial primaries, there was a clear increase in independent expenditures (spending by third-party groups unaffiliated with a particular candidate or party) when compared to prior gubernatorial primaries. In 2018, a total of $207,500 was spent through independent expenditures to oppose specific candidates. Similarly, $146,775 was spent through independent expenditures to support candidates in the 2018 gubernatorial primaries.

While this may seem insignificant for gubernatorial races, it must be pointed out that there were zero independent expenditures in opposition to specific candidates during the 2006, 2010, and 2014 gubernatorial primaries.[25] Of these elections, the 2010 gubernatorial race most closely resembles the 2018 election because of the large field of candidates and the fact that the incumbent was term limited out of office, making it an open seat.

As outlined in Table 1, there were zero independent expenditures in opposition to a candidate in 2010 and only $46,669 was spent in support of a candidate. In contrast, $207,500 was spent in opposition to a candidate in 2018 and $146,775 was spent in support. Support expenditures actually decreased by more than 40 percent from 2014 to 2018 while opposition expenditures increased from $0 to $207,500.

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23 Tolbert, Caroline. "Experiments in Election Reform: Voter Perceptions of Campaigns Under Preferential and Plurality Voting." University of Iowa. March 15-16, 2014. Accessed July 23, 2019. https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/caroline-tolbert.pdf.

24 Title 21-A, §1019-B: Reports of Independent Expenditures. Accessed July 24, 2019. http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec1019-B.html.

25 "Candidate Elections." Maine.gov. Accessed July 24, 2019. https://www.maine.gov/ethics/candidates/disclosure.

According to fundraising data from the Maine Ethics Commission, 2018 Democrat gubernatorial candidate Adam Cote had raised over $1 million in the primary election whereas candidate Janet Mills hovered around $792,000 before June 12, 2018. Instead of Mills' campaign attacking Cote directly, it may have been more effective for her to allow third-party groups to launch attacks against Cote to avoid tarnishing her image in the eyes of Cote supporters. That is exactly what happened — $192,500 of the opposition spending came from Maine Women Together to attack Cote for once being a Republican and accepting corporate donations.[26] Since a third-party group was levying attacks on Cote, it was more plausible that Mills would receive his voters' second choice votes if he was eliminated from contention than if she attacked him through her own campaign channels.

Unfortunately, this analysis is limited by the records that were available from the Maine Ethics Commission. Records for gubernatorial races prior to 2006 are unavailable.

Table 1: Independent Expenditures by Third Parties in Maine's Gubernatorial Primaries (2006–2018)

	Opposition ($)	Support ($)	Total	Total Number of Candidates
2018	$207,500	$162,275	$369,775	13
2014	$0	$274,858	$274,858	3
2010	$0	$46,669	$46,669	15
2006	$0	$1,559	$1,559	6

Source: Maine Ethics Commission

Maine's 2018 Second Congressional Race

A similar phenomenon occurred in Maine's 2018 Second Congressional District election, which was the first general election in Maine where RCV was law.[27] According to Federal Election Commission data, approximately $11.52 million was spent through independent expenditures in opposition to a candidate in the 2018 Second Congressional District race. This was a 24 percent increase from 2016, which saw $9.27 million spent on opposition expenditures.

When the opposition expenditures in non-presidential elections (2014 and 2018) are compared, recent analysis found that opposition expenditures increased by 341 percent. Only $2.91 million was spent on independent expenditures to oppose a candidate in 2014. Figure 6 breaks down the amounts spent through independent expenditures in support and opposition to candidates in the Second Congressional District.

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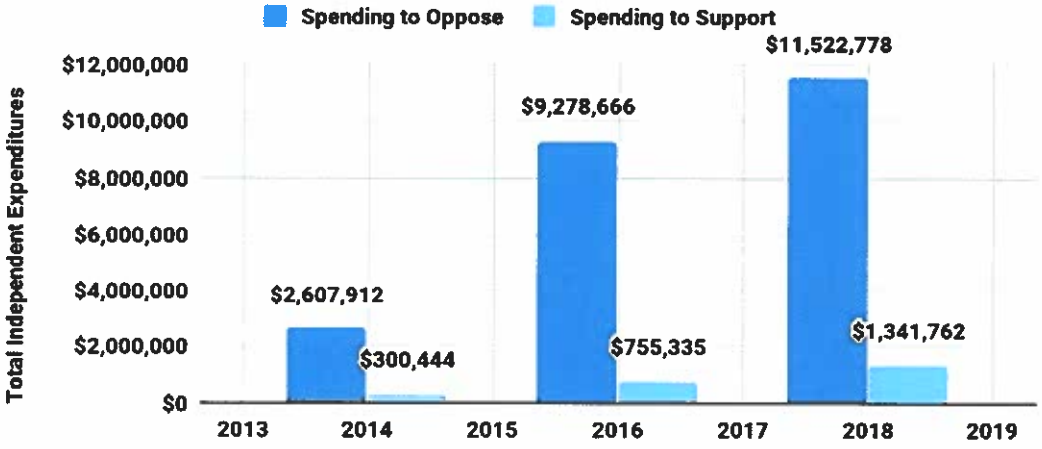
26 "Independent Expenditure Reports 2018 Primary Election." Maine Commission on Ethics & Election Practices. Accessed September 21, 2020. https://www.maine.gov/ethics/candidates/disclosure/2018primaryelection.

27 "Maine's 2nd Congressional District Election, 2018." Ballotpedia. Accessed August 10, 2020. https://ballotpedia.org/Maine%27s_2nd_Congressional_District_election,_2018.

While this analysis does not provide sufficient evidence that ranked-choice voting increases negative campaigning by third-party groups, it casts doubt on the claim that ranked-choice voting improves the tone and civility of political races. This data should be interpreted as a preliminary indication that ranked-choice voting does not reduce negative campaigning.

Figure 6: Independent Expenditures in Maine's 2nd Congressional District (2014-2018)



Source: Federal Election Commission

Claim 3: Ranked-Choice Voting Will Increase Voting Turnout

A common metric used to judge the performance of a voting system — although by no means the only criterion — is its impact on voter turnout. In a democratic society, public participation in elections is critical. A voting system that, for whatever reason, discourages a large portion of eligible voters from casting a ballot could hardly claim to reflect the will of the people.

By international standards, voter turnout in the United States is low.[28] In the 2018 midterms, only 50.3 percent of eligible voters nationwide cast a ballot, and even that level of engagement marked a 50-year high for a midterm election.[29] Alaska performed better than the national average, with turnout at 54.6 percent in 2018.

Of course, the United States' comparatively low voter turnout has a multitude of causes. Cultural differences, barriers to voter registration, political party dynamics, the competitiveness of races, and other factors influence voter turnout.

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[28] DeSilver, Drew. "U.S. Voter Turnout Trails Most Developed Countries." Pew Research Center. May 21, 2018. Accessed July 24, 2019. https://www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/.

[29] "Voter Turnout in United States Elections." Ballotpedia. Accessed July 24, 2019. https://ballotpedia.org/Voter_turnout_in_United_States_elections.

Some argue that ranked-choice voting could improve America's chronically low levels of citizen participation in elections by making voters feel that their voice has a greater impact on the outcome of the election. On the other hand, ranked-choice voting might depress turnout by discouraging voters who are confused about how to vote or who don't feel knowledgeable enough to make an informed decision. By increasing the complexity of the ballot, ranked-choice voting could also make it harder for voters to understand the connection between any one vote they cast and the resulting impact on government policies.

The empirical evidence is mixed but tends to show that ranked-choice voting slightly depresses turnout relative to plurality elections. It is important to note that ranked-choice voting has been tried in a small number of jurisdictions in the U.S., which limits the sample size and reduces the power of statistical analyses. It is also exceedingly difficult to isolate other variables — such as voter enthusiasm generated by specific candidates and other concurrent election reforms — that can play a major role in voter turnout.

A study of four cities in California that adopted ranked-choice voting in the early 2000s found that "voter turnout has remained stable when compared to previous elections."[30] In contrast, testimony to the Kansas Special Committee on Elections from the American Civil Liberties Union (ACLU) said:

> Ranked-choice ballots have suppressed voter turnout, especially among those segments of the electorate that are already least likely to participate. Ranked-choice voting (RCV) has resulted in decreased turnouts up to 8% in non-presidential elections. Low-propensity voters are already less likely to participate in elections that do not coincide with congressional or presidential races. By adding additional steps to voting, RCV exacerbates this tendency, making it less likely that new and more casual voters will enter into the process. Moreover, RCV exacerbates economic and racial disparities in voting. Voting errors and spoiled ballots occur far more often. In Minneapolis, for example, nearly 10% of ranked choice ballots were not counted, most of these in low-income communities of color. Other municipalities have seen similar effects.[31]

Proponents of ranked-choice voting point to an analysis commissioned by FairVote that found ranked-choice voting is associated with a 10-point increase in voter turnout compared to primary and run-off elections, but is not associated with any change in turnout in general elections. The study was based on data from 26 American cities across 79 elections.[32] According to the study, this 10-point "increase" in turnout is likely due to

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30 Henry, Madeline Alys. "The Implementation and Effects of Ranked Choice Voting in California Cities." 2016. Accessed July 23, 2019. https://csus-dspace.calstate.edu/bitstream/handle/10211.3/182785/Henry.pdf.

