



TASK FORCE 2012
BUILDING A BETTER DEMOCRACY:
ELECTORAL REFORM IN WASHINGTON STATE

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Building a Better Democracy: Electoral Reform in Washington State

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List of Abbreviations

TT-RCP	Top-Two Ranked Choice Primary
IRV	Instant Runoff Voting
RCV	Ranked Choice Voting
STV	Single Transferable Vote
WVRA	Washington Voting Rights Act
HAVA	Help America Vote Act

Executive Summary

By Philip Jones

It has been said that democracy is the worst form of government except all the others that have been tried

- Winston Churchill

Democracies are neither all the same nor are they static. Democracy must necessarily change to improve upon previous failures in an effort to reach the ideal. Washington State is no stranger to this process, having eliminated the blanket primary after the United States Supreme Court struck down a similar electoral system in California as unconstitutional. The Top-Two Primary system that arose out of the need to comply with the Supreme Court's decision has been positive for Washington State. Despite satisfaction with the system, however, the large population of Independently minded voters in Washington must still live with an electoral system that continues to protect incumbents and the two-party system. An opportunity for reform passed by even as academics and reform groups explored the question of how to make democracy better in Washington State and the United States at large.

This report proposes a Top-Two Ranked Choice Primary (TT-RCP) system for State House of Representatives elections in Washington State. In a Top-Two Ranked Primary, voters rank their preference for candidates on the ballot. Candidates with the lowest vote totals are eliminated, and their votes are reallocated to second choices. This process continues until two candidates remain who then advance to the general election. This modest change would eliminate the fear of “wasted votes” and “spoiler” candidates and therefore open up elections to candidates from outside the Democrat and Republican parties.

Implementation of this proposal should be through a ballot initiative. Initiatives allow the people to lend their voice to the process, overriding uncertain or unwilling elected representatives. By using an initiative, voters can also be educated on the new system before rather than after it passes. Voter education, especially voter education

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in majority-minority districts, should reflect the increased minority representation that will likely occur under TT-RCP. It should emphasize both how to fill out a ranked choice ballot as well as how votes will be counted. This process should be accompanied by reform to the certification process of voting machines to allow for a smooth transition as the policy change is phased in over a 10-year time frame. Ballot design, analyzed in Chapter Four, will be crucial for the successful implementation of TT-RCP and should be given priority in voter education campaigns as well.

Costs savings will come from reform of the certification process. Some costs are predicted to rise, naturally, due to increased voter turnout in primary elections. The education campaign should be able to reach voters with as little as 25 cents per registered voter with proper design. Modernization and efficiency will be further areas in which savings will be found. The complex and expensive certification process should be unified to create additional efficiency and savings.

Summary of Proposals

- ✦ Top-Two Ranked Choice Primary (TT-RCP) for Washington State House Elections over the next five cycles (10 years)
- ✦ Implementation of TT-RCP through a ballot initiative to the people
- ✦ Use of ballot design described in Chapter Four to reduce voter confusion, combined with a voter education campaign that includes information for majority-minority districts emphasizing the increased minority representation under TT-RCP
- ✦ Unification of the county by county certification process and contract bidding to bring down costs of maintaining the election machinery
- ✦ Future revisiting of the redistricting process in light of probable improvements in minority representation under the new system
- ✦ Expansion of TT-RCP system to other elected offices in Washington State once TT-RCP is no longer under threat of court, legislative, or initiative based challenges.

Introduction

By Derek Schlieps

Summary of the Problem

The primary problem in the Washington State election process is the lack of competition among political candidates. Votes cast for third party candidates are wasted because the system maintains only two-party representation. This has led to low voter turnout, high incumbency, divisive partisanship, and a lack of representation of third party candidates, both in local elections and specifically in the House of Representatives. Moreover, it has led to the establishment of a minority-majority district (as accomplished in the last redistricting phase), as minority groups sought more representation within Washington State.

While some groups are already working towards implementing Instant Runoff Voting (IRV) at the county level, IRV has not been implemented at the state level because of its complexity, cost, hours of staff time required to implement the system, and demand of voter education. Washington State also at present has a very slow, cumbersome, and complicated process technologically for elections. Currently the House of Representatives maintains a Top-Two Primary for electing politicians, and only Pierce County has attempted to implement IRV elections at the local level. Voters may understand how the process of an IRV election system works, but they may not understand the reasons why such a system should be implemented and sustained. This proposal presents a solution to both the present problems with the electoral system, as well as the problems associated with implementing IRV in a statewide election.

Summary of End Goal

In order to maximize voter participation and representation in Washington State while making the voting process as democratic and transparent as possible, we have come up with a plan to implement an IRV electoral system. Our goal is to enact into law a Ranked Choice Voting (RCV) Primary in the Washington State House of Representatives through ballot initiative. This initiative will replace the current top-two system in the State House of

Representatives with an RCV Primary plus Top-Two system. We have chosen to use the term “Ranked Choice Voting” because it more accurately conveys a message to the voters that their vote is ranked by choice or preference. The term “Instant Runoff Voting” does not convey a clear message to voters who may be uneducated about IRV electoral systems. By the end of the process we are proposing, voter turnout will have increased, voter education will have prepared voters to use the new system, elections will be more representative and competitive, and the RCV election system will be streamlined and simplified. Moreover, negative ad campaigns will decrease, because competition that includes third party candidates will have increased, forcing candidates to use and build more positive messages in their campaigning. No longer will voters feel like their votes are wasted if cast for third party candidates, but rather people will be given the option to express their preferences.

Outline of How We’re Going to Get There

In this proposal we outline how to get to an RCV system in ten years, through five election cycles in the House of Representatives. We will utilize specified ballot-counting techniques, modify the RCV process to reduce complexity in the vote count, and alter the use of clerks, ballot design, and software technology—all to the benefit of implementing an RCV system. As detailed in this proposal, the first step of our process is developing a base model for the changes we want to make, and the RCV system we want to install. Chapters Two through Three of this proposal explain our base model for implementing RCV in detail. Our second step will be building political support and gaining endorsements. The third step in our proposal will be to build local support through avenues such as schools and universities. Steps two and three are discussed in detail in the Conclusion of this report. The fourth step will be passing legislation through the ballot initiative process, as outlined in Chapter Five. The fifth and final step will be to implement the RCV system we are proposing, and to educate voters about its use.

As a general timeline, we propose that the first two election cycles be used to build support for and implement local RCV pilot programs in Washington State. The background for why we propose this is detailed in Chapter Two. These programs will last for three to five years and gain valuable data and influence for implementing an RCV system at the Task Force 2012: Building a Better Democracy

statewide level. During this time, certifications for vote tabulation machines will be acquired and the machines will be tested in local election pilot programs.

We then will gain the local and big-name support needed to put our proposal on the ballot and enact our system. Our proposal will be instituted one election cycle before the next redistricting phase in 2020. This is in order that all minority populations and third party candidates and supporters will have a taste of the RCV system and the increased representation RCV provides, thus freeing the 2020 Redistricting Commission to redraw the district lines to make the districts as competitive as possible. Our ballot initiative will be submitted to the Secretary of State at least ten months before the aforementioned election cycle in order to place our initiative on the ballot.

Explanation of RCV

The RCV election system has gained popularity both within and outside of Washington State, and even outside of the United States. In RCV, the voter is given a ballot on which candidate names are listed. The voter ranks the candidates by their first, second, third choice, and so on. When all of the votes are tabulated, if no candidate receives over fifty percent of the vote, an “instant runoff” occurs. In this case, the candidates with the least first-preference votes are eliminated. As for the voters who gave their first preference to the eliminated candidates, their second preference votes will specify their vote in the runoff count. This means that votes will not be wasted, because the voter’s vote will go towards electing the candidate they liked second best. The votes are then tabulated in the runoff, and if there is a majority for any candidate, that candidate wins the election. If there is not a majority, a second runoff occurs, and another candidate is eliminated. This process repeats itself until one candidate receives the majority of votes.¹

The benefits of an RCV system are threefold. For one, RCV ensures that the winning candidate wins by a majority of votes, rather than merely a plurality. Second, the system reduces “wasted votes” and includes third-party candidates. Third, it forces campaign dialogue to aim for capturing first, second, and even third-choice votes. However, the downsides of instituting an RCV system in Washington State are also threefold. First of all,

¹ “Instant Runoff Voting: The ‘spoiler-proof’ alternative to Plurality Voting,” *Instant Runoff Voting: An interactive animation*, <http://www.chrisgates.net/irv/votesequence.html> (accessed Feb. 21, 2012).

with new technologies and training required to run an RCV election, the costs may be higher than those of the current system. Moreover, RCV elections are more difficult and complicated to administer. Lastly, the general population is simply not accustomed to the RCV system due its lack of widespread use. These issues will be addressed in the following chapters.

Summary of Chapters

We will look at RCV from many different angles so as to provide the clearest picture of why we believe Ranked Choice Voting is the best option to make Washington State elections more representative of the population. Chapters Two and Three form a unit in which we examine RCV elections previously attempted and instituted, how the public received these elections, and what we can use and learn. Chapter Two discusses examples of RCV instituted outside of Washington State as well as internationally in the U.K. and British Columbia. Chapter Three looks at examples of RCV attempted at the county level within Washington State and discusses the possibility of making a change to an RCV system at the statewide level. The second half of our research is comprised of three issues directly relating to instituting an RCV system. Chapter Four delves into voter information and ballot design, two key components that, if properly addressed, will enable a smooth transition to the new ranked choice system for voters. Chapter Five looks in depth at the process of using ballot initiatives and how we plan on passing our ranked choice system into law. Chapter Six is the conclusion of our research in which we will give a clear overview of the current political landscape, establishing who would oppose a ranked choice system, who would support it, and the costs associated with our proposal's implementation. Finally, Appendices A and B focus on redistricting, the effects a ranked choice system would have on drawing district lines, and what we must do to ensure that the new system really does make elections more fair and representative for all.

Summary of Chapter Two: “RCV: Case Studies Outside Washington State”

Outside of Washington State, the RCV voting system already has a substantial history and has gained both popularity and opposition. Within the U.S., RCV has been or currently is under consideration in many states. In California, North Carolina and Minnesota, RCV has been shown to be effective. However, Chapter Two will discuss, these case studies illuminate the challenges of instituting an RCV system that we address in our proposal. Such challenges cover areas of cost, voter education, implementation of the system, the influence of the media, and tabulation technology. Primarily, this chapter explains how RCV has been received publically at the local level, and how that reception is affected when the government invests in voter education and efficient technology to run the election process. Three examples are discussed, the first being California, then North Carolina, and finally the case of Minnesota. Our recommendations are then given at the end of this chapter based on the conclusions drawn from the case studies that we found to be most relevant to our proposed system.

California already provides us with a clearly established RCV system to model. Our proposal takes from this case study the wisdom of renaming IRV as Ranked Choice Voting (RCV). Renaming the system provides voters with a simpler and more understandable title for the voting process. Renaming the system RCV acts as a means of voter education in itself. The case of California also shows the importance of implementing proper technology and eliminating problems as early as possible, which is discussed in detail in Chapter Four’s proposals for technology and ballot design. We also learn in this section the nature of RCV opponents and how their influence poses problems for sustaining RCV elections. In response, this chapter explains how we hope to emulate and improve upon some of the measures taken in San Francisco to educate voters.

The second case examined in this chapter provides an example of the problems presented specifically by voter confusion and demonstrates the need for pilot programs and voting data for proper implementation. North Carolina’s pilot programs for RCV saved much time and money; however, voters did not understand the benefits of such a voting system, underlining the importance of voter education measures we propose. Moreover,

North Carolina rushed into statewide implementation for which they should have taken more time to prepare.

The last case examined from the U.S. is that of Minnesota. Minnesota represents examples of the problems associated with passing legislation to implement RCV, whether at the state or the local level, as well as problems related to hand counting. Minnesota's examples provide evidence that proper technology will be essential in vote tabulation or hand counts. Moreover, the Minnesota example demonstrates the need for voter education and methods for meeting this need through public events, support, and campaigns.

Finally, this chapter examines the examples of RCV implementation internationally, in both the United Kingdom and in British Columbia. These case studies present the need to deal with opposition campaigns and the power of negative campaigning that could be an obstacle in proposing RCV. This chapter delves into how an RCV Primary with effective education and campaigning would overcome these issues.

Based on the case studies, this chapter details the benefits of initiating pilot programs in Washington State at a local level before attempting to institute an RCV system statewide. Moreover, in this section we propose recommendations for voter education measures such as positive ad campaigns, publicized materials and government investment. These measures will keep the voter population informed through the trial, improvement, and implementation stages. Lastly, we suggest the use of optical vote scanning machines as used in the San Francisco case study.

Summary of Chapter Three:

“Ranked Choice Voting in Washington State: A Goal for Reform”

This chapter discusses implementing RCV in the State House of Representatives, while addressing the problems with the current Top-Two Primary system. It also explains why merely a top-two system is insufficient, and how changing to an RCV primary will solve problems such as vote spoiling, lack of voter participation, and lack of competitiveness in candidate elections. Second, RCV at the county level in Washington State was enacted in 2006 and then later removed in 2009 due to the high costs of technology associated with RCV and educating voters about the system. Thus, the example of RCV implemented in Washington State follows several of the problems associated with Task Force 2012: Building a Better Democracy

other case studies in Chapter Two. Later in this chapter, the obstacles to implementing RCV at the local county level are discussed, as well as what we can learn from the Pierce County example.

This chapter points out that there have been problems with attempts to make State House elections more competitive. Changing term limits and instituting convenience-voting methods have either not had the impact anticipated or were repealed altogether. The Top-Two Primary system was also enacted in Washington State House elections to encourage competitive elections by eliminating party caucuses and opening up space for independents and minorities. However, the top-two system runs the risk of dividing support for candidates, which an RCV system does not do. An RCV election in the State House would ensure that a candidate would always win by a majority of the votes. The primary recommendation this chapter proposes is implementing an RCV House primary and holding a general election when a runoff becomes necessary.

Aside from problems already discussed in Chapter Two, we learn from the Pierce County case study that any changes in local Washington State electoral systems must be done through local ordinances. Changing local laws in Pierce County proved to be more complicated than expected, as multiple charter amendments were required to implement and clarify RCV. Moreover, due to the top-two system still in active use, RCV was more time consuming and costly than it would otherwise be if the top-two system were eliminated. Lack of support in other counties was also a problem, primarily for the same reasons as discussed in our Chapter Two case studies (i.e. lack of voter education and perceived high costs of the election). This chapter concludes that voter education, revised ballot design, and adaption of a state owned vendor for voting equipment would prevent the problems faced in Pierce County.

Summary of Chapter Four:

“Ranked Choice Ballots: Improving Access, Accountability and Clarity”

Properly informing voters about the Ranked Choice system through increased accessibility, gaining public trust on the accountability of the system, and presenting RCV clearly to mitigate confusion are key components to implement our proposal. In our sixth chapter we describe what needs to be done in the RCV primaries in respect to ballot design and tabulation procedures to ensure that the transition to ranked choice voting is seamless and without confusion.

The first section of this chapter examines the Help America Vote Act of 2002 and how Washington State used the federal funding to improve the election process. The act mandates that states update their voting systems to include electronic voting methods and implement improvements related to voting administration (brought about due to criticism of the “hanging chad” issue from the 2000 Presidential Election). However, implementing voting machines has proven a troublesome solution due to difficulties with certification and vendors not meeting election requirements. In this chapter, we discuss setting technical standards for election officials and voting machine vendors, so that they might mutually agree on ballot specifications.

The second section of Chapter Six looks at the decision of Washington State counties to use Federal funding from HAVA to gradually transition to an All Postal Voting System (in which all ballots are mailed to a central location where they are all electronically tabulated). This transition was a successful cost and labor saving decision due to the direct transfer of ballots from voters to a central counting site. An added benefit of All Postal Voting is that it gives voters extra time to look over their voting decisions. This allows voters using RCV to properly review the new process, provided the information is clear.

Finally, the last section of this chapter proposes ballot redesign considerations that would avoid under-voting and over-voting mistakes by voters. The solution to these problems is to keep ballot instructions and design as clear, simple, and consistent as possible. We will review the Pierce County ballot, and then propose a ballot design similar to that of the Burlington, Vermont 2009 Mayoral Election.

Summary of Chapter Five:

“Initiatives and Implementation of Ranked Choice Voting”

The primary means by which we will enact the ranked choice voting system into law is through ballot initiative. While many issues purportedly surround the initiative process, these issues can and in some cases have been overcome. In this chapter we will address practically how we will overcome such issues as lack of media and citizen engagement, ballot confusion, signature gathering, and costs. We also provide the information that will be placed on our ballot that will most effectively persuade and inform voters.

This chapter begins with a description of the ballot initiative process in Washington State. The initiative process currently acts as another check and balance system to counter unresponsive governance in Washington. In order to place our proposed RCV system on the ballot, we first must present an initiative to the people or an initiative to the legislature. The full text of our initiative must first be sent to the Secretary of State and afterwards proceed through the standard ballot procedures outlined in this chapter. Our ballot initiative would then be placed in the voters pamphlet distributed to all Washington State voters.

The rest of Chapter Five is dedicated to two case studies of ballot initiatives from which we can draw lessons for implementing our RCV proposal. The first case study is the initiative to remove the ergonomics rule in 2003. This initiative highlights problems related to a lack of citizen engagement, lack of media attention, and the influence of money on voters. Initiative 841 was an initiative to remove a rule requiring businesses to make their workplaces more ergonomic for employees, thus preventing injuries and monetary claims. The fact that this initiative was not a law made it unique. A large Washington State industry funded and launched a campaign against the initiative, and they ultimately had it repealed. There was a lack of citizen engagement and a lack of voter education in this case, not to mention the large gap in funding. Moreover, the media did not do a good job at countering false claims about the rule. This case study presents opposition we can expect in the form of court cases, initiatives, and the influence of the media.

The second case study examines I-872 and the original attempts to implement the Top-Two Primary and Party Choice system in Washington State after the blanket primary system was deemed unconstitutional. This initiative contains parallels to the initiative we Task Force 2012: Building a Better Democracy

put forth in this proposal for an RCV Primary, and this chapter draws on the lessons that we can learn. This initiative shows how a high approval rating from voters allows a new electoral system to take root and flourish quickly.

Summary of Appendix A and B:

“Redistricting in Washington” and “A Focus on Minority Representation”

In regards to redistricting in Washington State, our primary goal is to make the redistricting process as fair and representative as possible while instituting a ranked choice voting system. The redistricting process for our state is currently one of the best in the country, and has several safeguards for balance and transparency. The process is controlled by the bipartisan Redistricting Commission instead of the state legislature, which acts as a guard against gerrymandering. However, with recent attempts at establishing more representation for minorities, the 9th Congressional District was gerrymandered in the last redistricting phase.

The ranked choice voting system we are proposing would further eliminate the need to gerrymander by providing such minority groups a more balanced voting system through which they can achieve the representation they previously sought through the Commission. A majority-minority district in fact takes minority representation away from other districts and possibly does more harm than good in terms of representation. The primary problem faced by the redistricting commission in Washington State has been balancing minority representation with competitiveness. By instituting an RCV system, votes would no longer be a wasted effort for minorities, and they would achieve the representation they seek in local and House elections, as demonstrated in the case study of San Francisco discussed in Chapter Two. This new representation through an RCV system would consequently free the Redistricting Commission to make the districts as competitive as possible, including minority representation in multiple districts as opposed to just one.

Conclusion of Introduction

Our proposal will implement the RCV voting system as described in more detail the chapters that follows. Our proposal is built on our research of case studies of RCV implementation in other states and nations. We have considered many options for electoral reform, and have come to the conclusion that a Ranked Choice primary in the House of Representatives would be the best option to pursue over the next ten years to make a substantial difference in representation in Washington State government. We have systematically identified areas in which we will need to make improvements and steps that must be taken in order to implement our system in a simple, educated, and efficient way. We have included in the rest of this report background information on the issues preliminarily addressed in this introduction, as well as examples of initiative and ballot design that should be followed should this proposal be accepted and put into practice.

Ranked Choice Voting: Case Studies Outside Washington State

By *Katey Houck*

Learn all you can from the mistakes of others.

You won't have time to make them all yourself.

- Alfred Sheinwold

Ranked Choice Voting (RCV) may sound like a new idea, but in fact, the system has become increasingly well known and of interest to many states and countries. The United Kingdom and British Columbia recently rejected referendums on the “Alternative Vote” and “Single Transferable Vote” respectively that would have implemented systems similar to RCV.² The system is currently under consideration in many areas in the United States and was addressed in several states in 2011. In Maine, a pending bill to implement RCV failed this year, as was the case with a similar bill in New Hampshire.³ Hawaii, Massachusetts, Minnesota, and New York are all considering legislation to implement RCV under the name “Instant Runoff Voting” (IRV), and Rhode Island has created a commission to study the system for potential adoption.⁴ The widespread discussion indicates that RCV represents a very viable option in the United States.

Additionally, several states have witnessed the use of RCV, whether at the city, county, or state level. San Francisco, California has used the system since 2004, allowing for significant experience with the system.⁵ North Carolina has hosted pilot RCV programs in several cities and recently held the first statewide election using the system, known there as IRV. Minnesota has now implemented RCV in two cities, and leaders are looking at the effectiveness of the system to consider further use. The experiences of these three states

² Electoral Reform Society, “Alternative Vote,” *Building a Better Democracy*, <http://www.electoral-reform.org.uk/alternative-vote>.

³ “Elections Legislation Database,” *National Conference of State Legislatures*, (Denver: National Conference of State Legislatures, 2012), <http://www.ncsl.org/legislatures-elections/elections-campaigns/elections-legislation-databases-description.aspx>.

⁴ *ibid*

⁵ FairVote, “Evaluation of San Francisco’s First Ranked Choice Election,” *The Center for Voting and Democracy*, January 2005, <http://archive.fairvote.org/sfrvcv/sfeval.html>.

represent trials of RCV in very different areas of the United States, and all provide valuable lessons about the implementation of Ranked Choice Voting.

This chapter will examine several case studies and learn from the successes and challenges of various efforts to implement Ranked Choice Voting. San Francisco offers an example of an established RCV system that has improved upon itself. The city shows the positive results of voter education as well as the potential problems with voting technology. North Carolina will show the value of pilot programs and the need for extensive data from such programs before broader implementation. The examples within this state further point to the need for deeper public understanding of the system and advanced technology to allow for efficient elections. Minnesota provides a valuable example of voter education and of gaining initial support for an RCV system, although technology remains a challenge. Case studies from the United Kingdom and British Columbia will show the potential strength of opposition groups and offer lessons on how to counter such groups. Learning from these international experiences along with domestic examples can strengthen existing RCV systems and improve the case for adopting RCV elsewhere. As the following case studies reveal, the public positively receives RCV when the system is implemented first on a local level and when the government invests in voter education and efficient technology.

Case Study: San Francisco, California

This study will examine the implementation of Ranked Choice Voting in San Francisco, CA, looking closely at the city's successes and learning from its challenges. To gain support for implementing RCV, organizations like the Center for Voting and Democracy, or FairVote, took advantage of a climate that favored change and gained considerable public belief in the system. The city has seen marked improvements in cost, turnout, and representation, but there have been problems with technology and recent opposition. One can learn from San Francisco's efforts in voter education, but questions about technology and confusion suggest that one must work to both educate voters about how to vote as well as to maintain ideological support. As a neighbor to Washington in proximity and character, San Francisco's experience will offer key lessons for efforts to implement electoral reform.

Overview

San Francisco represents an established RCV system in California. Steve Hill, senior Analyst at FairVote, initially brought RCV (then known as Instant Runoff Voting) to the attention of the public when, following a discussion with the Election Commission, he pushed for IRV to appear on the ballot against an alternative system.⁶ The city sought electoral reform, particularly due to the experience of the 2000 election. IRV did not pass, and the city began to use runoff elections whenever no candidate held a majority of the votes. As supporters of IRV would remind voters at the next opportunity, however, runoff elections often had a low turnout, such as 17% in a 2001 runoff.⁷ Runoff elections also cost \$29 per vote cast, making the single round of IRV a selling point for promoters.⁸ The public became frustrated with the shortcomings of runoff elections and ideological support developed for IRV. In 2002, the city approved a ballot measure to adopt IRV in municipal elections 55% to 45%.⁹ The initiative was largely backed by Steve Hill and FairVote, as well as by the Green Party.¹⁰ After the approval, “Proposition A” amended the city and county charter to allow for IRV, and the system became “Ranked Choice Voting” to avoid misleading the public given that results would not truly be available instantly.¹¹ The dissemination of facts about flaws in the current system and renaming IRV in favor of a more palatable title opened the minds of the public to a new electoral system.

Positives

The Ranked Choice Voting (RCV) experience provided many examples of positive outcomes and effective implementation. In the 2004 election, most voters understood the fact that they would be ranking choices for the Board of Supervisors. A Public Research Institute study reveals that 69% of polling place voters and 63% of absentee voters knew

⁶ Robert Richie, Interview by authors, Phone interview, February 1, 2012.

⁷ Christopher Jerdonek, “Ranked Choice Voting and Voter Turnout in San Francisco’s 2005 Election,” *SFRCV*, February 4, 2006, <http://www.sfrcv.com/reports/turnout.pdf>.

⁸ Greg Dennis, “Ballot-Marking Errors in the First San Francisco Instant Runoff Election,” *Voting Systems & Technology*, November, 2004, http://www.gregdennis.com/voting/sf_irv.pdf.

⁹ Dennis, 2004

¹⁰ Lance Williams, “San Francisco Ranked-Choice Voting Draws Critics After Mayoral Race,” *California Watch*, Huffington Post, November 2011.

¹¹ *ibid*

they would be ranking candidates and further investigates the demographics around these numbers.¹² The public was largely aware of the change to RCV and the fact that their voting methods would be different. Most voters further understood how the ranking process would work, if not the finer points of the vote tabulation, and they preferred RCV to the December runoff election. In the same study, 87% of polling place voters and 89% of absentee voters indicated that they understood RCV either “fairly well” or “perfectly well.”¹³ These facts are a tribute to the efforts dedicated to voter education in the area.

Supporters of the RCV also found affirmation in the 2005 election when voter turnout increased substantially. The number of decisive votes increased by an estimated 168% in comparison to the old runoff elections.¹⁴ More positive results for these groups included the \$1.2 million saved in avoiding a runoff election.¹⁵ Finally, the new system has doubled the minority representation on the Board of Supervisors from four to eight.¹⁶ All of these facts allow for a positive presentation of RCV as a successful endeavor. The public response between 2004 and 2005 indicates a smoothly run election and public satisfaction in addition to significant savings. Overall, the San Francisco voter experience was pleasant with RCV, but the area was not free from problems.

Challenges

Several complications have arisen in the San Francisco RCV system. Many of these occurred early on as the government and voters alike adjusted to a new method of voting. The initial debut of RCV was postponed due to projected problems with implementation, and questions consistently arose about the vote scanning machines. First, the vendor, Election Systems and Software, faced difficulty acquiring federal certification in 2004.¹⁷ In the first attempt at instant runoff tallying during the same year, a computer glitch caused the tabulation to fail. The machines were, however, fixed in three days and experienced no

¹² Lisel Blash, Corey Cook, and Francis Neely, “An Assessment of Ranked Choice Voting in the San Francisco 2004 Election,” *Public Research Institute*, (San Francisco: San Francisco State University), May 2005.

¹³ *ibid*

¹⁴ Jerdonek, 2006

¹⁵ FairVote, 2005

¹⁶ Katherine Wells, “In Some Elections, Second Best Might Be Good Enough,” *Freakonomics*, November 3, 2011, <http://www.freakonomics.com/2011/11/03/in-some-elections-second-best-might-be-good-enough/>.

¹⁷ Dennis, 2004

further problems.¹⁸ Concerns have also arisen surrounding the ballots that machines are programmed to throw out, such as “redundant votes” or ballots with partial mistakes.¹⁹ Further, in the 2007 mayoral election (the first one to use RCV), problems arose due to the machines’ inability to read different types of ink, leading to hand counting, which was costly and time consuming.²⁰ Voters want to be sure their votes count, but hand counting takes far longer than people have come to expect in today’s society. Beyond technological struggles in San Francisco’s elections, voting mistakes and misinformation from poll workers have presented problems. Voters have made mistakes on the ballot - such as ranking all three choices in one column - particularly when only one ballot item requires RCV and/or that item is at the bottom of the ballot.²¹ On some occasions, poll workers also misinformed voters by suggesting they vote for three candidates when they would prefer to only vote for one.²² Issues like these come with many potential solutions. Over time, San Francisco could certainly improve in these areas and other cities can learn from the mistakes. The problem, however, lies in ensuring that San Francisco has time to improve RCV.

Many opponents of RCV would like to see San Francisco abandon the system. In fact, RCV may be repealed due to increased opposition after the 2011 mayoral election.²³ While opponents of the system are quite vocal, many voters are ambivalent about the actual benefits.²⁴ This fact could allow those against RCV to persuade voters despite the fact that the public generally likes RCV. A great deal of opposition comes from political consultants who dislike the inability to estimate results based on the polls as well as those donating significant amounts of money to political campaigns that may no longer be successful. There are also people who feel generally confused by or antagonistic toward the idea of the person with the most first choice votes losing.²⁵ Charles Marsteller, former head of San

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ Wyatt Buchanan, “SAN FRANCISCO - Vote machines subpar, official warns - Ink scanners faulty -- ballot tally may have to be by hand,” *San Francisco Chronicle*, May 18, 2007.

²¹ *ibid*

²² *ibid*

²³ Williams, 2011

²⁴ Lee Romney, “San Francisco votes for mayor in ‘ranked choice’ balloting,” *Los Angeles Times*, November 8, 2011.

²⁵ Williams, 2011

San Francisco's Common Cause, suggests that voters can have trouble with the system because "it's complicated."²⁶ Likewise, writer Ken Garcia suggests that RCV confuses voters and is "technically challenging" so "fairness isn't an issue in this."²⁷ This sentiment implies that ideological benefits alone cannot counter complexity and inconvenience. The potential confusion around RCV presents another risk that opponents could misconstrue the system in the eyes of voters. If the public does not fully understand how a system works, they cannot feel confident that it is the most desirable system.

Lessons

The pros and the cons of San Francisco's experience with Ranked Choice Voting provide valuable lessons for other areas. Technology for tallying votes should face consistent re-examination and be improved to the highest caliber. San Francisco's quick response to technological problems presents a good example of resolving glitches, but others must also learn from the problems themselves. Technology in elections consistently presents challenges, and perfecting the technology is paramount to maintaining public trust. Poll workers must also understand RCV in detail to give accurate information to confused voters.²⁸ The process of running an election must work efficiently to prevent questioning and opposition afterward.