31 Ganapathy, Vignesh. "Written Testimony." October 27, 2017. Accessed July 23, 2019. https://www.aclu-kansas.org/sites/default/files/field_documents/aclu_testimony_on_ranked_choice_voting.pdf.

32 Kimball, David, and Joseph Anthony. "The Adoption of Ranked Choice Voting Raised Turnout 10 Points." FairVote. Accessed July 24, 2019. https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/426/attachments/original/1449182124/Kimball-and-Anthony-one-pager-27-Oct.pdf?1449182124.

the compression of voting and "winnowing" of candidates into one election.[33] Overall, the study suggested that ranked-choice voting elections have "minimal effects on rates of voter participation."[34]

As previously mentioned, a study of San Francisco's election data from 1995 to 2011 found that turnout declined among African American and white voters and exacerbated the disparities between voters who were already likely to vote and those who were not.[35] The author attributes these effects, at least in part, to the fact that ranked-choice voting increases the "information costs" of voting (i.e., the need to be familiar with how ranked-choice voting works further discourages low-propensity voters from participating in elections).[36] Exit polls of voters participating in ranked-choice voting bolster these findings.[37]

Since the answer to whether ranked-choice voting actually increases turnout when compared to plurality elections is still up for debate, it is irresponsible to make this lofty claim.

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33 Kimball, David, and Joseph Anthony. "The Adoption of Ranked Choice Voting Raised Turnout 10 Points." FairVote. Accessed July 24, 2019. https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/426/attachments/original/1449182124/Kimball-and-Anthony-one-pager-27-Oct.pdf?1449182124.

34 Ibid.

35 McDaniel, Jason. "Ranked Choice Voting Likely Means Lower Turnout, More Errors." Cato Unbound. December 13, 2016. Accessed July 24, 2019. https://www.cato-unbound.org/2016/12/13/jason-mcdaniel/ranked-choice-voting-likely-means-lower-turnout-more-errors.

36 Ibid.

37 Neely, Francis, Lisel Blash, and Corey Cook. "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election Final Report." FairVote. May 2005. Accessed July 23, 2019. http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf.

Comparing Election Outcomes

A relevant question in comparing plurality elections against ranked-choice voting is to ask how often the two voting systems would produce a different electoral outcome. Those cases are relatively sparse, occurring only when the votes cast for eliminated candidates are reallocated to a contender who came in second place or worse in the first round of tabulation, and the votes gained in subsequent rounds of tabulation exceed the gains made by the leader after the first round.

Maine

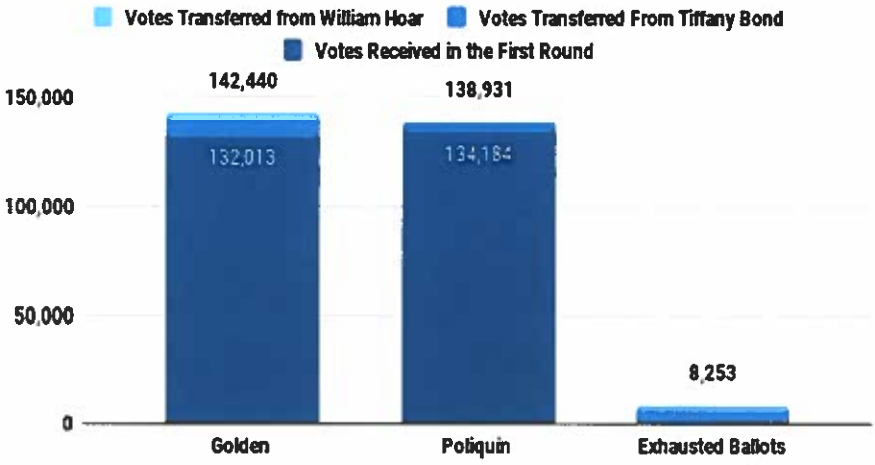
In 2018, only three elections in Maine had no majority winner in the first round of votes:

- Democrat Gubernatorial Primary
- Democrat Congressional Primary (Second Congressional District)
- General Election for the Second Congressional District

Of the elections that required additional rounds of tabulation in Maine, the general election race for the Second Congressional District was the only election that produced an outcome different than what would have occurred under a plurality election.

As previously mentioned, Poliquin initially received 134,184 votes, or 46.33 percent of the total votes cast whereas Golden received 132,013 votes, or 45.48 percent of the total votes cast. Once the second round of tabulation was completed, 4,747 votes (3,117 from Bond and 1,630 from Hoar) were allocated to Poliquin and 10,427 votes (7,862 from Bond and 2,565 from Hoar) were awarded to Golden. Figure 7 provides a visual breakdown of how the votes were distributed to change the outcome of the election.

Figure 7: Second Congressional Race Vote Transfers



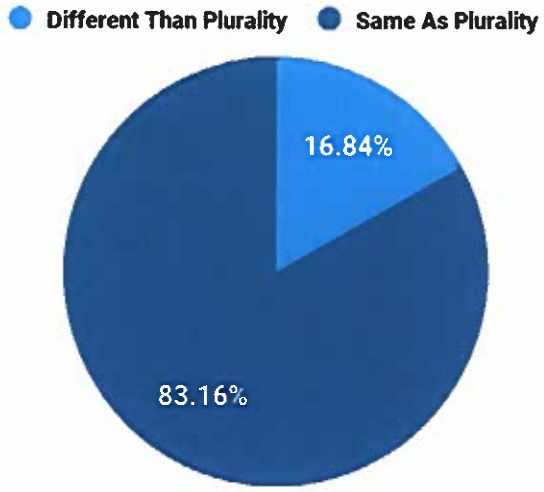
Source: Maine Secretary of State; Maine Policy Institute

Other Jurisdictions

According to the election results obtained from 96 ranked-choice voting elections nationwide that triggered a second round of tabulation (excluding one that resulted in a tie in the first round of tabulation), ranked-choice voting changes the outcome of an election approximately 17 percent of the time. This is illuminated in Figure 8. If all ranked-choice voting races were examined in this analysis, including those that produced a majority winner in the first round, the percentage of races where the outcome changes would decrease.

The frequency with which ranked-choice voting elections produce a different outcome than plurality elections is important because it allows lawmakers to weigh the benefits and consequences of a new voting system. If ranked-choice elections rarely produce a different outcome, the costs of such a system may outweigh the alleged benefits.

Figure 8: How Often Does The Outcome Change In Ranked-Choice Elections?



Source: Maine Policy Institute

Paradoxical Effects of Ranked-Choice Voting

One of the primary arguments in favor of ranked-choice voting is that it gives voters a broader set of options and reduces political polarization. However, these claims overlook serious shortcomings of ranked-choice voting.[38]

Ranked-choice voting exhibits non-monotonicity, one of the fundamental metrics used by political theorists to evaluate voting systems. Monotonicity is defined as follows: "With the relative order or rating of the other candidates unchanged, voting a candidate higher should never cause the candidate to lose, nor should voting a candidate lower ever cause the candidate to win." In other words, voting your choice should only help your candidate.

In some cases (such as a tight three-way race), ranked-choice voting violates this principle, meaning that more first-place votes can hurt, rather than help, a candidate.[39] To see how non-monotonicity works, consider the following example:

Suppose three candidates, Anne (A), Bob (B), and Corey (C) are running for Congress. For simplicity, assume only 100 ballots are cast. Therefore, the number of ballots needed to win is 51 (assuming no exhausted ballots). The results are shown below.

Table 2: Effects of Non-Monotonicity (Round 1)

Number of votes	*1st preference*	*2nd preference*	*3rd preference*
39	Anne	Bob	Corey
35	Bob	Corey	Anne
26	Corey	Anne	Bob

No candidate has a majority of the vote, so the last-place finisher, Corey, is eliminated. His 26 votes go to Anne, who wins in the second round with 65 of the 100 votes (her original 39 votes plus the 26 votes she gained when Corey was eliminated).

Now suppose that prior to the election, sensing that Anne was the strongest candidate, 10 of Bob's voters had shifted their first-place preference to Anne. The table below shows the distribution of ballots.

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38 Gierzynski, Anthony. "Instant Runoff Voting." Accessed July 24, 2019. https://www.uvm.edu/~vlrs/IR-Vassessment.pdf.

39 "Monotonicity and IRV – Why the Monotonicity Criterion Is of Little Import." FairVote. Accessed July 24, 2019. http://archive.fairvote.org/monotonicity/.

Table 3: Effects of Non-Monotonicity (Round 2)			
Number of votes	*1st preference*	*2nd preference*	*3rd preference*
49	Anne	Bob	Corey
25	Bob	Corey	Anne
26	Corey	Anne	Bob

Under this scenario, Anne falls just short of a majority in the first round. Bob finishes last, so he is eliminated; his 25 votes go to Corey, who carries the election with 51 votes (his original 26 votes plus the 25 votes he gained when Bob was eliminated). Anne received more first-place votes than in the first scenario, but this increase in support turned her victory into defeat.

The 2009 mayoral election in Burlington, Vermont shows that non-monotonicity is not merely a theoretical danger. The three-way race pitted Progressive Bob Kiss against Democrat Andy Montroll and Republican Kurt Wright. Bob Kiss won the election, but he could have lost if more Wright voters had ranked Kiss first, causing Montroll to come in second place in the first round. Then Montroll would have gained enough votes from Wright in the second round to defeat Kiss.[40]

Another important result from Burlington's 2009 mayoral election is that the candidate who was preferred over all other candidates in a head-to-head race, Andy Montroll, lost the election via ranked-choice voting. This demonstrates the issues caused by a non-monotonic voting system.[41]

[40] Gierzynski, Anthony. "Instant Runoff Voting." Accessed July 24, 2019. https://www.uvm.edu/~vlrs/IR-Vassessment.pdf.

[41] Ibid.

Ranked-Choice Voting and Third-Party Candidates

Alaska has always had a strong independent political streak, and encouraging third-party involvement in policymaking is a goal many Alaskans share. Plurality elections are often accused of stifling third-party candidates and shutting unorthodox voices out of the political process, forcing voters to choose between throwing away their vote on a long-shot candidate or helping to elect a more viable candidate who doesn't as accurately reflect voters' preferences.

While this is certainly a weakness of plurality elections, ranked-choice voting is not an obvious improvement. In fact, ranked-choice voting can neuter third parties and help to perpetuate the two-party system that many voters dislike. Despite proponents' claims, ranked-choice voting does not solve the "spoiler" problem, where voters are reluctant to rank their favorite candidate first for fear of letting their least favorite candidate win.[42]

There are only two cases in which ranked-choice voting lets you rank your favorite candidate first without worrying about a spoiler effect. First, when your favorite candidate is the clear winner. Second, when your favorite candidate is clearly going to lose (and your second-choice vote for a compromise candidate will be tabulated in the second round). In between these two extremes, ranked-choice voting doesn't solve the spoiler problem.

Ranking a strong third-party candidate first, for example, may get your compromise candidate eliminated, causing your least-favorite candidate to win. In this scenario, ranking the compromise candidate first might have buttressed his support enough to win outright or survive a second-round matchup with your least-favorite candidate. In short, voters in ranked-choice voting elections still have to worry about spoiler effects and may still feel pressure not to rank their true favorite candidate first.

Ranked-choice voting can neuter third parties and help to perpetuate the two-party system that many voters dislike.

In addition, much of third parties' power in the U.S. derives not from the number of elected positions they hold, but from their ability to influence major party candidates to cater to "ideological minorities." Jason Sorens, a lecturer at Dartmouth College, outlines the loss of third parties' "blackmail power" as a disadvantage of instant run-off voting because it allows major party candidates to ignore third party constituencies.[43]

In plurality elections, Republican candidates, for example, may adopt more Libertarian positions than they would otherwise in order to buttress that small but potentially

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42 "Eliminates the Spoiler Effect." Utah Ranked Choice Voting. Accessed July 24, 2019. http://utahrcv.com/why-ranked-choice-voting/more-choices-more-voices/.

43 Sorens, Jason. "The False Promise of Instant Runoff Voting." Cato Unbound. December 09, 2016. Accessed July 24, 2019. https://www.cato-unbound.org/2016/12/09/jason-sorens/false-promise-instant-runoff-voting.

important constituency. Similarly, Democratic politicians may find it in their interest to defend more environmentally centered positions to appeal to Green Party voters. Third parties can strategically run candidates in specific districts in order to "punish" a major-party candidate. A Libertarian candidate, for example, may challenge a Republican who is viewed as too distant from Libertarian goals, splitting the vote and causing the Republican to lose an otherwise-winnable election.[44]

However, under ranked-choice voting, third parties' "blackmail power" is significantly eroded, since major party candidates can usually be confident of inheriting the votes of an ideologically similar third-party challenger who is eliminated in the early rounds of tabulation.

Therefore, ranked-choice voting should not be celebrated as a victory for third-party candidates. In fact, it may hurt them because it weakens their ability to push major-party candidates to support more moderate, or extreme, policies.

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[44] Sorens, Jason. "The False Promise of Instant Runoff Voting." Cato Unbound. December 09, 2016. Accessed July 24, 2019. https://www.cato-unbound.org/2016/12/09/jason-sorens/false-promise-instant-runoff-voting.

Jurisdictions That Have Repealed Ranked-Choice Voting

A handful of jurisdictions have adopted, tested, and subsequently repealed ranked-choice voting or instant run-off election systems. These jurisdictions are identified and described below. In addition, there have been multiple efforts in Maine to overturn or amend its ranked-choice voting system.

Burlington, Vermont

The City of Burlington adopted ranked-choice voting for mayoral races in 2005 and implemented the new voting system in 2006. It was used in two mayoral elections and was subsequently repealed by nearly 52 percent of voters in 2010.[45] The repeal might have been due to voters' discontent with an unpopular incumbent winning reelection in 2009 with only 29 percent of first-place votes.[46]

Ann Arbor, Michigan

An initiative organized by the Human Rights Party (HRP) establishing the use of ranked-choice voting in mayoral elections was approved by Ann Arbor voters in 1974. According to an email from an election clerk in Washtenaw County, Michigan, typical elections in the city would play out like this: "the Republican candidate would get the most votes, but the Democrats and HRP would together have a majority." Because of this dynamic, "the Democrats and the HRP worked together to create the ranked choice plan."

After a mayoral election in 1975, Republicans started a petition drive to repeal ranked-choice voting. In 1976, 62 percent of voters cast their ballot in favor of repealing ranked-choice voting.[47] Thus, Ann Arbor residents repealed the voting system after their first experiment with it.

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45 McCrea, Lynne. "Burlington Voters Repeal Instant Runoff Voting." VPR Archive. December 12, 2016. Accessed August 07, 2019. https://vprarchive.vpr.net/vpr-news/burlington-voters-repeal-instant-runoff-voting/.

46 Scher, Bill. "Is Ranked-Choice Voting Transforming Our Politics?" *RealClearPolitics*. June 18, 2018. Accessed August 07, 2019. https://www.realclearpolitics.com/articles/2018/06/18/is_ranked-choice_voting_transforming_our_politics_137294.html.

47 Walter, Benjamin. "Instant Runoff Voting: History in Ann Arbor, Michigan." Archive.fo. September 17, 2008. Accessed August 07, 2019. https://archive.fo/Ic5Ww.

State of North Carolina

The State of North Carolina adopted ranked-choice voting for judicial vacancies in 2006. In 2010, only two races, a statewide Court of Appeals and a district-wide Superior Court race, resulted in more than one round of counting that triggered ranked-choice voting. According to a local news station in North Carolina, the voting system had "mixed reviews" from voters when it was used in 2010.[48]

In 2013, the election system was repealed through HB 589, a voter ID bill that passed in the North Carolina General Assembly and made several changes to the state's election law.[49] Therefore, the legislature decided to repeal the law three years after it was used in a statewide judicial race.

Aspen, Colorado

After Aspen used ranked-choice voting for the first time in 2009, voters rejected the voting system in 2010 with approximately 65 percent of the vote.[50] Curtis Wackerle, an editor for the *Aspen Daily News*, estimates that voters repealed ranked-choice voting because, "in the four municipal elections in which it was used, the candidate who received the most votes in the first round won the runoff every time, making the extra month of campaigning seem like a money-sucking, brain damage-inducing waste of time."[51]

Pierce County, Washington

Voters in Pierce County Washington adopted ranked-choice voting to elect county officials in 2006, with 53 percent of voters approving the system.[52] Voters who participated in an auditor's survey indicated they did not like the voting system by a 2-1 margin. According to the Washington Secretary of State, voters repealed ranked-choice voting with 71 percent

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48 Binker, Mark. "Q&A: Changes to NC Election Laws." WRAL.com. August 12, 2013. Accessed August 07, 2019. https://www.wral.com/election-changes-coming-in-2014-2016/12750290/.

49 S.L. 2013-381. Accessed August 07, 2019. https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2013-2014/SL2013-381.html.

50 Wackerle, Curtis. "City Voters Repeal IRV." *Aspen Daily News*. December 18, 2017. Accessed August 07, 2019. https://www.aspendailynews.com/city-voters-repeal-irv/article_5d3a9245-bfc1-55db-947b-fefd-b87031ea.html.

51 Ibid.

52 "November 7, 2006 General Election - Final Election Results." Pierce County, Washington. November 28, 2006. https://www.piercecountywa.gov/DocumentCenter/View/1512/nov2006results?bidId=.

of the vote in 2009.[53] Elections Director Nick Handy had this to say about ranked-choice voting in Pierce County:

> Just three years ago, Pierce County voters enthusiastically embraced this new idea as a replacement for the then highly unpopular Pick-a-Party primary. Pierce County did a terrific job implementing ranked choice voting, but voters flat out did not like it.
>
> The rapid rejection of this election model that has been popular in San Francisco, but few other places, was expected, but no one really anticipated how fast the cradle to grave cycle would run. The voters wanted it. The voters got and tried it. The voters did not like it. And the voters emphatically rejected it. All in a very quick three years.

It is clear that voters in these jurisdictions felt that their traditional voting method, whatever it may have been, was superior to ranked-choice voting.

[53] Washington Secretary of State's Office. "Pierce Voters Nix 'ranked-choice Voting'." From Our Corner. November 12, 2009. Accessed August 07, 2019. https://blogs.sos.wa.gov/FromOurCorner/index.php/2009/11/pierce-voters-nix-ranked-choice-voting/.