Other governments should learn from San Francisco's technological experience but should also follow the city's examples of voter education and data collection. In regard to the public, the media plays a key role in pre-election understanding of RCV.²⁹ San Francisco provides an excellent example in this area and a very strong example of voter education, which is equally critical.³⁰ The county of San Francisco offers a website with an online demonstration about how to vote on an RCV ballot.³¹ Efforts like this allow for broad dissemination of voter education. San Francisco's voters were prepared to vote with RCV

²⁶ *ibid*

²⁷ Ken Garcia, "San Francisco Must Join Cities Discarding Ranked-Choice Voting," *San Francisco Examiner*, October 12, 2011.

²⁸ Dennis, 2004

²⁹ Blash, et. al.

³⁰ Dennis, 2004

³¹ San Francisco Department of Elections, "Ranked-Choice Voting," *City and County of San Francisco*, <http://www.sfelections.org/demo/>.

and generally felt comfortable with the process. It would seem, however, that given new opposition, voters may need to be more than comfortable with the system. In order to maintain and improve IRV or RCV, efforts to educate voters must also work to maintain ideological support for the system. Voters who are simply unopposed to RCV could be likewise unopposed to removing it. San Francisco's RCV system finds support, however, in the results of some studies, such as those mentioned previously. These data support RCV and can serve two purposes. They can first reveal the areas for improvement, such as which demographic groups need further education on RCV, and secondly, they can aid in gaining public backing. Voter education must extend beyond running the election properly and should allow voters to make an informed decision about why they prefer one system to another.

Case Study: North Carolina

On the opposite end of the country from San Francisco, North Carolina also offers significant learning experiences. North Carolina's pilot program represents a successful trial effort before moving to a statewide RCV election. The statewide election itself, however, will offer cautionary warnings in regard to preparation for the change. Pilot efforts in smaller cities will show the benefits of clear voter education. Again, however, technology presents a challenge for vote tabulation, and confusion about results indicates a need for another level of communication with the public. The recommendations drawn from North Carolina can improve the strategies and preparedness of governments hoping to implement RCV.

Overview

North Carolina has implemented significant changes in recent years regarding RCV, called Instant Runoff Voting there. First, 2006 legislation allowed local governments to initiate pilot projects in 2007 and 2008.³² This allowed for a trial of the system to examine the advantages, disadvantages, and potential improvements. Two cities, Cary and Hendersonville, implemented the pilot program in 2007.³³ In 2008, the state extended the

³² "Elections Legislation Database"

³³ "Instant Runoff Voting Pilot in N.C. - Easy as 1, 2, 3," *Democracy North Carolina*, <http://www.democracy-nc.org/>.

2006 legislation to allow the pilot programs to continue for the next election cycle, but the Cary City Council chose to return to the traditional runoff system, likely because they want to wait for software to fully tabulate the ballot.³⁴ Hendersonville continued with IRV, and in 2010, the state of North Carolina decided to test the system in a statewide election for a Court of Appeals judgeship. In the election, Cressie Thigpen lost to Doug McCullough in the election although she had the most first-choice votes, but McCullough was then reappointed to the Court of Appeals by the governor.³⁵ Following the election, confusion over these results have left the public uncertain of the system's merit. North Carolina offers a variety of lessons for other areas, particularly after the state's attempt at a statewide IRV election.

Positives

The general responses to the pilot programs were positive despite recent reservations. Voters found IRV fairly easy to use in the Hendersonville pilot, and the city saved a great deal of time and money.³⁶ Hendersonville exit polls also showed that 65% of voters understood how to rank the candidates prior to the election, 86% understood IRV well or fairly well, and 71% preferred IRV to the previous system. In Cary these numbers are 76%, 95%, 72%, respectively.³⁷ These results seem to indicate satisfaction with the process, and the rate of voter understanding points to solid voter education efforts, particularly in Cary. There, voters received instructional mailings, and a DVD on how to mark the ballot played constantly at polling places.³⁸ The results of the Cary election were further calculated with greater participation than would have been in a runoff election, and IRV saved a significant amount of money compared to a runoff.³⁹ The education efforts and financial savings led to a generally satisfied public. The facts point to a positive reaction, but nonetheless much opposition has arisen around IRV.

Challenges

³⁴ FairVote, "Wake County Board of Elections Answers Questions on IRV Election Administration," *Election Administration*, June 2009, <http://archive.fairvote.org/?page=2543>.

³⁵ Jack Betts, "No surprise: Thigpen goes back on Court of Appeals," *The Charlotte Observer*, January 3, 2011.

³⁶ "Instant Runoff Voting Pilot in N.C. - Easy as 1, 2, 3"

³⁷ "Exit Poll Data," *InstantRunoff.com*, <http://www.instantrunoff.com/exit-poll-data>.

³⁸ FairVote, 2009

³⁹ *ibid*

A great deal of the negative response revolves around a lack of understanding of IRV, or at least a lack of understanding about why voters should want IRV over other systems. Voters in the Hendersonville pilot, for example, reported understanding and liking the IRV system. They did not, however, agree strongly with any of the common reasons supporters promote IRV, but rather claimed to enjoy the process of ranking candidates.⁴⁰ On an experience level, people liked ranking and understood how to do it, but they did not feel convinced that the larger impacts of IRV are better than another system. The advantages over previous systems may not resonate with these voters.

Efforts to implement IRV on a larger scale in North Carolina also faced challenges. In the statewide election, voters were reportedly confused by the process.⁴¹ This may point to voter education issues or simply the nature of the election. The counting took seven weeks with seventeen people working on eight machines to tabulate the votes, in part due to the number of candidates, which raised questions about the process and the results.⁴² As people grew impatient, the process likely began to look more suspect. Further, the results of the election (the person with the most first-choice votes losing) confused many, leaving the process unpopular.⁴³ The statewide election may have simply been set up for failure. Elections for judgeships bring up a lot of concerns in and of themselves, and many question whether judges should be elected at all.⁴⁴ Testing IRV in such a contested arena may have predisposed people against it. For all of the apparent benefits of IRV, the process has fallen victim to negative labels.

⁴⁰ Matt Shipman, "New Data Support Use of Instant Runoff Voting," *NewsRoom*, North Carolina State University, 2009. <http://news.ncsu.edu/releases/wmscobbhirv09/>.

⁴¹ Florence Gilkeson, "Instant Runoff Race for Appeal Court Still in Air," *The Pilot*, December 1, 2010.

⁴² *ibid*

⁴³ Doug Clark, "The Odd IRV Numbers," *News and Record*, January 6, 2011.

⁴⁴ "Making Elections Work for Judges," *Winston Salem Journal*, May 8, 2011.

Lessons

The IRV efforts and their shortcomings in North Carolina allow for several lessons. For example, both pilot cities stressed the value and necessity of voter education.⁴⁵ One can see in the exit polls that the two pilot cities educated voters well in terms of preparedness to vote, but the voters do not appear convinced of any significant benefits of the IRV system. Voter education also must increase for a statewide election to reduce confusion on both levels. Voters should have entered North Carolina's election understanding that the person with the most first-choice votes may not win. Moreover, voters should have a thorough grasp of the purpose of an IRV system. Regarding confusion, judgeships may not be the best arena for IRV elections due to the varied opinions on the very concept of electing people to these positions.⁴⁶ The existing conflict around judicial elections in North Carolina meant statewide IRV was introduced in a hostile arena. Minimal controversy or questions aside from the implementation of IRV allows the people to concentrate on how the system works and prevents conflation of concerns with other aspects of the election and the IRV system. Likewise, technology should allow for timely tabulations even with large numbers of candidates.⁴⁷ North Carolina voters grew impatient and frustrated with the wait, and Cary may be wise to hold off on further implementation until better software becomes available. A lengthy process added to a system people quickly label "too confusing" may incline the public to write IRV off before the ballots are counted. To avoid the problems of North Carolina, IRV will need to be as easy, clear, and appealing as possible.

⁴⁵ FairVote, 2009

⁴⁶ "Making Elections Work for Judges"

⁴⁷ Gilkeson, 2010

Case Study: Minnesota

This study will explore Minnesota's experience with Instant Runoff Voting, including positive examples to replicate as well as problems to resolve. Minneapolis and St. Paul serve as strong precedents regarding publicizing IRV or RCV and voter readiness. St. Paul improved upon the shortcomings of Minneapolis, just as new efforts at electoral reform should learn from the mistakes of other governments. The cities have, however, faced challenges with vote counting that remind those aspiring to adopt a new system of the need to improve technology and develop efficient processes. These lessons can continue to guide efforts to use IRV or RCV.

Overview

The state of Minnesota has witnessed the implementation of RCV in two cities and has consistently considered various levels of implementation. The state currently has bills to adopt RCV (under the Instant Runoff Voting name) pending, but past efforts have consistently failed in the state legislature.⁴⁸ Despite the state's unwillingness to adopt RCV, Minneapolis and St. Paul have both implemented the system with the support of groups like the Better Ballot Campaign.⁴⁹ As a result in 2006, Minneapolis approved Instant Runoff Voting by a large margin for municipal offices.⁵⁰ The idea was popular but faced pushback. One group questioned the constitutionality of the system based on the "one person, one vote" principal, but the court did not find their claim valid.⁵¹ After acquiring legal approval, the city used IRV/RCV for the first time in 2009.⁵² St. Paul then proposed "Ranked Voting" with a focus on efforts to improve Minneapolis's model. For example, the city renamed IRV, tried to explain the process more clearly and concisely, promoted voter education, and worked to make the process cheaper and simpler. With these efforts, the city approved Ranked Voting 52% to 48%.⁵³ With such experiences, Minnesota houses examples of pros, cons, and how to improve upon existing systems.

⁴⁸ "Elections Legislation Database"

⁴⁹ "Better Ballot Campaign Home," *FairVote Minnesota*, January 2012, <http://fairvotemn.org/node/1989>.

⁵⁰ Curtis Gilbert, "Court Approves Instant Runoff Voting for Minneapolis," *Minnesota Public Radio*. June 11, 2009.

⁵¹ *ibid*

⁵² "Ranked Voting Gets its St. Paul Launch Today," *St. Paul Pioneer Press*. November 8, 2011.

⁵³ *ibid*

Positives

Both Minnesotan cities had largely positive experiences, and St. Paul's efforts to improve upon Minneapolis's system appear to have been effective. IRV in Minneapolis ran smoothly with favorable reports.⁵⁴ According to election judge Richard Hollenzer, "voters were very well-informed and understood ranked-choice voting."⁵⁵ The preparedness of voters points to the effectiveness of voter education efforts. IRV also eliminated the primary, giving more candidates more time to campaign, which many felt was a positive change.⁵⁶ These positive experiences provide a precedent for future implementation efforts.

Minneapolis did not report any major problems with implementing IRV, but St. Paul's efforts to improve paid off as well. Supporters in St. Paul held events to disseminate information about the system they chose to call Ranked Choice Voting and worked to maintain enthusiasm for the system. They further gained celebrity support, inviting Bill Moyers to advocate for RCV at an event for the "St. Paul Voter Readiness Campaign."⁵⁷ The endorsement provided reassurance for the public that RCV would be a system worth learning. The campaign then explained the process for voters to feel prepared on election day. St. Paul's first Ranked Choice election proved successful although not many results were surprising, and voter turnout remained the same as in previous years.⁵⁸ Typically the expected candidate won without significant competition in an election that felt very normal. The city experienced very few problems, and voters seem to understand Ranked Voting.⁵⁹ In a significant gain, St. Paul managed to come to a consensus on how to implement RCV that pleased both opponents and supporters. A key factor was the option to

⁵⁴ Virgil Swing, "Virgil Swing: IRV is spreading, and could be in Duluth next," *Budgeteer News*, November 20, 2009.

⁵⁵ Rob Richie, "Minneapolis' first election with instant runoff voting -- smooth for voters," *FairVote*, November 3, 2009.

⁵⁶ Chris Steller, "Minneapolis' Instant-Runoff Voting Gives More Hopefuls More Time to Campaign," *The Minnesota Independent*, August 7, 2009.

⁵⁷ FairVote Minnesota, "St. Paul Welcomes Bill Moyers - and Ranked Choice Voting," *FairVote News*, June 15, 2011.

⁵⁸ Frederick Melo, "Ranked-Choice Results: 1 Wait, 1 Upset, 1 Surprise - New system of voting for city council has limited impact," *St. Paul Pioneer Press*, November 13, 2011.

⁵⁹ *ibid*

rank six candidates regardless of how many are running.⁶⁰ Although several officials opposed the system ideologically, the group spent extensive time working on an implementation plan that inspires confidence on all sides. The agreement allowed the election to run more smoothly and created a more supportive environment for trying the new system. The positive feeling regarding implementation impact the impressions of the public. The positive outcomes in these cities indicate solid voter education and smooth management of the elections.

Challenges

A few problems in both cities leave concerns for those considering RCV in other areas. The most significant issue was that hand-counting and verification in Minneapolis took a very long time.⁶¹ Voters grew impatient, and the waiting period drew criticisms from outsiders. St. Paul practiced hand counting in advance to improve the efficiency, but hand counting is unavoidably a lengthy process.⁶² Again, technology may present a worthwhile investment. Other critics expressed concern with “lack of real-life experience” with RCV.⁶³ This sentiment points to a degree of insufficient public trust. Much of the opposition in Minnesota centers on confusion. Voters understand how to use the system, but concern about added complexity contributes significantly to outcry against the system.

Lessons

Areas hoping to implement RCV can learn a great deal from both Minneapolis and St. Paul. In terms of promoting the system for adoption, St. Paul’s Better Ballot campaign pushed for Ranked Voting to appear on the ballot.⁶⁴ They worked to inform people about the system and gain signatures for the proposal. Once Ranked Voting became a ballot item,

⁶⁰ Dave Orrick, “All Sides Support New Voting Standards - Council must OK ranked-choice rules,” *St. Paul Pioneer Press*, January 20, 2011.

⁶¹ Steve Brandt, “Instant-runoff voting plan may be unconstitutional - Debate rages over whether a 1915 Duluth precedent poses constitutional issues for the method passed by Minneapolis voters,” *Star Tribune: Newspaper of the Twin Cities*, September 20, 2007.

⁶² Joe Kimball, “St. Paul’s Dave Thune wins re-election after Ranked Choice Vote Reallocation,” *MinnPost*, November 14, 2011.

⁶³ Swing, 2011

⁶⁴ Myron Medcalf, “St. Paul: At the Polls - Push to get instant runoff on city ballot nears goal,” *Star Tribune: Newspaper of the Twin Cities*, July 26, 2007.

the group worked on voter education, which has caused some controversy recently as the City Council has voted to increase spending on voter education.⁶⁵ The education has, however, been worthwhile in St. Paul given the positive reaction to and understanding of the system. Particularly in Minneapolis, technology will need to be able to keep up with larger elections by tabulating accurately but more quickly. Technology will likely present a problem in many cities, but it is likely worth saving the time on hand counting. Implementation presents another lesson from St. Paul. The city's negotiations and ultimate agreement on the process of using RCV allowed for less resistance to the election. Regardless of what the decisions and compromises are, consensus on how to implement RCV may increase the openness of opponents to the process. In terms of gaining support, data will also be crucial. The city-level experiences in Minnesota could provide excellent pilot examples for future reforms in the state, but at present documentation of outcomes and public response is lacking. All signs indicate positive results, but numbers and scientific data would go a long way in showing policy makers that the system works and that people support it. The popularity of RCV/IRV is steadily increasing in Minnesota, and as the state legislature continues to contemplate the idea, proven positive experiences at a city level will only increase that popularity.