Potential Expansion

While ranked-choice voting was originally used only in federal and primary elections in Maine, there are ongoing efforts for it to be used in presidential primaries and general elections as well.[54] There are also ongoing efforts in several other states. These include Alaska, Massachusetts, North Dakota, and Arkansas.[55] In addition, San Diego, the eighth largest city in the country, recently considered ranked-choice voting at the city level. However, the city council rejected the idea, arguing that instituting ranked-choice voting "would confuse voters, increase election costs, and possibly have unintended consequences."[56]

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54 Maine State Legislature. "Legislative Document 1083." January 12, 2020. https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0315&item=4&snum=129.

55 "Massachusetts Question 2, Ranked-Choice Voting Initiative (2020)." Ballotpedia. Accessed August 14, 2020. https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_(2020)#cite_note-2.
"North Dakota Top-Four Ranked-Choice Voting, Redistricting, and Election Process Changes Initiative (2020)." Ballotpedia. Accessed August 14, 2020. https://ballotpedia.org/North_Dakota_Top-Four_Ranked-Choice_Voting,_Redistricting,_and_Election_Process_Changes_Initiative_(2020).
"Arkansas Top-Four Ranked-Choice Voting Initiative (2020)." Ballotpedia. Accessed August 14, 2020. https://ballotpedia.org/Arkansas_Top-Four_Ranked-Choice_Voting_Initiative_(2020).

56 Garrick, David. "San Diego Voters Can Lift 30-foot Height Limit Near Sports Arena in November." *The San Diego Union-Tribune*. July 21, 2020. https://www.sandiegouniontribune.com/news/politics/story/2020-07-21/san-diego-voters-can-lift-30-foot-height-limit-near-sports-arena-in-november.

Conclusion

Democratic choice, within the confines of our constitutional republic, forms the bedrock of America's system of governance. Adopting a simple, fair, and secure voting system is fundamental to democratic elections. It is clear that plurality elections are much simpler and easier to understand than races determined by ranked-choice voting.

This analysis of 96 ranked-choice voting elections from across the country shows that the voting system produces false majorities, frequently exhausts more than 10 percent of ballots cast on Election Day, and further disenfranchises voters who are already less likely to vote.

While proponents of ranked-choice voting may claim the new voting system is a better alternative to traditional voting systems, the plurality system offers voters an easier method of selecting representatives without the false promises of ranked-choice voting.

Appendix

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
1975	Ann Arbor, MI[18]	Mayoral Race	29,501	29,262	14,684	239	Yes	0.81%	49.77%
2009	Aspen, CO[8]	Mayoral Race	2,528	2,413	1,273	115	No	4.55%	50.36%
2009	Aspen, CO[8]	City Council - Seat 1	2,401	2,143	1,233	258	No	10.75%	51.35%
2009	Aspen, CO[8]	City Council - Seat 2	2,226	2,103	1,073	123	Yes	5.53%	48.20%
2010	Berkeley, CA[13]	City Council - District 7	4,184	4,167	2,086	17	No	0.41%	49.86%
2014	Berkeley, CA[13]	City Council - District 8	4,518	4,128	2,072	390	No	8.63%	45.86%
2016	Berkeley, CA[13]	Mayoral Race	59,144	58,545	29,499	599	No	1.01%	49.88%
2016	Berkeley, CA[13]	City Council - District 2	7,138	6,734	3,451	404	Yes	5.66%	48.35%
2018	Berkeley, CA[13]	City Council - District 1	7,872	7,559	4,120	313	No	3.98%	52.34%
2006	Burlington, VT[6]	Mayoral Race	9,711	8,747	4,761	964	No	9.93%	49.03%
2009	Burlington, VT[4]	Mayoral Race	8,976	8,374	4,313	602	Yes	6.71%	48.05%
2007	Cary, NC[1]	Council Seat - District B	3,022	2,754	1,401	268	No	8.87%	46.36%
2018	State of ME[5]	2nd Congressional	289,624	281,371	142,440	8,253	Yes	2.85%	49.18%
2018	State of ME[5]	2nd Congressional Democrat Primary	45,211	43,464	23,611	1,747	No	3.86%	52.22%
2018	State of ME[5]	Gubernatorial Democrat Primary	126,139	117,250	63,384	8,889	No	7.05%	50.25%
2009	Minneapolis, MN[9]	City Council - Ward 4	3,299	2,992	1,740	307	No	9.31%	52.74%
2009	Minneapolis, MN[9]	City Council - Ward 5	2,170	2,024	1,131	146	No	6.73%	52.12%
2009	Minneapolis, MN[9]	Park Board - District 5	7,848	6,891	3,620	957	No	12.19%	46.13%
2009	Minneapolis, MN[9]	Park Board - District 6	8,354	7,806	4,300	548	No	6.56%	51.47%
2013	Minneapolis, MN[9]	Mayoral Race	79,415	63,842	38,870	15,573	No	19.61%	48.95%
2013	Minneapolis, MN[9]	City Council - Ward 5	3,499	3,236	1,842	263	No	7.52%	52.64%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2013	Minneapolis, MN[9]	City Council - Ward 9	4,179	3,745	1,987	434	No	10.39%	47.55%
2013	Minneapolis, MN[9]	City Council - Ward 13	10,459	9,764	5,059	695	No	6.64%	48.37%
2017	Minneapolis, MN[9]	Mayoral Race	104,522	81,687	46,716	22,835	No	21.85%	44.69%
2017	Minneapolis, MN[9]	City Council - Ward 1	8,734	8,408	4,296	326	No	3.73%	49.19%
2017	Minneapolis, MN[9]	Park Board - District 1	14,303	13,041	7,210	1,262	No	8.82%	50.41%
2017	Minneapolis, MN[9]	City Council - Ward 3	9,592	8,705	4,861	887	Yes	9.25%	50.68%
2017	Minneapolis, MN[9]	Park Board - District 3	14,630	13,594	7,753	1,036	No	7.08%	52.99%
2017	Minneapolis, MN[9]	City Council - District 4	5,263	5,035	2,605	228	Yes	4.33%	49.50%
2017	Minneapolis, MN[9]	City Council - District 5	4,216	4,082	2,313	134	No	3.18%	54.86%
2017	Minneapolis, MN[9]	Park Board - District 6	18,488	17,256	8,785	1,232	No	6.66%	47.52%
2017	Minneapolis, MN[9]	City Council - District 9	5,519	4,916	2,982	603	No	10.93%	54.03%
2017	Minneapolis, MN[9]	City Council - District 11	9,160	8,738	4,757	422	No	4.61%	51.93%
2010	State of NC[11]	Court of Appeals - Judicial	1,943,771	1,081,305	543,980	862,446	Yes	44.37%	27.99%
2010	State of NC[2]	Superior Court Judge - District 12 A	18,704	16,472	8,378	2,232	Yes	11.93%	44.79%
2010	Oakland, CA[13]	Mayoral Race	119,607	105,769	53,897	13,838	Yes	11.57%	45.06%
2010	Oakland, CA[13]	City Council - District 4	20,994	19,671	10,439	1,323	No	6.30%	49.72%
2012	Oakland, CA[13]	City Council - At-Large	143,924	130,057	78,941	13,867	No	9.63%	54.85%
2012	Oakland, CA[13]	City Council - District 1	28,562	23,741	12,293	4,821	No	16.88%	43.04%
2012	Oakland, CA[13]	City Council - District 3	21,991	17,427	9,397	4,564	Yes	20.75%	42.73%
2012	Oakland, CA[13]	City Council - District 5	11,245	10,460	5,716	785	No	6.98%	50.83%
2012	Oakland, CA[13]	School Director - District 3	20,580	19,211	11,725	1,369	No	6.65%	56.97%
2014	Oakland, CA[13]	Mayoral Race	101,888	77,227	48,806	24,661	No	24.20%	47.90%
2014	Oakland, CA[13]	City Council - District 2	13,555	12,347	6,547	1,208	No	8.91%	48.30%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2014	Oakland, CA[13]	City Council - District 6	11,162	10,376	5,430	786	No	7.04%	48.65%
2014	Oakland, CA[13]	School Director - District 4	16,120	14,886	7,802	1,234	No	7.66%	48.40%
2016	Oakland, CA[13]	School Director - District 3	22,351	20,606	10,796	1,745	No	7.81%	48.30%
2016	Oakland, CA[13]	School Director - District 5	13,305	12,286	6,277	1,019	Yes	7.66%	47.18%
2018	Oakland, CA[13]	City Council District 4	25,219	21,696	11,736	3,523	No	13.97%	46.54%
2018	Oakland, CA[13]	City Council District 6	17,845	15,341	9,858	2,504	No	14.03%	55.24%
2008	Pierce County, WA[14]	County Executive	299,132	268,638	136,346	30,494	Yes	10.19%	45.58%
2008	Pierce County, WA[14]	Pierce County Assessor/ Treasurer	262,447	189,433	98,366	73,014	No	27.82%	37.48%
2008	Pierce County, WA[14]	County Council - District No. 2	40,000	38,142	21,078	1,858	No	4.65%	52.70%
2009	Pierce County, WA[14]	Pierce County Auditor	153,528	149,304	83,048	4,224	No	2.75%	54.09%
2011	Portland, ME[12]	Mayoral Race	19,728	16,234	9,061	3,494	No	17.71%	45.93%
2011	Saint Paul, MN[10]	City Council - Ward 2	5,363	4,934	2,870	429	No	8.00%	53.51%
2013	Saint Paul, MN[10]	City Council - Ward 1	4,763	3,692	1,970	1,071	No	22.49%	41.36%
2015	Saint Paul, MN[17]	City Council - Ward 2	5,734	5,226	2,782	508	No	8.86%	48.52%
2004	San Francisco, CA[16]	Board of Supervisors - District 1	28,787	25,940	14,011	2,847	No	9.89%	48.67%
2004	San Francisco, CA[16]	Board of Supervisors - District 5	32,643	26,111	13,211	6,532	No	20.01%	40.47%
2004	San Francisco, CA[16]	Board of Supervisors - District 7	31,639	24,325	13,834	7,314	No	23.12%	43.72%
2004	San Francisco, CA[16]	Board of Supervisors - District 11	23,176	18,307	10,679	4,869	No	21.01%	46.08%
2005	San Francisco, CA[16]	Assessor	199,224	189,314	110,053	9,910	No	4.97%	55.24%
2006	San Francisco, CA[16]	Board of Supervisors - District 4	19,814	15,975	8,388	3,839	No	19.38%	42.33%
2006	San Francisco, CA[16]	Board of Supervisors - District 6	17,941	17,646	8,968	295	No	1.64%	49.99%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2008	San Francisco, CA[16]	Board of Supervisors - District 1	28,756	25,957	13,152	2,799	No	9.73%	45.74%
2008	San Francisco, CA[16]	Board of Supervisors - District 3	27,198	22,875	13,582	4,323	No	15.89%	49.94%
2008	San Francisco, CA[16]	Board of Supervisors - District 9	26,486	23,474	12,637	3,012	No	11.37%	47.71%
2008	San Francisco, CA[16]	Board of Supervisors - District 11	24,673	19,317	10,225	5,356	No	21.71%	41.44%
2010	San Francisco, CA[16]	Board of Supervisors - District 2	24,094	22,594	11,426	1,500	Yes	6.23%	47.42%
2010	San Francisco, CA[16]	Board of Supervisors - District 6	21,086	16,393	8,865	4,693	No	22.26%	42.04%
2010	San Francisco, CA[16]	Board of Supervisors - District 8	34,950	32,926	18,239	2,024	No	5.79%	52.19%
2010	San Francisco, CA[16]	Board of Supervisors - District 10	17,808	8,200	4,321	9,608	Yes	53.95%	24.26%
2011	San Francisco, CA[16]	Mayoral Race	194,418	141,617	84,457	52,801	No	27.16%	43.44%
2011	San Francisco, CA[16]	District Attorney	183,487	161,001	100,245	22,486	No	12.25%	54.63%
2011	San Francisco, CA[16]	Sheriff	183,233	161,729	86,592	21,504	No	11.74%	47.26%
2012	San Francisco, CA[16]	Board of Supervisors - District 5	35,147	26,613	14,945	8,534	No	24.28%	42.52%
2012	San Francisco, CA[16]	Board of Supervisors - District 7	31,385	24,878	12,505	6,507	No	20.73%	39.84%
2014	San Francisco, CA[16]	Board of Supervisors - District 10	15,406	14,925	7,719	481	No	3.12%	50.10%
2016	San Francisco, CA[16]	Board of Supervisors - District 1	31,681	28,496	15,037	3,185	No	10.05%	47.46%
2016	San Francisco, CA[16]	Board of Supervisors - District 7	35,274	30,507	17,692	4,767	No	13.51%	50.16%
2016	San Francisco, CA[16]	Board of Supervisors - District 11	25,380	22,031	11,222	3,349	No	13.20%	44.22%
2018	San Francisco, CA[16]	Board of Supervisors - District 2	35,312	33,401	17,340	1,911	No	5.41%	49.11%

Year	Jurisdiction	Election	Total in First Round	Total in Final Round	Winner Total	Exhausted Ballots	Outcome Different?	% of Votes Exhausted	Winner Percentage of Total Vote
2018	San Francisco, CA[16]	Board of Supervisors - District 4	28,422	23,320	13,255	5,102	No	17.95%	46.64%
2018	San Francisco, CA[16]	Board of Supervisors - District 10	23,194	20,647	13,023	2,547	No	10.98%	56.15%
2010	San Leandro, CA[13]	Mayoral Race	22,484	20,322	10,277	2,162	Yes	9.62%	45.71%
2012	San Leandro, CA[13]	City Council - District 2	25,266	23,928	12,057	1,338	No	5.30%	47.72%
2012	San Leandro, CA[13]	City Council - District 4	23,090	21,226	12,945	1,864	No	8.07%	56.06%
2014	San Leandro, CA[13]	Mayoral Race	16,209	15,367	8,801	842	No	5.19%	54.30%
2014	San Leandro, CA[13]	City Council - District 1	15,445	13,697	8,898	1,748	No	11.32%	57.61%
2018	Santa Fe, NM[15]	City Council - District 4	4,899	4,543	2565	356	No	7.27%	52.36%
2018	Santa Fe, NM[15]	Mayoral Race	20,604	19,774	13,088	830	No	4.03%	63.52%
2012	Takoma Park, MD[7]	City Council - Ward 5	190	178	97	12	No	6.32%	51.05%
2014	Takoma Park, MD[7]	City Council - Ward 3	660	656	332	4	No	0.61%	50.30%
2017	Takoma Park, MD[7]	City Council - Ward 2	877	842	459	35	No	3.99%	52.34%
2015	Telluride, CO[3]	Mayoral Race	1,111	1,102	583	9	Tie Vote	0.81%	52.48%

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The Effects of Ballot Position on Election Outcomes

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This article presents evidence of name-order effects in balloting from a study of the 1998 Democratic primary in New York City, in which the order of candidates' names was rotated by precinct. In 71 of 79 individual nominating contests, candidates received a greater proportion of the vote when listed first than when listed in any other position. In seven of those 71 contests the advantage to first position exceeded the winner's margin of victory, suggesting that ballot position would have determined the election outcomes if one candidate had held the top spot in all precincts.

The 2000 presidential election shone a spotlight on a rarely contemplated aspect of the American political system: ballot design. The format of the ballot in Palm Beach County, Florida appears to have influenced the outcome of the 2000 presidential election, in violation of (at least) two fundamental principles of democracy. First, democracy requires a "level playing field" on which no candidate holds an a priori advantage over others, particularly one conferred by the state. In the words of Wand, Herron, and Brady, "Under any reasonable standard of fairness, ballot format should not determine the outcome of an election" (2000, G3). Second, the candidate preferred by the most people should win an election. It is troubling when a candidate who is favored by a plurality of voters loses an election because the ballot format steers indifferent or confused voters in a particular direction.

These principles have been discussed ad nauseam in relation to the infamous "butterfly ballot" and the 2000 presidential election tally in Florida (e.g., Brady et al. 2001; Wand et al. 2001). They are equally relevant to another aspect of ballot format, the order in which candidates' names are listed. Political professionals have long taken for granted that the top spot on the ballot provides an advantage to the candidate whose name occupies it. In several instances, candidates have brought lawsuits to prevent their incumbent opponents from enjoying this advantage.[1] Still, most states assign one candidate in every primary election

[1] *Holtzman* v. *Power*, 62 Misc. 2d 1020; *Gould* v. *Grubb*, 14 Cal. 3d 661; *Clough* v. *Guzzi*, 416 F. Supp. at 1059.

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the top spot instead of rotating the order of candidates' names.[2] If the conventional wisdom of the politerati is correct, this practice creates an obvious inequity in many American elections.

In this article we test the notion that election results are influenced by the order in which candidates' names appear on the ballot. Specifically, we consider whether occupying the first position on a vertical primary ballot adds to candidates' vote tallies. We do this through a quantitative analysis of election results from the 1998 Democratic primary in New York City—a jurisdiction that rotates precinct-by-precinct the order in which candidates' names are listed on the primary ballots.

Our findings differ from the most recent and widely cited article on name-order effects. We strongly disagree with Miller and Krosnick's conclusion that the magnitude of name-order effects are not substantively significant (1998, 291–92). We argue that Miller and Krosnick overstate the implications of their study, which only considers general elections. We find that the effect of name order on primary election outcomes is significantly larger than Miller and Krosnick's estimate for general elections; furthermore, the magnitude of name-order effects is large enough to turn the outcome in some races. This phenomenon may not adversely affect any particular class of citizens, but it undermines equality among individual candidates. This is no less offensive to the democratic principle of fair play than, say, a state program that would provide a single candidate in each election contest—determined by lottery—with a cash grant.

Previous Studies of Name-Order Effects

The study of name-order effects predates Miller and Krosnick's coining of the term, but most of the earlier studies are methodologically flawed (for a detailed critique of the literature, see Miller and Krosnick 1998, 295–97). Furthermore, the literature is contradictory, with no clear patterns in the findings across studies. The existing work considers a wide variety of electoral contexts, including primaries for several offices in Michigan (Bain and Hecock 1957), Democratic and Republican county central committees in California (Byrne and Pueschel 1974), elections up and down the ballot in two Colorado counties (Darcy 1986), primary contests for local office in Oregon (Elverum 1983), all offices in contention in the 1992 general election in Ohio (Miller and Krosnick 1998), Los Angeles Junior College Board (Mueller 1970), Ohio state senate primaries (White 1950), and, perhaps least significant but most amusing, the election of officers of the American Anthropological Association in 1951 (Gold 1952). (A survey of the

[2] Only 14 states rotate candidate name order in statewide primary elections; two more (New York and Kentucky) use rotation in some jurisdictions but not others. In the remaining 36 states, the order of candidates' names is uniform on all ballots, determined either by alphabetic ordering or lottery. A complete list of ballot placement methods, with references to the relevant sections of state election codes, is available at http://www2.bc.edu/~steenje/ballot.htm or from the authors upon request.

ballot position literature, including studies of voting in international settings, is presented in Darcy and McAllister 1990.)