International Case Studies

On an international level, the United Kingdom and British Columbia offer warnings in regard to the potential opposition to electoral reform. Both countries witnessed the rejection of systems resembling RCV after experiencing significant opposition campaigns. In the United Kingdom, messaging from those fighting the Alternative Vote was clear and compelling while supporters struggled to concisely explain the advantages of electoral reform. British Columbia also experienced strong efforts to argue against the Single Transferable Vote to which advocates offered little response. Those hoping to implement reform elsewhere should be prepared for the possibility of such opponents and be prepared to address them with counter arguments. Such lessons will allow for stronger promotion of systems like IRV elsewhere.

⁶⁵ Tad Vezner, "\$19K for Lessons on New Voting Method OK'd - Council divided over granting funds," *St. Paul Pioneer Press*, August 18, 2011.

Overview

The United Kingdom and British Columbia both recently saw failing referendums on Alternative Voting and Single Transferable Vote, respectively. In British Columbia, the referendum was held because a 2005 referendum came incredibly close to passing, but a significant number of people claimed they did not understand the issue.⁶⁶ The second referendum in 2009 failed by a much larger margin receiving only 39% of the votes as opposed to the 58% in 2005 and the 60% required to pass.⁶⁷ Given that following the second election, voter confusion continued to be the primary concern, one must look at the information dispensed to voters in the time between the elections. Likewise, the United Kingdom referendum saw strong campaigns against the implementation of Alternative Voting that played a key role in the referendum. The campaigns in both cases represent a concern with electoral reform that IRV has not yet seen in the United States. Both, however, provide critical examples and lessons for the US.

UK Challenges and Lessons

In the United Kingdom, the campaign against the Alternative Vote succeeded, largely due to the effectiveness of its advertising. The “No Campaign’s” message is simple and straightforward: Alternative Voting is too complicated, costly, and beneficial for politicians.⁶⁸ They reaffirm the familiar and the comfortable, which people may feel more inclined to support anyway. Those in favor of change lacked prevalent messages and widespread promotion. A lot of material was published trying to explain AV, but much of it is long and somewhat complicated.⁶⁹ These types of materials play into the hands of the No campaign, making voters resistant to AV. Support for AV weakened through the referendum process, pointing to the success of the No campaign.⁷⁰ Despite the fact that objective resources indicate more pros than cons for AV, the No campaign won over public

⁶⁶ “B.C. Voters Turn Thumbs Down on STV,” *CBC News*, May 12, 2009.

⁶⁷ *ibid*

⁶⁸ “Why Vote No,” *No to AV*, <http://www.no2av.org/>.

⁶⁹ Dr. Alan Renwick, “The Alternative Vote: A briefing paper,” *Political Studies Association*, <http://www.psa.ac.uk/PSAPubs/TheAlternativeVoteBriefingPaper.pdf>.

⁷⁰ Julian Glover, “No to Alternative Vote Camp Gains Record Lead,” *The Guardian*, April 18, 2011.

opinion.⁷¹ An effective campaign can make the difference in such an election, and perhaps putting the same energy into a pro-AV campaign could have changed the outcome.

BC Challenges

British Columbia witnessed a very similar experience, presenting an example of a significant change in public opinion. The fact that the 2009 referendum failed by a larger margin than that of 2005 points to a difference in the information voters received.⁷² Given that the second election aimed to resolve issues of voter confusion, voter education became critical. Additionally, the public was farther removed from the initial enthusiasm for electoral reform as a solution to problems in election. The energy needed replenishing. The “Citizen’s Assembly on Electoral Reform” (CA) attempted to clarify Single Transferable Vote (BC-STV) and garner support for the system. Their fact sheet, however, remained the same from 2004 to 2009. It provides a dense two pages of material that - assuming voters take the time to read it - likely provides so much information that readers become overwhelmed. The CA did offer some helpful animations for understanding BC-STV, but efforts to refute criticisms were sparse. The “No STV” campaign and other critics, on the other hand, offered a number of arguments “debunking” claims about STV.⁷³ These arguments scare voters, suggesting that the alleged benefits of STV are lies. Without refuting these claims, proponents of BC-STV reinforce their potential validity in the public eye. The complications of a new system open it up to many criticisms that supporters need to be prepared to counter.

BC Lessons

In an effort to implement a new system in Washington State, we must learn to handle these potential challenges. Vocal BC-STV opponent David Schreck argues against a number of claims about BC-STV. He points out that party influence has not, in fact decreased in countries like Malta where still only two parties have elected representatives

⁷¹ “What is the Alternative Vote,” *Electoral Reform Society*, <http://www.electoral-reform.org.uk/alternative-vote/>.

⁷² “B.C. Voters Turn Thumbs Down on STV”

⁷³ David Schreck, “Debunking Claims about BC-STV,” *Strategic Thoughts*. January 30, 2009.

since 1950.⁷⁴ A counter argument to this claim likely needs to have a basis in experience. Well-documented pilot programs would provide the best evidence for decreasing party influence. This decrease would, however, take time to occur, which is a point worth clarifying in material that promotes BC-STV or similar systems. Opponents further suggest that voters will be ruled by a minority, simply in the form of coalitions that would form after the election because the dominant party remains in control.⁷⁵ To respond to this argument, voters need a clear understanding of what may happen after an election and why BC-STV remains a better process. Schreck recommends a runoff election to resolve the issue of candidates winning with less than 50% of the vote.⁷⁶ This task force responds to that suggestion by maintaining Washington’s top-two system but reforming the primary to utilize Ranked Choice Voting. A key factor in implementing this change will be to ensure that voters understand the potential outcomes and the benefits of using the ranked primary. Another concern is that BC-STV does not truly provide proportional representation because election would require a greater percentage of the vote.⁷⁷ Again, data on this issue would provide the strongest evidence, and clear, structured arguments must articulate how the system will improve representation and how long it will take for those results to manifest. Final arguments of the opposition revolve around failure to improve voter turnout, complexity, and satisfaction with the current system.⁷⁸ Data in some cities has shown improvements in voter turnout and can continue to do so with efforts to better document pilot programs. Clear voter education and accurate understanding of how the new system will improve upon the old are critical to implementing a system like BC-STV or IRV in the face of opposition.

The United Kingdom, as a country that resembles the US in many ways, and British Columbia, as a neighbor to Washington State, provide lessons that could shape IRV efforts locally. Opposition will undoubtedly arise against IRV although an organized “No Campaign” like those seen internationally has not yet occurred. Such a campaign could develop, and supporters of reform must be prepared to explain, in an exceptionally clear

⁷⁴ *ibid*

⁷⁵ *ibid*

⁷⁶ *ibid*

⁷⁷ *ibid*

⁷⁸ *ibid*

manner, how IRV works and why it will be an improvement. Likewise, voters need to understand the counter arguments to opposing views, and such arguments would be best supported with data. Developing strong arguments for IRV as well as a clear method of communication must become a top priority.

Recommendation: Pilot Programs

In attempting to implement Instant Runoff Voting or Ranked Choice Voting, one can draw on key lessons from these case studies. One of the most significant factors to learn from is the fact that RCV has been most successfully implemented at a local level. As North Carolina has shown, adoption at the statewide level is not impossible, but requires more feedback from localities. Pilot programs and efforts at a city or county level have gone smoothly, but every area may face different challenges and learning from all of these problems will take time. Before diving into a statewide RCV election, election officials should give different localities the opportunity to try the system. However, the plan should not be to have cities or counties try RCV once and abandon it should problems with implementation occur, because working to solve such problems could lead to increased efficiency in the future. Pilot programs should begin with the intention to learn and improve the election process over the course of three to five elections with accurate data from exit polls and other measures of success. After each RCV election during the pilot, leaders can look at the data and make efforts to improve the system. The data could further contribute to the case for RCV and assist in responding to those questioning or criticizing the system. After running pilot programs like this, the state could look at clear data before deciding on statewide implementation, allowing for greater evidence on which to base a decision.

Voter Education

In the course of these pilot programs, voter education will prove paramount as it has in the aforementioned case studies. Voter education will be necessary at three levels: gaining support for the system to implement it on a trial level, preparing voters to vote in the election, and ensuring that voters understand the merits of the system and want to continue using it. The most important factor in all respects is explaining RCV clearly,

accurately, and simply. Case studies indicate that referring to the system as Ranked Choice Voting versus Instant Runoff Voting allows for better understanding that voters will be ranking candidates and removes any misconceptions about how “instantly” they may or may not learn the election results. All material publicizing the system should think more along the lines of an ad campaign. To hold the public’s attention, materials cannot bore them or confuse them. A positive campaign that uses a model like the UK’s “No to AV” campaign (with the opposite objective, of course) could convey an effective message. As St. Paul has shown, endorsements from well known figures are also useful in fostering ideological support.

The media will play a critical role in disseminating the information, so they must know how the system works and be able to report why the method is beneficial. Those promoting RCV should consult with experts in advertising on how to create a clear and accurate message to present to the public and how to disseminate that message. Upon implementation of the system, the government should invest in voter education, including online and televised demonstrations of how to use RCV as well as publicized explanations of how the votes will be counted and why those methods reach a majority decision. Clear understanding of these factors will make voters more comfortable with and supportive of the system.

Recommendation: Technology

Technology will continue to lead to controversy, and problems in vote-counting could undermine the success of an RCV election. Investing in improvements upon the optical vote scanning machines used in San Francisco could lead to very successful tabulation. Should controversy or questions of accuracy arise, the election may benefit from resorting to the most efficient method of hand counting, such as that used in St. Paul. Ballot design and technology present complicated but critical issues and are worth investing in research and testing. Chapter Four will elaborate on these aspects of the election process.

The recommendations drawn from these case studies can guide efforts to adopt Ranked Choice Voting in other areas, such as Washington State. This Task Force will draw on the experiences of the previously discussed case studies to recommend a Ranked Choice

Voting proposal for Washington State. The lessons and recommendations from these case studies outside of Washington will inform and strengthen the proposal as well as any actual efforts to implement RCV.

Ranked Choice Voting in Washington State: A Goal for Reform

By Alex Farley and Satomi Aiba⁷⁹

The purpose of any electoral system in Single Member Districts is to optimally reflect the desires of constituents. The problem often perceived with modern American elections—and the general body of literature agrees—is the lack of competitiveness in elections, which drains voters of their will to participate and dilutes the notion of their ability to affect the system. Gerrymandered districts, poor polling, and an overuse of plurality voting all help generate an unmotivated civic body. The ultimate goal for electoral reform in any office is to increase competitiveness.

Washington State has a well-established track record of implementing innovative electoral procedures to address these problems. In 2004, the people of Washington passed Initiative 872, which implemented a Top-Two Primary passing with nearly 60% of the vote. The Democratic and Republican Caucuses sued the state for eliminating the conventional Pick-A-Party blanket primaries, but the state supreme court ruled in favor of the new law and in 2008 it was used for the first time in elections for the state House of Representative and Senate. But for reasons discussed here, Washington’s existing Top-Two Primary can create major disadvantages for candidates, and as a result can have a negative impact on election competitiveness and voter participation. As an alternative, we suggest the establishment of Instant Runoff Voting, which for our purposes here is referred to as Ranked Choice Voting (RCV), for state house primaries. This chapter will further discuss how Ranked Choice Voting contrasts with Top-Two plurality voting as a superior system. It will be argued that RCV avoids the shortcomings of Top-Two Primaries, and has obvious advantages over the partisan intransigence of the conventional Two-Party Primary. This chapter also addressed the implications of RCV elections held in Pierce County in 2008, which were approved by the people, but for complex reasons were appealed later in 2009 through a referendum. By replacing Top-Two Primaries, RCV in Washington State has the potential to revive the enthusiasm of Washington State Voters.

⁷⁹ Author’s note: Alex Farley is the lead author for this chapter. Satomi Aiba is the primary documenter of the Pierce County case presented in this chapter with contributions from both authors.

The Essential Problem: Competitiveness

Since the presidential election of 2000, many have drawn their attention to the flaws in American voting. Political Scientists attribute the stark decline in American participation to many factors: failure to accurately count votes, barriers to minor parties to access ballots, strength of wealthy donors, under-resourced polling stations and sharply divisive partisanship all seem to increase voter cynicism about elections.⁸⁰ The fact that high incumbency and low competition for house seats coincides with lower voter participation rates, indicates that voter confidence in their ability to affect the system has waned.⁸¹ The main goal for increasing voter turnout in elections should be to increase competitiveness in those elections.

Recent efforts to bring voting and polling up to date have resulted in some successes in resolving the civic skepticism about vote effectiveness. But most of the measures taken to remedy America's election problem, such as changing ballots, adopting more efficient counting machines, and improving poll staffing and training serve more to optimize the process of voting rather than encouraging constituents to actually vote. A flawless vote count in a typical uncompetitive house election will do little to spur citizen interest in taking action. Several actions have been taken in Washington to help incentivize voting and thus increase competitiveness in elections. Many of these reforms have been proven ineffectual in generating turnout, demonstrating that the problem does not lie in voting methods, but in the nature of American plurality voting itself.

Many efforts to bring voters to the polls, such as convenience voting and term limits, have been unremarkable in their ability to spur voter turnout. Few would quarrel that convenience voting methods such as early vote and mail-in ballots are easy and cost effective ways for states to increase the vote pool. They are very limited reforms on their own that do not, however, correlate to election competitiveness and ultimately have a marginal effect on voter turnout.⁸² One such form of convenience voting established here in Washington State is absentee voting. Currently in Washington the vast majority of votes are cast by mail. No evidence has suggested that absentee voting significantly generates greater

⁸⁰ Todd Donovan. *A Goal For Reform*. In. *Democracy in the States*. Bruce E. Cain Ed. Brookings Institute Press (Washington D.C.: 2008) pg. 681

⁸¹ Caroline Tolbert and Daniel C. Brown. *Direct Democracy, Engagement, and Voter Turnout*. Ibid 91

⁸² Ibid

voter turnout, but rather reduces the cost of voting for the state by mitigating the cost of administering and staffing polling stations.

Another reform that has been attempted in Washington is term limits. Term limits are a substantive measure to increase turnover in representative seats by limiting the number of terms an elected official can serve, increasing competitiveness each election cycle. Forcing politicians out of office via term limits ostensibly increases competition for house seats, but in reality has little effect on election competition, on the candidate demographic, or on those who harbor ambition for a career in politics.⁸³ Another major issue raised with term limits is the negative impact it has on constituent –representative relations. Candidates recently elected to term limited seats often vote more along party or ideological lines rather than the actual interests of their constituents, ultimately harming the representative nature of our long established single member districts.⁸⁴ Despite some positive trends documented by scholars, term limits are too cumbersome a reform to establish long-term considering the reasons given and the fact that legislatures often have an incentive not to implement them or to repeal them.⁸⁵ Term limits were established in Washington in 1992 through initiative 573. However, in 2002 the state Supreme Court declared term limits unconstitutional, citing the clause of the state constitution stating, "A statute, whether adopted by the Legislature or by the people, may not add qualifications for state constitutional officers where the Constitution sets those qualifications." The court concluded that qualifications for legislative office could only be achieved through a constitutional amendment, which must be decided through the legislature.

Top-Two: Reform or Restriction?