Miller and Krosnick offer the most recent addition to the name-order effects literature with their 1998 article on the 1992 general election in Ohio. They outline a compelling theory of name-order effects and find evidence of widespread position effect in the 1992 Ohio general election.

We embrace the theory of name-order effects developed by Krosnick and his collaborators (see Krosnick and Alwin 1987; Miller and Krosnick 1998) that draws upon Simon's (1957) "satisficing" principle and treats voting as a cognitive task. According to the theory, actors faced with a choice among alternatives will conserve resources and select the most accessible satisfactory option presented, even if it is not optimal. If choices are presented orally, as in a telephone interview, the last option presented is most accessible and a "recency effect" is expected; if choices are presented visually, as in an election ballot, the first option presented is most accessible and a "primacy effect" is expected. As Miller and Krosnick note, "if a citizen feels compelled to vote in races regarding which he or she has no substantive bases for choice at all, he or she may simply settle for the first name listed, because no reason is apparent suggesting that the candidate is unacceptable" (1998, 294–95). Thus they predict that the magnitude of position bias depends on how many voters do not have substantive bases for choice.

We see one important shortcoming in Miller and Krosnick's study, their interpretation of their own findings.[3] Miller and Krosnick find that name-order effects are *statistically* significant, but *substantively* insignificant. They conclude, "the magnitude of name-order effects observed here suggests that they have probably done little to undermine the democratic process in contemporary America" (1998, 291–92). We believe that this optimistic conclusion is premature.

Even as they dismiss the potential mischief of name-order effects, Miller and Krosnick point out that name-order effects are stronger in nonpartisan elections: "these effects were smaller when a cue was available to help people cast substantively meaningful votes" (1998, 312). Yet their study does not reveal anything about the magnitude of name-order effects in a large, important class of elections in which partisan cues are unavailable to voters, partisan primaries.

The importance of primary elections for democracy should not be minimized. In many jurisdictions one major party enjoys a clear advantage over the other, so the only potential venue for meaningful competition is the dominant party's primary (Herrnson 2000, 24; Jacobson 2001, 16). Perhaps more significantly, primaries shape the alternatives that will ultimately be presented to the voters in elections for major offices, including, for example, U.S. Senate and Governor in the nation's third most populous state (as in this study).Consequently, one cannot

[3] Miller and Krosnick also make one methodological error: in their statistical analysis they fail to weight each observation by the size of the precinct. This may not be a serious flaw if the precincts studied were of roughly uniform size, but we cannot judge that since Miller and Krosnick do not report any information about the number of voters represented in their study.

judge the extent to which assigning the top slot to a single candidate undermines the democratic process without determining how ballot position affects outcomes in primary elections.

Data and Method

For this study we analyzed precinct-level election results from the 1998 Democratic primary in New York City.[4] While candidate name-order is uniform across most of New York State, in New York City the names of candidates are rotated by precinct.[5] That is, each candidate for each office is listed first in a nearly equal number of small precincts. This procedure produces observational data that is as close to experimental as one can get without actually randomizing the assignment of ballot formats, thereby providing an exceptional opportunity to examine the electoral consequences of ballot position.

In 1998, there were 79 contested Democratic primary elections in the City of New York. The contested offices included Governor, Lieutenant Governor, Attorney General, U.S. Senator, U.S. Representative (three districts), New York State Senator (five districts), New York State Assembly (21 districts), and Civil Court Judge (four contests). There were also four Democratic Party offices in contention: Male District Leader (16 districts), Female District Leader (12 districts), State Committeeman (eight districts), and State Committeewoman (six districts).

Election administration is organized around State Assembly districts, each of which is divided into precincts.[6] New York City has, in total, 5,616 precincts distributed across 58 Assembly Districts (ADs). The average number of precincts per Assembly District is 92, and the average number of voters per precinct is about 83.[7]

The assignment of precincts to ballot formats is not strictly random. Each Assembly District is divided into geographically contiguous, sequentially numbered precincts. However, it would be bizarre indeed if the characteristics of a precinct were related to that precinct's number. Precincts reported an average of 81.4 votes in 1998, thus neighborhoods in which voters shared characteristics

[4] The basic unit of election administration is called an "election district" in New York City, but to avoid confusion with legislative districts we refer to them here as "precincts."

[5] The peculiar dual system resulted from a political compromise that stemmed out a court decision invalidating a 1970 statute that had granted the first ballot position to incumbent office holders (*Holtzman v. Power*, Court of Appeals of New York, 27 N.Y.2d 628; 261 N.E.2d 666; 1970). In its place, the state legislature imposed the rotation system. But since the "incumbent-first" rule applied only in New York City, the change to the rotation system was applied only in New York City. As a result, all primary elections conducted in New York City—even those for statewide office—rotate the order in which candidates' names are listed.

[6] Each of the five boroughs of New York City (Queens, Brooklyn, Staten Island, Manhattan, and the Bronx) is a distinct county; the Assembly Districts do not cross county lines.

[7] Our data include neither total registered voters nor total ballots cast in each ED, so we approximate the number of "voters" as the maximum number of individual ballots cast for any single office. For 70% of precincts, that office is U.S. Senate.

(e.g., race, ethnicity) were never presented a single ballot format. Furthermore, if some characteristic is shared by the population of, say, every third precinct in a given Assembly district, that characteristic would only confound results for races with three candidates. Only the rotation of candidates in a three-person race would align with the mysterious characteristic associated with every third precinct.[8]

Our statistical analysis is very simple, but somewhat unconventional. It is customary to consider individual *candidates* as the recipients of votes; instead, we considered *ballot positions* as recipients of votes, regardless of whose name appears in them. When candidate names are rotated, each slot on the ballot (the first, second, third, or fourth position) is occupied by each candidate in the same number of precincts. Each slot should therefore receive one **n**th of the votes in an **n**-candidate primary if ballot placement exerts no effect on candidate performance. For example, in a four-person contest, such as the race for Attorney General, each position should receive 25% of the vote in the absence of position effect.[9] The sampling distribution of the vote under the null hypothesis is therefore very straightforward: the expected vote percent for first position (or any other), π, is 1/n and the standard error is $\sqrt{\frac{\pi(1-\pi)}{P}}$, where P is the number of observed precincts.[10] Using these parameters we conducted standard Z-tests on the observed percentages for first position.

Findings

We found compelling evidence that ballot position affects candidates' vote tallies. Our findings also confirm that several variables contribute to the magnitude of position effect.

Table 1 presents the tallies for each statewide office by ballot position. For all three statewide races with four candidates, the first position received significantly more than 25% of the votes. In the Governor's race, the first position took 27.3% of the vote. In the Attorney General's race, the first position received 27.2%, and in the U.S. Senate campaign the first position received 26.8%. In the Lieutenant

[8] It would be desirable to use demographic variables to test for qualitative differences among the groups of precincts sharing ballot formats. Unfortunately, the only level for which we have demographic data is congressional district, and there is insufficient covariation between congressional district and ballot format to use census variables to evaluate differences between formats.

[9] There are slight variations in the proportion of precincts with each ballot format when one ballot format appeared in extra precincts, as when the number of precincts is not a whole multiple of the number of candidates or when a district lies in two counties. There are also slight variations in the proportion of total voters with each format, since the number of voters per precinct is not uniform. However, when we accounted for these variations our results were nearly identical to those presented here.

[10] Since precincts contain varying numbers of voters (the mean is 76 and standard deviation is 54), we weighted each observation by the number of total votes cast in the precinct.

TABLE 1

Percentage of vote for candidates in each position, statewide primaries

	Ballot Position				Total votes cast for this office	Number of precincts with votes for this office	Advantage to first position
	1	2	3	4			
Governor	27.3%	24.0%	23.5%	25.3%	427,871	5,460	2.3%***
U.S. Senator	26.8%	25.1%	24.0%	24.0%	444,410	5,460	1.8%**
Lt. Governor	34.9%	33.3%	31.8%		305,331	5,442	1.6%**
Atty. General	27.2%	25.2%	23.9%	23.7%	395,820	5,456	2.2%***

**$p < .01$.
***$p < .001$.

Governor's race, with only three candidates, the first position took 34.9% of the vote. In all four primaries, the vote for candidates in the first position significantly exceeded the position-neutral expectation of 1/n, with p-values less than .001 in two cases (Governor and Attorney General) and less than .01 in two (Lieutenant Governor and U.S. Senator).

The results of our analysis leave no room for doubt regarding the existence of position effect. In all four of the statewide contests, the first position fared better than the other ballot positions. We can very confidently reject the null hypothesis of no position bias in primaries for statewide office.

In elections for local office, including Congress, state legislature, judgeships, and four party positions, the primacy effect is substantively larger, although in many cases not statistically significant.[11] Table 2 lists the vote percentage by position for the 75 contested primary elections at the local level. In 67 of the 75, the first position received more than its expected percentage of the vote. The median advantage to first position in down-ballot elections was 3.6%; the first-position effect ranged from −10.6% to 11.4%. Despite the high threshold for statistical significance, we found that in 17 of the 75 local races the first position vote was significantly higher than the expectation.