Another major reform Washington State has succeeded in implementing to address the problem of competitiveness in elections is the Top-Two Primary. In this type of primary, the two candidates with the plurality of votes in the primary proceed to the general or “runoff” election. The candidates can specify what party they prefer on the

⁸³ Thad Kousser. *Term Limits and State Legislatures*. Ibid 117

⁸⁴ Ibid 122

⁸⁵ Ibid 121

ballot, but may choose not to. The Top-Two system contrasts with the two-party caucus, which the state of Washington disbanded for state offices by implementing Initiative 872. At surface level, the Top-Two Primary seems to offer some clear and tempting advantages over the conventional two-party primaries of most states, such as allowing two candidates representing the same party to compete in the general elections. In Washington, it eliminates the party caucuses, making the primary more open to independents and minor party candidates as well. Candidates in Washington do not need prior approval or endorsement from their party to run. This allows people to be judged by their views, and takes the focus away from party alignment and partisan division. Under these circumstances, one would think voter turnout and participation would reach higher levels if they were not faced with the problems of party advantages for partisan office in so-called “safe seat” districts.

Top-Two, however, faces serious criticisms that must be addressed, and in some high-profile cases, these pitfalls have become arguments against it. Top-Two, otherwise known simply as Runoff Voting, can easily divide support for a candidate, and spoil elections. This occurred in the 2000 presidential election, as the conservative candidate George Bush won without a majority of the vote. Liberal support was divided between democratic candidate Al Gore and Ralf Nader, the candidate from the highly liberal Green Party. This division ultimately cost Gore the support he needed to defeat Bush. Spoilers like this are not uncommon in American elections; such potential existed in the 1992 presidential election when Ross Perot, an independent candidate, diverted moderate support away from the major party candidates, George Bush Sr. and Bill Clinton. Under a preferential system like Ranked Choice Voting, there is no potential for vote spoiling. The presidential election of 2000 spurred a wave of reforms intended to incentivize and improve election administration. Congressional action produced the Help America Vote Act (HAVA), which required states to improve and update voting procedures and to avoid potentially wasting votes with outdated polling methods and ballot design. The controversy surrounding electronic voting and election rigging is still being debated nationwide, but as we have noted, simply improving these aspects of the way elections are conducted works around the problem at stake. In Washington State specifically, HAVA has made even less of an impact because it was already prioritizing absentee ballot voting.

More recently, however, awareness of new electoral systems has entered the debate on a state-by-state basis. More and more, state, county, and city governments have considered RCV as an alternative to plurality and runoff elections. As will be noted later in this chapter, RCV circumvents the problem of the split vote, and in this context appears to be a smart alternative to the disproportionately selective nature of mainstream American plurality voting.

Another issue that should be raised against Top-Two elections in Washington is their potential wastefulness. Washington requires a Runoff or general election in any primary race where the taker of the most votes wins less than a majority. This is an overprotective procedure, according to Jefferey O’Neill’s prediction models of Runoff Voting. In the United States, a Runoff election is ultimately unnecessary when the plurality of one candidate is near a majority or significantly greater than the runner-up.⁸⁶ If this is the case, then the general election has a limited probability of changing the results of the primary election, making the general election ultimately unnecessary. Several issues can be raised against O’Neill’s model. First, it doesn’t consider ideological differences in candidates, which may have significant sway in certain districts. Secondly, the results of the Runoff election have the potential to be significantly different from the primary, because people are more likely to vote in the general election. But the question remains: if we can model the necessity of a runoff election even fifty percent of the time (or in the case of O’Neill’s model, much lower), why acknowledge a system in which the other fifty percent of runoffs are ultimately unnecessary? In Washington, if a candidate wins a majority in the primary, then the Runoff becomes obsolete, but because of the number of candidates and the relatively low competitiveness of elections for state office, particularly the House of Representatives, general elections are often held despite becoming redundant. Recent election results in Washington show that the candidate who wins a plurality in the primary most often goes on to win the general election. Of 26 contests for the state senate, the candidate who won the most votes in the primary won in the general election 22 times.⁸⁷ In elections for Representative position one, 49 out of 40 contests saw the leading candidate

⁸⁶ Jefferey C. O’Neil. *Choosing a Runoff Election*. *Public Choice* vol. 131 no. 3 (June, 2007)

⁸⁷ Loren Collingwood, Todd Donovan, and Matt Barreto. *An Assessment of Rank Choice Voting’s Debut in Pierce County, WA: A Report of the Washington Poll*. Washingtonpoll.org. pg. 2

win in both elections, clearly demonstrating that runoffs in Washington are often unnecessary.⁸⁸

Arguments against Top-Two primaries like the one noted above cast a favorable view on Ranked Choice Systems. Rather than going back to a typical two party system, RCV has many of the advantages of both. Like Top-Two, RCV does not distinguish between parties, opening local elections to a greater variety of candidates. Unlike Top-Two, RCV does not risk splitting support for a candidate because of similarity of views. Because RCV calculates a majority candidate, it also can be a beneficial system for determining if a Runoff is ultimately necessary. After several rounds of eliminations, if one candidate has a considerable majority over his competitors, then a general election may not be held, but if the plurality candidate is a very close second, then a conventional runoff can be held to settle election.

The Solution of Ranked Choice Voting

As we have seen in Chapter Two, Ranked Choice Voting is not alien to the United States. Despite some confusion due to its lack of resemblance to First Past the Post plurality voting, the system itself has a patchwork record of success throughout the country. In the past five years many more states, smaller counties, and city structures have implemented RCV, as we have seen in the case studies described in Chapter Two, as well as in Massachusetts, North Carolina, Vermont, and even right here in Washington. Again, here in Washington we recommend a new reform involving RCV: using the RCV system in House primaries and holding a general election when a runoff becomes necessary.

The aspect of RCV that sets it apart from other electoral systems is the fact that the victorious candidate always wins with a majority. With a clear understanding of the IRV/RCV system given by the introduction, the reader can see that RCV results optimally reflect the choice of the voters. Given our proposal for an RCV primary followed by a runoff, the algorithm used to calculate the victor in a ranked choice vote can be adjusted to select the two plurality candidates. The RCV system can also be used to limit the number of unnecessary runoffs. Ultimately, if one candidate earns a majority in the first round of

⁸⁸ Ibid 3

voting (when all the first choice votes are counted), that candidate will be declared the winner. If several rounds of voting are necessary, and a majority is calculated before the field is reduced to two candidates, then a runoff will also be unnecessary. Using the Ranked Choice algorithm to decide the majority leader can save the state, candidates, and parties large sums of money.

The reason we believe in ranked primaries along with continuing reliance on conventional runoffs lies in the practicality and familiarity for Washington State citizens as well as an effort to avoid some of the criticisms against RCV. One problem with RCV according to Washington State Representative Marco Liias (21st district) is that, “Voting systems that aren’t simple disenfranchise elderly people and people with limited English.”⁸⁹ This argument could offer an explanation for problems that faced RCV in Pierce County, which will be addressed later. The elderly and people with poor English skills do not represent a large enough demographic in each district to mount a sizable opposition to it. However, knowing that participation is smaller in primary elections, those that may be “disenfranchised” by RCV in the primary will be able to exercise their vote in the time-old plurality system of the general election. Continuing with post-primary general elections also ensures that the majority candidate is the first choice of the voters, if not clearly determined by the Ranked Choice Primary.

By encouraging different strategies for campaigning, we also know that RCV will mitigate the cost of competitive elections without sacrificing the competitiveness that is believed to attract voters. According to Liias, “Top-Two makes the biggest difference in very very democratic and very very republican districts.”⁹⁰ Because in Washington party affiliation and endorsement is not a requirement to run, incumbents’ most significant challengers in “safe seat” districts are often candidates from their own party. Although most of these seats are unlikely to be taken by the other party, inter-party challengers can be a major source of competition; as Liias notes, “competitive elections cost more for parties and candidates.”⁹¹ Liias disagrees that wealthy donors and interest groups exercise significant influence in competitive elections, but the 2010 Supreme Court ruling in *Citizens*

⁸⁹ Interview with Washington State Representative Marco Liias (21st District). Conducted by author.

⁹⁰ Ibid

⁹¹ Ibid

United v. Federal Election Commission banned restrictions on union and corporation financing of political campaigns. A rough and exhausting campaign can be avoided if a clear victor is identified in the Ranked Choice Primary, but the nature of RCV also prevents excessive divisiveness in political campaigns. The system encourages candidates to pursue second and third choice votes by focusing on the issues, rather than just bringing down support for their opponents through negative campaigning.

Another factor that reveals the superiority of RCV to plurality voting is the “split vote.” As noted earlier, a split vote potentially altered the results of the 2000 presidential race. The fact that a split vote can have such a huge impact on a competitive election greatly deters voters from casting their vote at all. By the same token, RCV limits the problem of strategic voting; for example voting for the ‘other guy,’ because he has less of a chance to win, thus dividing support for a better-known candidate. Similarly, as noted by RCVWA (Ranked Choice Voting for Washington State) Vice-President and associate professor of sociology at Puget Sound University, Richard Connolly-Anderson, “The Key thing [under RCV] is voters get out from under the notion of lesser of two evils,” and they, “Don’t have to make the strategic calculation of voting for who you like the most.”⁹² By allowing voters to be honest in their preferences, the prospect of a candidate greatly disliked by large numbers of voters getting into office is negligible. Giving voters greater confidence that one of their preferred candidates will be elected will likely increase voter turnout and make elections more competitive.

The success of RCV in local US elections shows its potential for implementation in Washington State. Additionally, under the name “Alternative Vote,” Australia has been using the ranked choice system for nearly 60 years to elect its house representatives from Single Member Districts, serving as another useful example of successful RCV for Washington. Other RCV systems that are adapted to proportionally elected parliaments under the name of Single Transferable Vote (STV) have been attempted in nearby British Columbia, Canada and used in Ireland for a number of decades. Although Australia lacks proximity to Washington State, it serves as a good structural model because the country’s representatives are elected from single member districts using the Alternative Vote (or

⁹² Interview with Richard Connolly-Anderson. Conducted by author 1/7/12

RCV). Using Australia's system as a reference, one can see exactly how representatives will be chosen in Washington under RCV, with some slight differences. Using Australia's system as a precedent, we can also diffuse arguments that RCV will be ineffective for statewide elections despite the fact that, as noted in Chapter Two, RCV elsewhere in the U.S. has either been unsuccessful or more locally concentrated.

Although there have been some lopsided criticisms of Australia's Alternative Vote, such arguments cannot be replicated to disapprove RCV in Washington. Critics have argued that Australian Alternative Vote elections for Single Member Districts for the House of Representatives do not reflect the choice of the voters.⁹³ The ongoing rivalry between the Labor Party and a coalition between the National Party and the Liberal Party characterize Australia's elections and competition for house seats. J.F.H. Wright compared the results of the 1980 and 1983 house elections, commenting, "A change of 3.6 percent in support for Labor increased its proportion of seats from 40.8 percent to 60.0 percent," increasing seats taken from fifty-one to seventy-five.⁹⁴

Problems with Australia's Alternative Vote could not be reproduced here in Washington. Only the Australian House of Representatives is elected from single member districts, the country's other legislative bodies are elected by the Quota-Preferential system, similar to STV. As is typical of proportional based democracies, Australia's elections depend on strong party discipline, and parties rarely endorse more than one candidate in a district. Australia's house elections still serve as a structural model for Washington's RCV house primary, but elections in Washington State are especially open to candidates from different parties or the same. Since the dismantling of party caucuses in state elections in 2004, parties have even less influence in determining candidates than elsewhere in the country. Therefore, using Australia as a structural example, we know that problems existing there cannot be reproduced in Washington.

⁹³ J.F.H. Wright. *An Electoral Basis for Responsible Government: the Australian Experience*. In. *Choosing an Electoral System*. Arend Lijphart Ed. Preager Publishers (New York: 1984). Pp. 131

⁹⁴ *Ibid.*130.

The Washington Experience

Washington State has had its own experiment with RCV. In 2006, Pierce County set the mark by adopting the ranked choice system. Pierce County ballots allowed voters to rank only a first, second, and third choice candidates for most county offices. RCW 29A.53.080 requires voters to rank only three candidates in instant runoff systems in Washington. There were no runoff elections held for these offices, according to the Pierce County official website: “For the RCV races no primary will be held. The RCV election is held at the General Election.”⁹⁵ In the 2008 elections RCV was used to elect county officials including County Executive, Assessor – Treasurer, County Sheriff, and County Council Districts 2,3,4 and 6 but excluding Prosecuting Attorney and judges.⁹⁶ All qualifying candidates appeared directly on the general election ballot. In 2006, the Pierce County Charter Commission submitted charter amendment No. 3 to the voters to replace Pick-A-Party primaries, which were widely unpopular, with RCV, passing by a margin of 52.93 percent.⁹⁷ RSV had an impact on not just Pierce County but on other counties in Washington as well; being briefly considered by King County in 2010. Despite successful implementation and accurate results, voters repealed the RCV system in November of 2009 through a public referendum. By looking closely at how the Pierce County succeeded in adopting the RCV reform we can foresee what exactly must be done to make reform possible for State House elections, what flaws to avoid and how to counter arguments opponents have made against it.

Gains from RCV in Pierce County

Pierce County experienced many of the positive gains from implementing RCV, such as cost-efficiency, increased competitiveness, and better reflection of the preference of the electorate. According to an assessment of Rank Choice Voting in Pierce County by Loren

⁹⁵ Pierce County Auditor. Pierce.wa.us.

<http://www.co.pierce.wa.us/pc/abtus/ourorg/aud/elections/rcv/ranked/rcv.htm>

⁹⁶ Proposed Pierce County Charter Amendment No. 3 – Instant Runoff Voting. Section 4.10 (1).

<http://www.co.pierce.wa.us/xml/abtus/ourorg/aud/Elections/Archives/gen06/3.pdf>. pg. 1

⁹⁷ King County Elections Oversight Committee. *Report on Ranked Choice Voting*. Appendix B: Powerpoint Presentation by Jan Shabro. Pg. 7. Available at:

http://www.kingcounty.gov/council/issues/public_trust/citizen_election_oversite_committee.aspx

Collingwood, Todd Donovan, and Matt Barreto, campaigns that spend less money in an RCV election have a greater chance to win than they would with a traditional plurality voting system.⁹⁸ Comparing races in 2004 and 2008, winning campaigns spent relatively less money in the 2008 races than in the 2004 races, supporting the notion that “campaign financing may play a diminished role in RCV systems.”⁹⁹ Out of the six races tested, the candidate who spent the most won five times in the 2004 election, but the frequency dropped to just three in 2008 election. This shows that RCV is cost-efficient for candidates because they have a higher chance of winning without spending large sums of money. This also signifies a decline in the role of money in competitive elections. As noted earlier, under top-two, competitive elections cost considerably more for candidates, increasing the influence of wealthy donors in those elections.

The county had to overcome some significant challenges to prepare the administration of its first RCV election. Four additional charter amendments had to be presented to the voters in November, 2007 to clarify the implementation of RCV.¹⁰⁰ According to an RCV briefing given by the Pierce County Auditor, educating the voters to acclimate them to the new system was time consuming and expensive. Rebecca Brauhn, an elections specialist in Pierce County, claimed it took the county two years to complete the implementation of RCV. The time consumed in implementing the system is certainly something to consider. The voter education campaign included, “website and interactive demonstration development, two countywide mailings, a billboard, an enhanced voters’ pamphlet that surpassed all expectations, detailed ballot instructions and polling place instructional posters.”¹⁰¹ Overall, the implementation of the election was a success. Voter turnout was 81.2 percent, the algorithm worked; they even ran it on election night and posted the results on their website.¹⁰²

⁹⁸ Collingwood, Donovan, and Barreto. pg. 14 http://www.washingtonpoll.org/pdf/rank_choice.pdf

⁹⁹ Ibid

¹⁰⁰ Shabro. 7

¹⁰¹ Ibid

¹⁰² Ibid

Issues with RCV in Pierce County

There were several complaints with the RCV in Pierce County from the start, including the time and material consumption associated with transitioning to RCV as well as its high cost; the transition cost the county \$3,291,340 in one-time and ongoing costs to conduct a successful election.¹⁰³ RCV created new costs for machines, software, and increased ballot printing (the RCV vote was printed on a separate ballot) while raising costs of election administration. It also created costs for education, promotion, testing, and additional staffing. Although these costs were high, the one-time costs were justified by the relatively low ongoing costs from eliminating the primaries.

Table 1. One Time and Ongoing Costs in Pierce County¹⁰⁴

2008 General Election Costs	\$1,664,542
RCV One Time Costs	\$857,025
-Software, Education, Equipment	
RCV Ongoing Costs	\$769,773
-Printing, Paper, Envelopes, Education, Staffing	
RCV Subtotal	\$1,626,798
Total Costs	\$3,291,340

By the time the votes were counted, another aspect of RCV known as under-voting and over-voting made an impact; there was a slight increase of both instances. According to the Pierce County Auditor's website, an under-vote is when a voter chooses not to vote on a specific issue. The second ballot card for the RCV races arguably caused greater under-voting, and confusion over filling out the RCV ballot naturally increased rates of over-voting. Around 84 percent of eligible votes were cast absentee in 2008.¹⁰⁵ The second ballot card became an issue because roughly 20,000 voters did not return the second ballot card. Adding to the 21,053 ballots not returned by voters, a greater number of under-votes were

¹⁰³ Ibid 16

¹⁰⁴ Ibid

¹⁰⁵ Collingwood, Donovan, Barreto. Pg. 7

registered for each race. For example, in the competitive County Executive race, 13,107 ballots were classified as under-votes because the voter abstained from the race, bringing the total number of under-votes for the executive race to 34,160.¹⁰⁶ Additionally there were a considerable number of exhausted votes, meaning ballots that did not rank second or third choices. Exhausted Votes for the Executive race totaled 30,308.¹⁰⁷ Though it seems under-voting became a factor in the RCV races, total under-votes for Executive office increased only from 9.06 percent of total votes cast in 2004 to 10.39 percent in 2008.¹⁰⁸

Table 2. Voting figures for Pierce County RCV Election¹⁰⁹

RCV and Traditional Ballots Cast		
	Raw Numbers	Percent
Registered Voters	411,103	
Poll Ballots Cast	52,134	12.68
Absentee Ballots Cast	281,690	68.52
Total Traditional Ballot Cards	333,824	81.20
RCV Ballots Cast	312,771	76.08
Total Ballots – RCV Ballots	21,053	6.31

An over-vote, on the other hand, is when a voter ranks too many candidates in the RCV election or twice for one office in the conventional top-two. Comparing the 2004 and 2008 County Executive elections, the total number of over-votes increased from 48 to 718, or from .02 to .22 percent of votes cast.¹¹⁰ Though the increase of over-votes was dramatic compared to under-votes, it still existed at a relatively small margin; there was also higher turnout in 2008. Although the impact of over-voting in this context might be considered

¹⁰⁶ Ibid 8

¹⁰⁷ Ibid

¹⁰⁸ Ibid 10

¹⁰⁹ Numbers taken from *An Assessment of Rank Choice Voting's Debut in Pierce County, WA*

¹¹⁰ Ibid

negligible in this race, the greater implications for over-voting will be addressed in Chapter Four.

Arguably the most significant obstacle facing RCV in Pierce County was that in 2008, around the time of the county's first RCV election, the Washington State Supreme Court upheld Initiative 872, officially establishing Top-Two runoffs for all state-wide offices. This meant that Pierce County taxpayers had to pay the cost for two different election systems with the restoration of top-two, making RCV feel costly and redundant for voters. The FairVote Organization's board chair Krist Novoselic commented that the repeal was likely, "inevitable once the Supreme Court ruling in 2008 restored Washington's top-two system for our state and federal races. From that moment, Pierce County voters were paying extra for two different partisan systems designed to uphold the same goals of majority rule and voter choice. Something had to give."¹¹¹ The two complicated system made the election process more costly for the voters, and critics were able to mobilize to demand the repeal of RCV.

On the June 27th, 2009, the Pierce County Auditor recommended disbanding RCV in order to save the county money, eliminating ongoing costs of at least \$600,000. All voters in Pierce County were surveyed after the election (three times the number of responses as the survey that covered the Pick-A-Party primary), and 66 % of respondents said that they did not like RCV, whereas only 34 % responded that they liked RCV. Over 90 % of those surveyed said, however, that they understood how to mark this new form of ballot.

Possible Solutions

A close examination of Pierce County's experience with RCV is needed to parse some of the challenges from the overall benefits of the election. As pointed out by Citizens for a Better Ballot campaign manager Erik Connell,

"Rather than pay for a countywide election in August to eliminate one minor candidate and give the two frontrunners a chance to double their contributions from big donors, we were able to hold a single RCV race in November with three candidates. 99.9% of voters in the race cast valid ballots, and far fewer voters skipped the race than the port commissioner races. RCV was

¹¹¹ *Op cite* Krist Novaselic. In Rob Richie. IRV and Choice Voting on Election Day 2009: Wins, Losses and the Long-Term Trajectory. FairVote.org. <http://www.fairVote.org/RCV-and-choice-voting-on-election-day-2009-wins-losses-and-the-long-term-trajectory#.Ty2XfuOXTpy>.

needed, with winner Julie Anderson earning a majority of the vote in the second round of counting. Once RCV can be implemented simply and inexpensively and gains that much more traction elsewhere, I suspect county voters will take another look."¹¹²

The cost factor presents a major negative aspect of RCV. Naturally, the price of introducing a new electoral system in any context is high, especially due to the need for new equipment and software for running the RCV algorithm. It must be noted here that the primary justification for the immediate price was reasoned by the potential long-run savings from eliminating costly Pick-A-Party primaries in favor of one ranked choice election for those offices.

The potential savings for the county are missed due to the early repeal. It is not clear if savings would have been significant, but the potential was obscured by the reestablishment of top-two. The court's decision forced the county to absorb not only the cost of running top-two for state offices, but the ongoing costs of RCV as well. The reestablishment of top-two also appears to have increased voter fatigue over RCV, making it a redundant system and allowing voters to contrast it with the relative simplicity of non-partisan plurality voting under top-two.

Despite the high price the county paid, it appears that its efforts at voter education paid off. As noted above, 90 percent of those who responded to the voter survey claimed they understood the system, but their interest in continuing it was hamstrung by the introduction of Top-Two. The some 20,000 voters who did not send their RCV ballot may represent the "disenfranchised" voters who did not understand the new system or lacked access to the county's voter education. Overall, however, it seems more likely that the increase in under-voting was more or less a cause of mailing two ballots to voters and could have been negated with a smarter, simpler ballot design (see Chapter Four). A better design that included all the offices up for election on the same ballot would have arguably increased the number of valid votes by reducing under-voting and encouraged voters to take a more serious look at the RCV process.

By looking at the Pierce County's implementation of RCV and its repeal, we learn that it is very possible to implement RCV for state house primaries, especially if efforts at

¹¹² *Op cite* Erik Connell. *Ibid*

voter education are successful in explaining the benefit of the RCV system to voters. However, we do have to be cautious about simplification of the system and make it very clear that the public will not have to pay more than they do otherwise. Pierce County faced many expected and many more unique complications for RCV, especially the Supreme Court's 2008 ruling. It is not unreasonable to believe that RCV may return to Pierce County, and it serves as a useful case for making reform possible for one among many statewide offices.

Implementing RCV: A Goal for Reform

We know from Pierce County that voters are capable of understanding RCV, given the proper introduction, despite the negative reaction it may have received. Similar steps can be taken to educate voters on the merits and methods of RCV for a state office, such as House Representative. In terms of actually implementing RCV for that office, two options are available to Washington State citizens: A statewide initiative, such as Initiative 872, which approved the Top-Two system in 2004, or a legislative bill.

It is the opinion of this report that the most plausible way of implementing RCV in Washington state house primaries is through a ballot initiative. An in depth description of the initiative process and its potential for reform will be discussed in the chapter regarding initiatives (Chapter Five). Briefly, two reasons why an initiative would provide the best approach for success in this context are as follows. First, several organizations in Washington State have openly advocated for RCV related reforms. These include FairVote and Ranked Choice Voting for Washington State (RCVWA), which was a primary organizer for RCV's implementation in Peirce County. An initiative process would be more inclusive of such groups, and would they could provide crucial support in the acquisition of signatures and advocacy efforts necessary to make citizens interested in our reform. Second, constituent interest in RCV will increase. By engaging Washington State voters directly in the decision to implement RCV, more will become aware of its potential benefits. This would not initially be the case if reform passed directly through the legislature.

These are only some of the potential benefits for pursuing reform through an initiative. A public initiative will also likely generate a counter campaign, but in so doing advocates will be able to engage critics directly in debate. This will bring more attention to

the prospect for reform as well as its inevitable benefits and will bring to light many of the flaws with the Top-Two system. However, a bill taken to the house or senate is another avenue for implementation that is worth consideration. The process for passing a reform bill through the legislature will be as follows.

Proposing a bill to the state legislature is a relatively simple process. It consists of drafting a statement of what the proposal seeks to change. The representative, senator or legislative committee that is sought to review the proposal should be contacted as soon as possible and authorized to pick up the proposal draft. For the purposes of this report the Government Operations, Tribal Relations & Elections committee should be notified. In addition, if one or two Revised Codes of Washington must be modified by the new bill, these must be noted in the draft proposal. All additions, corrections, repeals or omissions to the code must be clearly noted in the draft.

As an additional statute to the bill proposal, it will be in our best interest to include a rough calculation of the costs of this proposal. This will help the legislators on the committee come to a decision more quickly. All extraneous documents that provide an example or justification of the revised bill should be included in the draft proposal as well. These documents would likely include this report, in addition to the assessment of RCV in San Francisco, which provides the basis for many current studies on RCV. Detailed descriptions of technical requisites of the bill drafting process are included on the state legislature's website, leg.wa.gov. A draft proposal could be completed, revised and prepared for the committee by the beginning of the next legislative session in January, 2013.

Conclusion

Washington State is a positive environment for innovative progressive reforms. America's overdependence on antiquated plurality systems is a cause for concern in elections for public office. With the goal of generating competition in the true spirit of American Democracy, enterprising Washington State citizens took the reins in 2004 by passing Initiative 872, implementing non-partisan Top-Two primaries. Unfortunately this reform proposal fell short of resolving the critical issue. Merely circumventing national parties by eliminating the blanket primary did not eliminate the flaws of plurality voting. Requiring a general election for every primary can be redundant and wasteful. Split Votes from Top-Two primaries also makes it difficult for the best, most prepared candidates to proceed to the general election. With RCV primaries we seek to resolve some of these critical drags on our democracy. RCV can increase competitiveness while encouraging new, more positive strategies for campaigning. It has the potential to increase the vote pool by eliminating the fear of wasted or uncounted votes. Ultimately with RCV primaries in conjunction with runoffs, each district is assured that the most preferred candidate is elected every time. A successfully administered election in Pierce County showed Washington that RCV is reasonable and attainable, despite complications of an untimely court decision and possible slouching on behalf of the auditor's office. Through a public initiative or a legislative bill, we hope to make statewide RCV elections a reality for state house primaries. With a successful outcome here, we can lay the foundation for a more democratic and representative democracy in the years to come.

Improving Access, Accountability and Clarity for Ranked Choice Ballots

By Jonathan Genki Fujimura

“The more perfect nature is, the fewer means it requires for its operation.”

- Aristotle

Introduction

Democracy is everybody’s business. Citizens vote for their candidates that represent their interests, and the elected representatives work to meet the needs of the citizens who got them elected. However, with continuous low election turnouts, it is questionable if the “consent of the governed” accurately reflects those of the majority of its citizens. The reforms to adopt Instant Runoff Voting (IRV) or Ranked Choice Voting (RCV) in election primaries, will widen the range of voter choice, enhance electoral fairness, and ideally as a result will increase voter participation due to the reduced barriers that inhibit participation. However ideal, in both case studies in Pierce County (Ch.3), and outside of Washington State (Ch.2), there are still many issues regarding its implementation. Two of the major challenges in the past were the complexity of implementing voting machines, from its certification, staffing etc., and finding a way to effectively present voter information on the new system. Despite the amount of effort and investment placed into running a successful RCV election, natural opponents of the RCV system (who have benefitted from a winner take all system have a strong incentive to run a campaign to repeal it as in Washington’s Pierce county.¹¹³ Therefore, in order for an effective and more representative democracy to take place, access, accountability, and clarity of the RCV ballots are necessary for voters to understand the value of this alternate system to prevent it from being repealed.

In this chapter, I will review Washington’s effort to improve voter access and election accountability, and will discuss ways in which RCV can be implemented

¹¹³ Bianca Slota, "Burlington Voters Repeal IRV - WCAX.COM Local Vermont News, Weather and Sports." *WCAX.COM Local Vermont News, Weather and Sports*- - Home *WCAX.com*. WCAX News, 2 Mar. 2010. Web. 13 Feb. 2012. <<http://www.wcax.com/Global/story.asp?S=12074080>>.

successfully by reviewing the issues with voting machines and recommending an effective ballot design for jurisdictions considering RCV adoption.

The first section will provide an overview of the Help America Vote Act of 2002 (HAVA) which mandated all states and localities to update their voting systems after the controversial recounts of the 2000 Presidential Election. The latter half will look at the voting machines that brought more tabulation issues after the implementation of the HAVA in Pierce County's 2008 election due to the voting machine vendors not providing machines that met federal standards. To mitigate future problems, we will recommend setting standards for both the election office and the machine vendors to mutually agree upon to create machines that can meet the security and ballot requirements for the scale and variety of elections in the county, state and national levels.

The second section will observe how the State of Washington allocated the federal HAVA funding towards a statewide transition towards an all mail voting system in response to the previously mentioned tabulation machines. The third section will propose a clean ballot design that will simply but effectively mitigate over-voting and under-voting. This section will examine three ballot designs. The 2009 Pierce County ballot, The 2004 San Francisco ballot which the Pierce ballot modeled, and the Burlington, Vermont ballot which we propose as the best ballot design for future RCV elections.

Help America Vote Act in WA and Vote by Mail Ballots

In 2002, The Help America Vote Act (HAVA) was passed by the George W. Bush administration to establish a 3.9 billion dollar program to provide funds to States and localities to replace punch card and lever voting systems to an updated system that implements electronic voting machines called the Direct Recording Electronic machines (DRE).¹¹⁴ HAVA was passed in response to the controversial Presidential election of 2000, because of voting tabulation errors from "hanging chads" from punch card paper ballots leading to a time consuming recount in Florida. The HAVA creates a new "mandatory minimum standard" for states to follow in several key areas of election

¹¹⁴ "Help America Vote Act of 2002 Washington State Plan." *Washington State Elections Home Page*. Ed. Washington State Elections Division. The Office Of The Secretary Of State, 2003. Web. 21 Jan. 2012. <http://www.fec.gov/hava/law_ext.txt>.

administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration.