These observations are not mutually independent because there are many instances of overlapping districts. We only have one unique observation per precinct, but, for example, in the 54th Assembly district, precincts 30 and 31 contributed to the tallies in the contest primaries for two judgeships, U.S. House (10th CD), State Senate (17th SD), Assembly, Male District Leader, and Female District Leader (all AD 54). To evaluate the *joint* significance of these findings, we created four precinct-level variables, votes for *all* down-ballot candidates in

[11] Because there are fewer observations per contest in local nominations the sampling distribution of the position vote is "flatter"—that is to say, it has a larger standard error. The statistical test for local offices is considerably more powerful, so one would not expect the results to be as dramatic, in terms of p-values, as those in the statewide contests, even if the magnitude of effect is the same or greater.

TABLE 2

Percentage of vote for candidates in each position, local offices

Office	District	Ballot Position 1	2	3	4	Total votes cast for this office	Number of precincts	Advantage to first position
U.S. Representative	9	27.1%	24.5%	24.5%	23.8%	45,113	498	2.1%
	10	37.1%	31.6%	31.4%		33,477	514	3.7%*
	17	50.0%	50.0%			23,267	348	0.0%
State Senator	17	56.6%	43.4%			9,209	251	6.6%*
	14	36.8%	31.4%	31.8%		17,657	208	3.5%
	19	54.1%	45.9%			14,647	213	4.1%
	30	51.6%	48.4%			28,071	240	1.6%
	32	50.3%	49.7%			17,119	216	0.3%
State Assemblymember	29	55.5%	44.5%			5,833	85	5.5%
	31	53.3%	46.7%			4,368	75	3.3%
	34	51.5%	48.5%			3,761	77	1.5%
	36	53.3%	46.7%			8,627	75	3.3%
	42	35.5%	34.3%	30.1%		5,774	54	2.2%
	43	53.7%	46.3%			6,531	62	3.7%
	45	24.5%	24.3%	26.8%	24.5%	9,816	103	−0.5%
	46	38.3%	30.0%	31.7%		6,802	84	4.9%
	51	54.5%	45.5%			4,549	93	4.5%
	52	51.3%	48.7%			7,787	108	1.3%
	54	39.5%	30.9%	29.6%		4,303	102	6.2%*
	55	50.8%	49.2%			5,632	104	0.8%
	56	52.3%	47.7%			6,465	89	2.3%
	58	53.3%	46.7%			6,157	64	3.3%
	68	53.6%	46.4%			6,571	99	3.6%
	69	51.7%	48.3%			10,606	95	1.7%

TABLE 2 *continued*

Office	District	Ballot Position 1	2	3	4	Total votes cast for this office	Number of precincts	Advantage to first position
	72	40.5%	59.5%			6,977	55	−9.5%
	75	55.2%	44.8%			7,311	71	5.2%
	76	41.6%	58.4%			4,692	85	−8.4%
	78	54.2%	45.8%			4,234	68	4.2%
	79	40.6%	30.7%	28.7%		6,416	95	7.3%+
Civil Court Judge	Bronx	48.6%	51.4%			42,332	877	−1.4%
(Countywide)	Brooklyn	51.5%	48.5%			100,006	1,875	1.5%
Civil Court Judge	1	39.0%	30.2%	30.8%		16,886	269	5.6%*
(District)	2	52.9%	47.1%			19,685	420	2.9%
Male District Leader	29	53.0%	47.0%			4,575	85	3.0%
	31	55.2%	44.8%			2,360	75	5.2%
	36	53.6%	46.4%			5,229	75	3.6%
	37	56.8%	43.2%			2,815	81	6.8%
	41	52.4%	47.6%			7,810	110	2.4%
	42	38.1%	32.2%	29.7%		4,293	54	4.7%
	46	53.3%	46.7%			5,200	82	3.3%
	51	53.2%	46.8%			3,848	93	3.2%
	54	41.2%	30.1%	28.7%		3,750	101	7.8%*
	55	52.0%	48.0%			5,399	104	2.0%
	56	52.5%	47.5%			6,181	89	2.5%
	68	57.8%	42.2%			5,267	99	7.8%+
	76	56.7%	43.3%			3,269	85	6.7%
	78	52.7%	47.3%			3,634	68	2.7%
	79	57.8%	42.2%			3,271	93	7.8%+
	82	55.1%	44.9%			4,115	116	5.1%

Female District Leader	29	55.4%	44.6%		4,789	85	5.4%
	31	53.2%	46.8%		2,584	75	3.2%
	36	56.5%	43.5%		4,209	75	6.5%
	41	53.2%	46.8%		7,809	110	3.2%
	46	50.9%	49.1%		5,696	83	0.9%
	54	44.7%	27.2%	28.1%	3,812	102	11.4%**
	68	56.5%	43.5%		4,975	99	6.5%$^{\cdot}$
	72	39.4%	60.6%		3,521	55	−10.6%
	76	59.3%	40.7%		3,135	85	9.3%*
	78	53.4%	46.6%		2,187	67	3.4%
	79	57.6%	42.4%		3,999	95	7.6%$^{\cdot}$
	82	54.4%	45.6%		4,469	116	4.4%
State Committeeman	29	53.1%	46.9%		2,976	41	3.1%
	31	38.5%	32.6%	28.9%	1,771	38	5.2%
	36	55.1%	44.9%		4,348	39	5.1%
	74	61.3%	38.7%		5,317	76	11.3%*
	75	43.4%	56.6%		5,695	71	−6.6%
	76	60.0%	40.0%		3,421	85	10.0%*
	78	44.1%	55.9%		3,132	68	−5.9%
	79	58.7%	41.3%		3,699	94	8.7%*
State Committeewoman	29	54.6%	45.4%		3,506	41	4.6%
	31	54.5%	45.5%		1,530	38	4.5%
	75	60.0%	40.0%		5,168	71	10.0%*
	76	54.6%	45.4%		3,591	85	4.6%
	78	44.0%	56.0%		2,668	68	−6.0%
	79	58.6%	41.4%		3,686	94	8.6%*

$^{\cdot}p < .10$; $*p < .05$; $**p < .01$; $***p < .001$.

first position, votes for all such candidates in second position, votes for candidates in third position and votes for candidates in fourth position. We then created four more variables, the expected votes for each position given no positional effect. For each ballot position, this benchmark was calculated as:

$$Expected\ vote = \sum_i \frac{Total\ votes\ cast\ for\ all\ candidates\ in\ contest\ i}{Number\ of\ candidates\ in\ contest\ i}.$$

Using these computed figures, we were able to calculate both an observed and an expected vote percent, assume a sampling distribution for each ballot slot, and test whether the observed percent were significantly greater than the expected percent. The benchmark expectation is that 45.4% of all votes in down-ballot races should be cast for first position.[12] In reality, 47.9% of all votes were cast for first position. Given the expectation of 45.4% and 3,836 individual precincts, the probability of observing 47.9% or more is less than .001.[13]

Position Effect and Candidate Advantage

We have discussed name-order bias in the abstract, referring to positions instead of candidates, for the sake of quantitative analysis but this should not obscure the fact that the beneficiaries of first-position effect are individual candidates. All 12 statewide candidates received "extra" votes when listed first. The political implications of position effect may be more vividly demonstrated by shifting our attention briefly to results by candidate.

Among the 180 candidates in contested primaries, 161 received a larger percentage of the vote when listed first. Table 3 lists the vote tally for the statewide candidates in our dataset, by the order in which their names appeared on the ballot.[14] For example, Catherine Abate, a Democratic candidate for Attorney General, received 27.1% of the total vote, but when listed first she captured 29.3%. The boost for individual candidates ranged from −11.6% to 14.5%, with an average of 3.4%, as depicted in Figure 1.

Inspecting the by-candidate results revealed one of the most important aspects of our findings: in seven of the 79 contests, the first-position advantage *exceeded* the margin of victory. That is to say, the first-position effect was large enough to change the outcome of the election. One of those elections was the hotly contested primary to succeed Chuck Schumer in the U.S. House of Representatives.[15]

[12] More details about how we calculated the observed and expected votes are available at http://www2.bc.edu/~steenje/ballot.htm, or from the authors upon request.

[13] N = 3,836 instead of 5,616 (the total number of precincts in New York City) because there were no contested Democratic primaries below the statewide offices in 1,780 precincts.

[14] Vote tallies for local candidates are available at http://www2.bc.edu/~steenje/ballot.htm or from the authors upon request.

[15] The others were both district-level civil court judge nominations and four elections to Democratic party offices (Male District Leader for the 36th Assembly district, Male District Leader for the 37th Assembly district, State Committeeman from the 74th Assembly district, and State Committeewoman from the 31st Assembly district).