Washington State with its fast compliance became the first state to receive a clean audit for how it uses its HAVA funding to use the money as intended. Up until June 2008, Washington received \$68 million in funding, which were used for improving voting systems, voter education, training of election officials, poll workers and volunteers, fully replacing the punch card voting and upgraded to an optical scan ballot.¹¹⁵ The Washington counties spent nearly \$30.4 million, or 46% of the funding to allocate to counties to meet the mandates. Two thirds of the amount was used in county level funding and one third for state level. The rest of the funding was allocated towards programs to improve the election administration, including improving disability access for voters with disabilities, upgrading existing tabulation equipment, and purchasing other equipment to improve the election process.

The DRE systems mandated however had many flaws that discouraged voters from voting. First, the machines had no “paper record” to track votes, so in case a computer glitch occurred, the vote would not always be retrievable. According to a King County elections office representative, the technology’s source code is owned by the voting machine vendor, and is not disclosed even to the election office IT department. This lack of transparency of the touch screen technology brought suspicion of voters, and California in 2004, went as far as to decertify all voting machine systems from their polling sites.¹¹⁶

There are currently very few voting machine vendors in the market, and its market is very volatile. The present major players in Washington State include Hart InterCivic, Election Systems and Software, and Dominion, which have acquired past competitors including Diebold systems currently used in King County and Sequoia systems used in Pierce county. The voting machines due to heavy public scrutiny, and

¹¹⁵ News Report, "E-Vote: Washington State First to Receive Clean Help America Vote Act Audit." *Digital Communities: Local Government News & Articles*. News Report, 06 Nov. 2008. Web. 28 Jan. 2012. <<http://www.digitalcommunities.com/articles/E-Vote-Washington-State-First-to-Receive.html>>.

¹¹⁶ Krist Novoselik, *Of Grunge and Government: Let's Fix This Broken Democracy!* New York: RDV, 2004. Print.

the complexity of the coding for election security and compatibility for ballot layouts for elections in various levels, the voting machine market is very risky to enter into, creating a difficult field for new competitors to enter into. The vendors often do not meet the needs of county elections either by scale or security specifications, further limiting the options for machines. King County for example, updated their DRE machines in 2006, however only one vendor (Diebold) could handle the requirements of tabulating King County's number of voters and ballot types (for its districts and initiatives). Although recognizing the need for an update, the complexity of certification, they have not updated its machines since.

Federal Certification of Voting Machines

Granting Federal Certification is a complex process, with requirements, which many of the current machines do not meet. Washington State requires all election tabulation systems at voting precincts to be federally certified, and again at the state level and county level. With Sequoia systems providing machines for Pierce County not meeting federal standards, provisional certification had to be granted by the state because it was determined that the precinct scanners were "Not robust enough to handle RCV ballot image, and would not support multiple precincts". What the Federal certification allows is the use of "Insight tabulators" which are precinct tabulators that tally ballots at the polls, cutting the time for tabulation at the central election site. Without the Insight tabulators, it was necessary to bring the ballots back on Election Night and count at the Election Center, increasing the cost considerably to hire extra workers to count ballots.¹¹⁷ In the 2009 election, they hired 114 ballot transporters and ballot processors and instituted 24 hour shifts to check in to visually scan and tabulate polling place ballots. The county additionally hired and trained over 600 staff. Officials worked "24 hours per day for one week to tabulate ballots followed by 17 hour days up to certification".¹¹⁸

¹¹⁷ Rebecca Brauhn, "Questions regarding Ranked Choice Voting in Pierce County." 31 Jan. 2012. E-mail.

¹¹⁸ Instant Runoff Voting, "Instant Runoff Voting Costs." 06 Feb. 2012
<<http://www.instantrunoffvoting.us/costs.html>>.

The flaw with RCV implementation in the Pierce County case was the failure to leverage the investment in RCV toward machine certification. Three years after the repeal of the RCV voting, federal certification is still pending for the old obsolete devices still using the state provisional certification. Since the acquisition of Sequoia Voting Systems who have provided machines in Pierce county by Dominion Voting Systems in 2010, they are no longer able to provide firmware updates, and the use of Electronic Voting machines have been left only at election offices for disability access during election day. All Washington counties including Pierce have adopted a statewide vote-by-mail system by 2011 to eliminate all polling site machines. The lack of transparency and mutual communication between the Election officials and its vendors have caused delays in the much needed updates of the machines, leading to unnecessary cost in time, labor and money as well as voter trust. To expedite the certification process, close communication between the government (election workers) and the business (tabulation machine vendors) need to be established through mutually agreed standards.

Setting Technical standards for Ranked Choice ballots

The equipment for traditional elections only require the storage of the total counts for the counted ballots. In a RCV election however, the voting machines must also tabulate the aggregated rankings for each candidate from first, second, and so on. Since there are two steps instead of one, the technical standards for central optical ballot tabulation machines must address this extra step. The legislation authorizing the RCV ballots must specify the requirements for the vendors, and the vendors must specify how their current system handles the details. The main issues that need to be addressed can be divided into 3 parts. One: Voting and capturing rankings, Two: Sorting tabulation results, and Three: Conducting the runoff count. ¹¹⁹

¹¹⁹ Fairvote, "FairVote - Vendor Guidelines to Ensure Voting Equipment Capacity." *FairVote - Home*. Web. 13 Feb. 2012. <<http://archive.fairvote.org/index.php?page=784>>.

Voting and Capturing Rankings

The jurisdiction has to provide for this step a clear and easy to understand optical scan ballot that allow voters to rank their choices in order of preference without confusion leading to voting errors.

The election officials need to provide:

1. The number of races to include in the RCV election
2. The number of ballot pages printed
3. The number of candidate choices candidate choices
4. The elimination process of candidates (recount after each eliminated candidate or eliminate multiple candidates after each runoff in competitive races)
5. The approximate number of voter turnout and the number of ballots to process

The vendor needs to provide tabulation machines that stores the ballot images in a readable report to store records of over-voted rankings and skipped rankings to be recounted, and a report of the (1,2,3&4) that the vendors can realistically accommodate, as well as time to make software updates.

Sorting Tabulating Results

In case of instances where the ballots are not fully or properly counted, the vendor needs to address some questions regarding the machine capabilities when encountering an under-voted or over-voted ballot.

Under-voting: In regards to ballots where not all of the rankings are filled, does the system allow the distribution of the ballot into the next valid ranking? Is there a limit to the number of skipped votes that would make the ballot count as an exhausted ballot?

Over-voting: Does the system allow over voting? Does the system count the “over-voted” candidate as only one vote? Does the system allow the counting of other ranked candidates on a ballot if there is a duplicate vote on the same ballot?

Conducting the Runoff Count

During the runoff count, the voting machines are made to cut time on the 14 day ballot manual recounts, which are very labor intensive. In situations where there are ties, whether or not the machines are able to break ties or allow simultaneous candidate

elimination will directly influence the completion of the recounts. These questions will need to be addressed by the vendors:

Ties: Does the system allow for resolving ties for last place (candidate being eliminated) by drawing lots? Does the system allow for resolving of ties for last place in favor of the candidates with the most votes in the previous round, or by lots if tied in all previous rounds?

Simultaneous Elimination: Is it possible to set the tabulation to simultaneously eliminate two or more candidates with the fewest votes if the sum of their votes is less than the candidate with the next most votes? Is it possible to simultaneously eliminate all candidates with fewer than a fixed number of percent of the valid votes.

In creating these standards, it is ideal to find a point of balance between ease for the election officials and the ease of the vendors. There needs to be a constant exchange in information of the coding requirements and the current capabilities. However, despite working closely with the vendors, the results are always under delivered with RCV jurisdictions in Cambridge, San Francisco, and Burlington all supporting old obsolete voting machines. Some counties such as King County have their own in-house IT department, however with contracts with existing vendors prohibiting the IT department to alter their products, it may be a much more feasible option to abandon the vendors completely, and create a RCV tabulation systems from scratch. For counties who do not have their own internal IT, it may be an investment to look into creating their own.

Vote-by-Mail in Washington

After the HAVA funds were received and the minimum requirements were met, many of the counties transitioned to a vote by mail system, which prior to receiving the funds, only Ferry and Clallam County had fully implemented. Of the 39 Counties, 28 counties adopted a vote by mail system by 2005, and in 2011, all counties have transitioned to a full absentee ballot system, following Oregon as the only two States with all vote by mail.¹²⁰

County	Total Registered	Total Cast	Total Percentage	AVU Votes	Absentee Cast	Absentee Percentage	County	Total Registered	Total Cast	Total Percentage	AVU Votes	Absentee Cast	Absentee Percentage
Adams	6,191	4,936	79.73%	0*	4,936	100.00%	Adams	6,591	5,056	76.71%	0	2,694	53.28%
Asotin	12,012	9,941	82.76%	0	9,941	100.00%	Asotin	13,228	8,166	61.73%	0	2,057	25.19%
Benton	87,059	73,813	84.79%	6	73,807	99.99%	Benton	79,583	60,607	76.16%	0	29,100	48.01%
Chelan	38,650	32,392	83.81%	317	32,075	99.02%	Chelan	32,665	26,837	82.16%	0	20,475	76.29%
Clallam	45,766	39,161	85.57%	0	39,161	100.00%	Clallam	40,285	33,013	81.95%	0	25,700	77.85%
Clark	216,508	184,698	85.31%	16	184,682	99.99%	Clark	183,249	137,339	74.95%	0	82,927	60.38%
Columbia	2,585	2,287	88.47%	0	2,287	100.00%	Columbia	2,594	2,133	82.23%	0	1,070	50.16%
Cowlitz	55,331	45,793	82.76%	42*	45,751	99.91%	Cowlitz	50,737	37,347	73.61%	0	26,793	71.74%
Douglas	18,936	15,390	81.27%	6*	15,384	99.96%	Douglas	17,762	12,225	68.83%	0	8,025	65.64%
Ferry	4,259	3,575	83.94%	0	3,575	100.00%	Ferry	4,015	3,084	76.81%	0	0	0.00%
Franklin	23,530	20,001	85.00%	0	20,001	100.00%	Franklin	17,805	14,305	80.34%	0	2,834	19.81%
Garfield	1,564	1,396	89.26%	0	1,396	100.00%	Garfield	1,699	1,351	79.52%	0	524	38.79%
Grant	32,910	27,876	84.70%	0*	27,876	100.00%	Grant	30,922	24,084	77.89%	0	10,850	45.05%
Grays Harbor	36,702	29,709	80.95%	0*	29,709	100.00%	Grays Harbor	35,434	26,583	75.02%	0	12,373	46.54%
Island	47,629	42,597	89.44%	0	42,597	100.00%	Island	39,863	33,550	84.16%	0	18,136	54.06%
Jefferson	22,160	20,225	91.27%	3*	20,222	99.99%	Jefferson	18,891	15,976	84.57%	0	9,061	56.22%
King	1,108,128	930,038	83.93%	23872	647,907	69.66%	King	1,073,280	799,163	74.46%	0	400,691	50.14%
Kitsap	144,690	125,881	87.00%	823	125,058	99.35%	Kitsap	131,950	104,235	79.00%	0	72,758	69.80%
Kittitas	20,631	18,087	87.67%	9	18,078	99.95%	Kittitas	18,491	14,223	76.92%	0	5,674	39.89%
Klickitat	12,171	10,333	84.90%	0	10,333	100.00%	Klickitat	11,753	8,255	70.24%	0	2,032	24.62%
Lewis	41,635	35,225	84.60%	1	35,224	100.00%	Lewis	42,308	30,596	72.32%	0	19,008	62.13%
Lincoln	6,899	6,058	87.81%	0	6,058	100.00%	Lincoln	6,614	5,361	81.06%	0	1,456	27.66%
Mason	32,828	28,698	87.42%	5	28,693	99.98%	Mason	28,777	22,923	79.66%	0	12,551	54.75%
Okanogan	20,562	17,134	83.33%	0	17,134	100.00%	Okanogan	19,500	15,066	77.26%	0	6,310	41.88%
Pacific	13,052	11,145	85.39%	30	11,115	99.73%	Pacific	12,711	9,708	76.37%	0	4,063	41.85%
Pend Oreille	7,799	6,652	85.29%	0*	6,652	100.00%	Pend Oreille	7,095	5,482	77.27%	0	1,122	20.47%
Pierce	411,103	333,824	81.20%	8934	277,259	83.06%	Pierce	360,463	270,898	75.15%	0	199,013	73.46%
San Juan	11,624	10,635	91.49%	2	10,633	99.98%	San Juan	9,730	8,475	87.10%	0	4,786	56.47%
Skagit	65,129	56,632	86.95%	0	56,632	100.00%	Skagit	59,756	45,835	76.70%	0	23,379	51.01%
Skamania	6,650	5,567	83.71%	2	5,565	99.96%	Skamania	5,997	4,328	72.17%	0	2,874	66.40%
Snohomish	372,636	324,179	87.00%	6632	317,547	97.95%	Snohomish	338,163	253,423	74.94%	0	127,662	50.38%
Spokane	238,952	222,126	85.78%	68*	222,058	99.97%	Spokane	230,244	175,041	66.02%	0	54,566	31.77%
Stevens	26,875	22,756	84.67%	43	22,713	99.81%	Stevens	26,803	18,376	68.56%	0	6,333	34.46%
Thurston	148,911	128,016	85.96%	43*	127,963	99.97%	Thurston	126,680	98,644	77.87%	0	69,308	70.26%
Wahkiakum	2,733	2,343	85.73%	1*	2,342	99.96%	Wahkiakum	2,553	2,013	78.85%	0	1,342	66.67%
Walla Walla	31,606	25,062	79.30%	3*	25,059	99.99%	Walla Walla	29,883	21,642	72.42%	0	10,174	47.01%
Whatcom	115,314	101,399	87.93%	4	101,395	100.00%	Whatcom	98,352	74,671	75.92%	0	42,494	56.91%
Whitman	20,542	17,826	86.78%	0*	17,826	100.00%	Whitman	26,280	16,408	62.44%	0	4,552	27.80%
Yakima	97,856	78,191	79.90%	7	78,184	99.99%	Yakima	93,008	70,606	75.91%	0	39,830	56.41%
TOTAL	3,630,118	3,071,587	84.61%	40869	2,724,828	88.71%	TOTAL	3,335,714	2,517,028	75.46%	0	1,364,607	54.22%

- Voter turnout in 2000 and 2008 comparison in respective order

This transition has proved to show positive results in voter turnout. In 2000, the voter turnout of the total registered voters in Washington State was 75.46%, however in 2008, after most counties (excluding King and Pierce) transitioned to the all mail ballot, voter turnout had increased to 84.61%. Almost a 10% increase. Although this transition is not the only factor that contributed in the higher turnout, the greater benefit from the system is that it has allowed voters greater time and access to vote for their candidate of choice.¹²¹ When considering a RCV system, an all-absentee system gives voters more time to study the new voting system (albeit ballot designers will have to consider design changes to allow voters to clearly understand instructions without dense information) and if additional resources are necessary, it is easier to seek additional information

¹²⁰ Voter Reg Services, Elections Division, "Year of county shift to "Vote by Mail"" Washington Secretary of State, Washington OSO. 21 Jan. 2012 <<http://wei.secstate.wa.gov/osos/en/ElectionStatistics/VBM/Documents/2000-2010%20WA%20history%20of%20move%20to%20vbm.pdf>>.