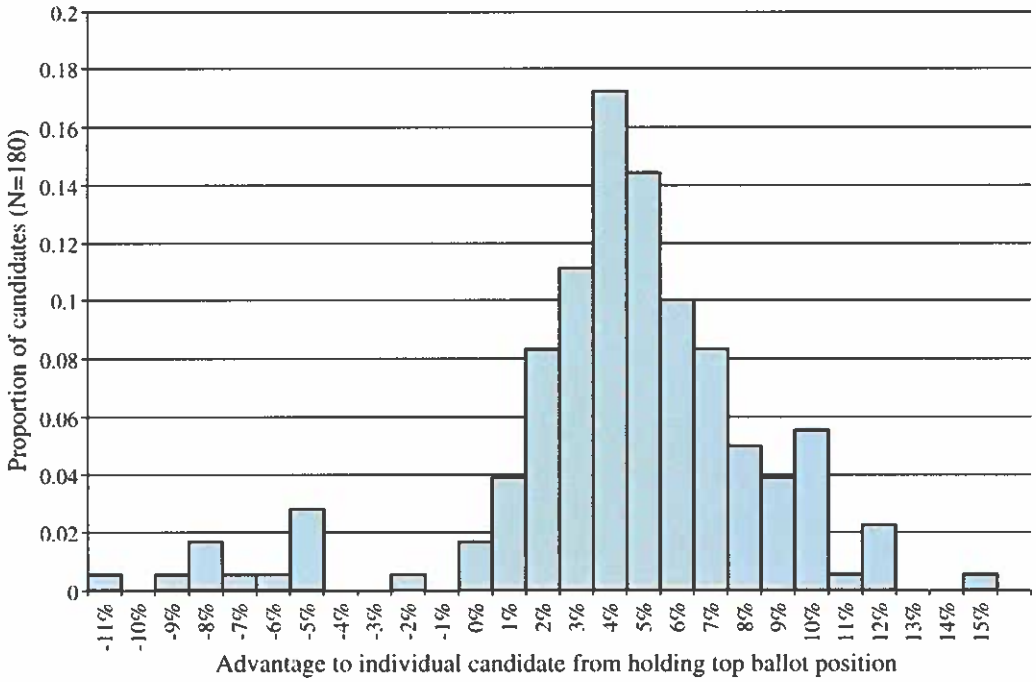
TABLE 3

Position advantage for individual candidates in statewide contests

Office Dist	Name	Postition				Total	1st–Total
		1	2	3	4		
Governor	Betsy McCaughey Ross	18.3%	15.4%	14.8%	15.9%	16.1%	2.2%
	Charles J Hynes	19.1%	15.7%	15.9%	18.0%	17.1%	2.0%
	James L Larocca	7.3%	5.0%	4.8%	6.0%	5.8%	1.5%
	Peter F Vallone	63.7%	59.8%	59.3%	61.1%	61.0%	2.7%
Lieutenant Governor	Charles King	38.5%	36.3%	35.0%		36.6%	1.9%
	Clyde Rabideau	17.4%	16.3%	15.2%		16.3%	1.1%
	Sandra Frankel	48.6%	47.6%	45.3%		47.1%	1.5%
Attorney General	Catherine Abate	29.3%	27.2%	25.8%	25.9%	27.1%	2.2%
	Eliot Spitzer	41.9%	39.3%	38.6%	38.0%	39.4%	2.5%
	Evan A Davis	10.9%	9.8%	8.5%	8.5%	9.4%	1.5%
	G Oliver Koppell	26.3%	24.6%	23.0%	22.4%	24.1%	2.2%
U.S. Senator	Charles E Schumer	55.6%	53.9%	51.9%	51.8%	53.3%	2.3%
	Eric Ruano Melendez	6.6%	5.9%	4.4%	3.9%	5.2%	1.4%
	Geraldine A Ferraro	20.5%	17.5%	17.1%	18.1%	18.3%	2.2%
	Mark Green	24.1%	23.2%	23.0%	22.4%	23.2%	0.9%

FIGURE 1

Histogram of individual candidates' position advantage



The estimated position effect was 2.1%, and the winner's margin of victory was just 1.1%. On ballots on which Melinda Katz was listed first, Katz prevailed with 3,575 votes and her nearest opponent, Anthony Weiner, received 3,282. When Weiner was listed first, he received 3,729 votes to Katz' 3,110. Weiner won the primary (with a margin of less than 500 votes out of 45,113 cast), but if the ballots had not been rotated *and* Katz had drawn the top slot, it is probable that she, not Weiner, would now be a Member of Congress.

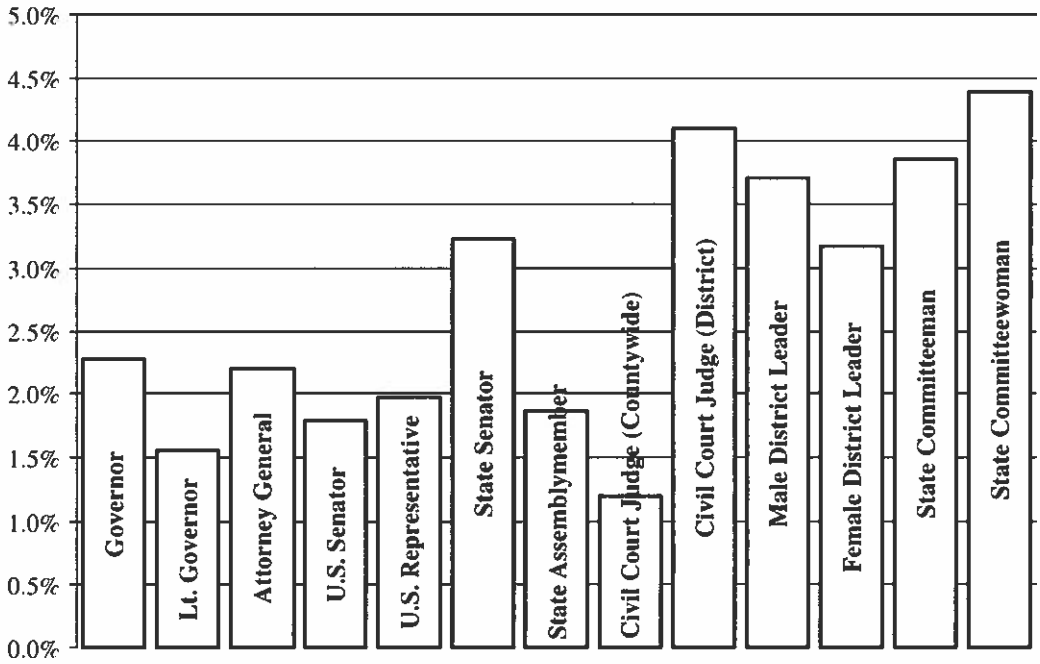
Variations in Name Order Effect

The effect of ballot position on election outcomes is not uniform across contests. According to Miller and Krosnick's theory, these variations may be explained in part by variations in voters' information about the candidates, *ergo* their substantive bases for choosing among options. With more information regarding the candidates, voters are less likely to be influenced by the position of the names because they are more likely to enter the booth with preformed intent to vote for one candidate or another.

Voters are more likely to have some information upon which to base a decision in the more prominent contests either because they seek out information or the contests feature more vigorously waged campaigns that include television

FIGURE 2

Average bonus to first position, by office



commercials, direct mail, street campaigning, and significant news coverage. Candidates for Governor and U.S. Senator naturally receive much more media attention and advertise themselves more than do candidates for state central committee. Voters may also seek out information about the top-of-the-ticket races because they perceive these contests as more important.

As an indirect indicator of salience we use the relative ballot placement of blocks of candidates for the same office.[16] Figure 2 presents the average position effect by office, depicting a clear trend of increasing position effect with decreasing prominence of the office sought. In the four statewide primaries position bias is roughly 2%, while in the local party offices it is almost 4%.

Conclusion

In this article, we have clearly demonstrated the existence of position effect on a wide range of contests in the 1998 Democratic primary in New York City. The evidence leaves little doubt regarding this phenomenon. Moreover, we conclude the effect—while it may appear small—can be determinative in close contests.

[16] Furthermore, offices are listed in the ballot in roughly the order of salience to the electorate, so if cognitive fatigue is a factor in position effect, the down-ballot races would be more susceptible.

This offends democratic notions that all candidates should compete on a level playing field.

Those who accept lotteries or alphabetic ordering for ballot position as an unavoidable part of our election system should reconsider this acceptance of the *status quo*. If a jurisdiction with as many simultaneously contested elections as New York City—and 14 states—can successfully carry out rotation, there is no reason other election officials could not do the same across the country.

Of course, the problem of position effect does not exist in a vacuum. While rotation of candidate names would certainly solve the position effect problem, it could frustrate some other practices intended to make voting easier. Most obvious, printing accurate sample ballots for each voter would be almost impossible. Congress is encouraging states to provide sample ballots to reduce the likelihood of problems such as those experienced by Florida voters in 2000 (Seelye 2001). Indeed, some jurisdictions legally require production of a ballot facsimile that exactly reproduces the actual ballot (e.g., Fla. Stat. §101.20 (2001)). This could prove challenging were rotation also implemented.

Some of the proposed changes that have emerged in the wake of the 2000 election would, however, be entirely consistent with rotation. Electronic voting technologies—especially those that employ a screen-based display of candidate names—would, in fact, make rotation much easier. Such a device could rotate candidate names *by voter*. That could eliminate position effect *and* provide terrific data to political scientists who study this phenomenon in the future.

Acknowledgements

This project originated as research in support of the plaintiff in *Koppell v. New York State Board of Elections* (97 F. Supp. 2d 477). G. Oliver Koppell, father of one co-author and father-in-law of the other, challenged New York State's practice of awarding by lottery the top ballot position in primary election contests. The authors are proud to have collaborated with Dr. Henry Bain, the godfather of ballot rotation research, on earlier iterations of this research that served as the basis of Dr. Bain's expert testimony on behalf of plaintiff Koppell. The court ruled that the state's assignment of the top ballot position to a single, randomly selected candidate did not violate the U.S. Constitution.

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