¹²¹ Reed, Sam. "Elections: Absentee Statistics." Washington Secretary of State. The Office Of The Secretary Of State. 21 Jan. 2012 <http://www.sos.wa.gov/elections/absentee_stats.aspx?y=2000>.

without the time constraints on election day. According to the King County Elections Focus Group, voters have responded that at the polls, they would not read up as much due to time constraints and the pressure of holding up the line, however the absentee allows opportunity to look deeply into candidates.¹²²

Streamlining the Election Process

When considering transferring to a Ranked Choice Voting System, voting by mail solves many barriers to the election process regarding accessibility. Because the ballots are counted at a central location, it eliminates the need to receive tabulation machine certification at each polling site and the need to for election administrators to handle separate elections at the poll and by mail increasing the control and accuracy of the screening of ballots.

With the vote by mail system, many of the costs associated with poll site rental fees, hiring staff at election time, and equipment cost are greatly saved. In previous elections, as many as 900 workers were hired to work at the various precincts as well as at the central election site, however that number has decreased ten fold since the vote by mail.¹¹ The number of tabulation machines can also be reduced due to the elimination of voting sites, further cutting the election cost. For example, Snohomish county in 2006 had 100 accessible voting devices for conducting elections by mail, however if the county still had poll site elections, the county will have had to purchase and maintain over 1000 devices for all of the voting precincts.¹²³

The polling site DRE machines are still available for disability access at the county auditor's office, where accommodations for voters with physical barriers are provided. Although some costs are reduced, areas where cost increase, include postage and printing costs for additional ballots and envelopes which are insignificant in compared to the cost of providing expensive voting machines that have consistently under-

¹²² Reed, Sam. "Washington State's Vote-by-mail Experience." Washington Secretary of State. 4 Feb. 2012 <<http://wei.secstate.wa.gov/osos/en/ElectionStatistics/VBM/Documents/WashingtonStatesVotebyMailExperienceOctober2007.pdf>>.

¹²³ *Washington State Vote By Mail Experience 2007*. Secretary of State Elections Division. Web. 04 Feb. 2012. <<http://wei.secstate.wa.gov/osos/en/ElectionStatistics/VBM/Documents/WashingtonStatesVotebyMailExperienceOctober2007.pdf>>.

performed in previous elections. The vote-by-mail system greatly improves access and accountability in elections, however to provide voters with a clear understanding of the RCV system to work with it, a proper ballot design is crucial to mitigate voter confusion.

Section 3: Ballot Design Recommendations

Election reforms are designed to make voting more accessible, including implementing voting technology (HAVA), and mail in ballots, less attention has been devoted to ballot design. The ballot design arguably has a greater impact on producing less errors in an election, because whatever is written by the voter on the ballot ultimately decides the winner, and also may lead to tabulating errors due to inappropriate marks made on the ballot. The 2000 Presidential Election's Florida controversy and panic for instance was due to poor ballot design.

The residual votes resulting from the design errors, including under-votes (not selecting any choice on the ballot, accidentally or intentionally) or over-votes (accidentally selecting too many choices) pose risks to a high margin of error, and the lower accountability of producing a representative outcome will eventually lead to lower turnout in elections. According to Rob Richie, the executive director of Fairvote, the most fundamental considerations required in ballot design is 1) To keep a consistent message on how a Ranked Choice system works, 2) Simplistic design, avoiding dense instructions, and 3) provide clear and simple minimalist examples.¹²⁴ Failure to make these considerations will risk voter confusion.

The Pierce County RCV Ballot

In the Pierce County RCV Election, there were two main issues regarding its ballot tabulation that led to an inaccurate representation of the total voter population who voted. One was the issue regarding absentee voters in Pierce County, which in 2009 (prior to the all mail transition) made up 83% of all voters. Absentee voters received two ballots in the mail. One traditional ballot for State and County measures, and one RCV ballot to vote for candidates as shown below.

¹²⁴ Rob Richie, Personal Interview. 02, February 2012.

1. Traditional Ballot

Precinct: 02-001 Type: 1001 - A
General Election, November 3, 2009
Pierce County, Washington

Traditional Ballot

To vote, connect the arrow (vote for one) in each race. Use a pencil or blue pen. Do not use red ink.

If you want to change a vote or correct a mistake
Call us at 253-756-VOTE for a replacement ballot.

If you cannot call us, draw a line through the entire incorrect choice. You may make another selection.

Issue Measure	Pierce County	Pierce County
Initiative Measure No. 1022	Proposed Charter Amendment No. 1	Proposed Charter Amendment No. 3
Proposed by Initiative Petition Initiative Measure No. 1022 concerns state, county and city revenue. The measure would limit portions of both state, county and city revenue to either inflation and population growth, not funding voter-referred revenue increases. Revenue collected above the limit would belong to the state. Should the measure be enacted, no ballot.	Submitted to Pierce County by the Pierce County Council passed Ordinance No. 2008-12 proposing to amend the Pierce County Charter to increase the number of Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members.	Submitted to Pierce County by the Pierce County Council passed Ordinance No. 2008-12 proposing to amend the Pierce County Charter to increase the number of Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members.
Approved	Approved	Approved
Rejected	Rejected	Rejected
Initiative Measure No. 1023	Proposed Charter Amendment No. 2	Proposed Charter Amendment No. 2
Proposed by the Legislature and Ordinance No. 1023	Submitted to Pierce County by the Pierce County Council passed Ordinance No. 2008-13 proposing to amend the Pierce County Charter to increase the number of Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members.	Submitted to Pierce County by the Pierce County Council passed Ordinance No. 2008-13 proposing to amend the Pierce County Charter to increase the number of Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members. The Council members and Executive from two to four members.
Approved	Approved	Approved
Rejected	Rejected	Rejected

2. Ranked Choice Voting Ballot

Precinct: 02-001 Type: 1001 - B
General Election, November 3, 2009
Pierce County, Washington

Ranked Choice Voting Ballot

You may rank up to three choices. Vote across in each race. Use a pencil or blue pen to connect the arrow. Do not use red ink.

- Mark your first choice in Column 1.
- Mark your second choice in Column 2. This choice should be different from your first choice.
- Mark your third choice in Column 3. This choice should be different from your first and second choices.

You may rank less than three candidates. Leave remaining columns blank.

If you mark the same candidate in more than one column, your vote for that candidate will only count once.

If you want to change a vote or correct a mistake
Call us at 253-756-VOTE for a replacement ballot.

If you cannot call us, draw a line through the entire incorrect choice. You may make another selection.

Pierce County Auditor One Year Unexpired Term	Pierce County Auditor One Year Unexpired Term	Pierce County Auditor One Year Unexpired Term
1 First Choice	2 Second Choice	3 Third Choice
Jan Strain	Jan Strain	Jan Strain
Julie Anderson	Julie Anderson	Julie Anderson
Will Barker	Will Barker	Will Barker

- Multi Ballot Election (From the Pierce County 2009 Voters Pamphlet)

In the 2009 election, about 20,000 voters returned the traditional ballots, but did not return the RCV ballots. Because the ballots were separated and the familiar ballot was mixed with a ranked choice ballot which citizens were unfamiliar with, it may have turned off some voters to put in the extra effort to learn the new ballot. Due to extensive media coverage, most of the voters understood the ranking aspect, however was confused with how the votes were allocated in the case of a runoff and was completely left out in the instructions, which took up half of the page for voting a single county auditor.

RCV and Traditional Ballots Cast: ¹²⁵	Numbers	Percent
Registered Voters	411,103	
Poll Ballots Cast	52,134	12.68%
Absentee Ballot Cast	281,690	68.52%
Total Traditional Ballots Cast	333,824	81.2%
RCV Ballots Cast	312,771	76.08%
Total Ballots- RCV Ballots	21,053	6.31%

¹²⁵ Loren Collingwood, Todd Donovan, and Matt Barreto. "An Assessment of Rank Choice Voting's Debut in Pierce County, WA." 08 June 2009. Washington Secretary of State. 02 Feb. 2012
<http://wei.secstate.wa.gov/osos/en/VotingSystems/Dominion/2008/Documents/rank_choice2009.06.pdf>

The second issue was regarding exhausted votes among those ballots that were returned which were also as a result of the multi-ballot decision. Exhausted votes are different from under-vote in that it refers to ballots that are turned in, but with the choices left blank. For the County Executive race, 13,107 “exhausted votes” were casted (although counted as under-votes). Other examples of exhausted votes include the 10,746 voters who only voted for one candidate, and 19,562 voters who voted only for the first two (Pierce county allowed ranking of 3 candidates), with an exhaustion of 30,308 votes; nearly a tenth of the total RCV ballots. This is likely due to partisan preference over the other party, which votes were not casted toward the rival party candidate.

Over-voting can also occur when a voter votes for the same candidate as their first choice, in which it does not count since one candidate only gets one vote for a single ballot, and will not count for multiple rounds if the candidate does not advance to the top two. Over-voting, however is much less prevalent than under-voting, and is insignificant enough to not alter the outcome.¹⁰

Under and Over Voting in RCV Contests						
County Executive						
	Round 1	Round 2	Round 3	Total		
Over Votes	532	61	125	718		
Under Votes	13,107	13,107	13,107	13,107		
Total Vote	312,771					
County Assessor / Treasurer						
	Round 1	Round 2	Round 3	Round 4	Total	
Over Votes	363	71	73	93	600	
Under Votes	49,961	49,961	49,961	49,961	49,961	
County Council – District 2						
	2008			2004		
	Round 1	Round 2	Total	Total		
Over Votes	31	2	33	3		
Under Votes	3,630	3,630	3,630	12,429		
Total Vote	43,661			44,875		
County Council – District 3						
	2008			2004		
	Round 1	Total		Total		
Over Votes	23	23		7		
Under Votes	2,987	2,987		4,182		
Total Vote	52,310			49,461		
County Council – District 4						
	2008			2004		
	Round 1	Total		Total		
Over Votes	8	8		1		
Under Votes	5,177	5,177		12,204		
Total Vote	41,267			43,408		

The San Francisco Ballot

The lesson learned from the Pierce County RCV reveals that something as separate ballots have direct relations to under and over voting. This ballot design was replicated from the 2004 San Francisco RCV ballot. According to 2011 Data by the University of San Francisco researchers, only a one-third of their ballots were reported to be completely filled in the elections, and opponents argue that the low rate of completion suggests the \$300,000 spent on public education campaigns are insufficient.¹²⁶ In the previous year, the 2010 Oakland mayoral race was the most high profile ranked choice election to date.¹²⁷ On election night, 24% of voters chose Jean Quan as their first choice, and 35% chose former State Senator Don Pareta out of a choice of nine candidates. Although Pareta had the most votes, Quan had the majority of the second and third choices, winning the election with 50.96% to Pareta's 49%.

In the 2010 Mayoral Election, 21% of voters were said to not have filled their choices, possibly affecting the nomination of Pareta. However in an RCV, under-voting (although limits participation in a runoff count) is not an issue, however over-voting (picking two people as first choice or in a single choice field) invalidates a ballot. For this election, 0.6% on election day ballots, and 1.1 percent of mail-in ballots were invalidated. Since nearly half of the 122,000 ballots casted were mail-in ballots, 1.1 percent is significant. Therefore, in terms of voter education, or ballot design, avoidance of over-voting need to be emphasized.

¹²⁶ "San Francisco and Ranked Choice Voting: New Data." *Humphrey School of Public Affairs*. University of Minnesota, 21 Dec. 2011. Web. 11 Feb. 2012.

<http://blog.lib.umn.edu/cspg/peea/2011/12/san_francisco_and_ranked_choic.php>.

¹²⁷ Scott James, "A Critical Spotlight Shines on Ranked Choice Voting." *New York Times*. 06 Oct. 2011. Web. 11 Feb. 2012. <<http://www.nytimes.com/2011/10/07/us/a-critical-spotlight-shines-on-ranked-choice-voting.html>>.

DEMOCRATIC BALLOT / BALOTA DE MUESTRA / 模擬選票
 CONSOLIDATED GENERAL ELECTION / ELECCIONES GENERALES CONSOLIDADAS / 聯合普選
 CITY AND COUNTY OF SAN FRANCISCO / CIUDAD Y CONDADO DE SAN FRANCISCO / 三藩市市縣
 NOVEMBER 2, 2004 / 2 DE NOVIEMBRE DE 2004 / 2004年11月2日

DEMOCRATIC BALLOT
BALOTA DE MUESTRA / 模擬選票

CONSOLIDATED GENERAL ELECTION / ELECCIONES GENERALES CONSOLIDADAS / 聯合普選
 CITY AND COUNTY OF SAN FRANCISCO / CIUDAD Y CONDADO DE SAN FRANCISCO / 三藩市市縣
 NOVEMBER 2, 2004 / 2 DE NOVIEMBRE DE 2004 / 2004年11月2日

CONGRESSIONAL DISTRICT 8, SENATE DISTRICT 8, ASSEMBLY DISTRICT 12, SUPERVISORIAL DISTRICT 05, BART DISTRICT 9

INSTRUCTIONS TO VOTERS: Mark your first choice in the first column by completing the arrow pointing to your choice, as shown in the picture. To indicate a second choice, select a different candidate in the second column. To indicate a third choice, select a different candidate in the third column. To vote for a qualified write-in candidate, write the person's name on the blank line provided and complete the arrow.

INSTRUCCIONES PARA LOS ELECTORES: Para marcar su primera opción en la primera columna, complete la flecha que apunta hacia su selección, tal como se indica en la imagen. Para indicar una segunda opción, seleccione un candidato distinto en la segunda columna. Para indicar una tercera opción, seleccione un candidato distinto en la tercera columna. Para votar por un candidato calificado no listado, escriba el nombre de la persona en el espacio en blanco provisto, y complete la flecha.

選民指南：在第一列中標記你的第一個選擇。將指向你的選擇的箭頭畫線連接起來，如圖所示。標記第二個選擇時，在第二列中選擇一位不同的候選人。標記第三個選擇時，在第三列中選擇一位不同的候選人。投票合格寫入候選人時，在提供的空白上填寫此人的姓名，並將箭頭畫線連接起來。

MEMBER, BOARD OF SUPERVISORS MIEMBRO, CONSEJO DE SUPERVISORES 區參議員 DISTRICT 09-DISTRITO 09-第09選區	MEMBER, BOARD OF SUPERVISORS MIEMBRO, CONSEJO DE SUPERVISORES 區參議員 DISTRICT 09-DISTRITO 09-第09選區	MEMBER, BOARD OF SUPERVISORS MIEMBRO, CONSEJO DE SUPERVISORES 區參議員 DISTRICT 09-DISTRITO 09-第09選區
1 FIRST CHOICE PRIMERA SELECCIÓN	2 SECOND CHOICE SEGUNDA SELECCIÓN	3 THIRD CHOICE TERCERA SELECCIÓN
Vote for One / Vote por Uno / 選一人	Vote for One/Vote por Uno/ 選一人	Vote for One/Vote por Uno/ 選一人
ELEANOR ROOSEVELT 艾羅麗 - 羅斯福 Inventor Patent 發明者	ELEANOR ROOSEVELT 艾羅麗 - 羅斯福 Inventor Patent 發明者	ELEANOR ROOSEVELT 艾羅麗 - 羅斯福 Inventor Patent 發明者
CESAR CHAVEZ 西薩 - 查維茲 Labor Organizer Organizador Laboral 勞工組織者	CESAR CHAVEZ 西薩 - 查維茲 Labor Organizer Organizador Laboral 勞工組織者	CESAR CHAVEZ 西薩 - 查維茲 Labor Organizer Organizador Laboral 勞工組織者
WALTER LUM 沃爾特 - 倫 Publisher Editor 出版商	WALTER LUM 沃爾特 - 倫 Publisher Editor 出版商	WALTER LUM 沃爾特 - 倫 Publisher Editor 出版商
JOHN HANCOCK 約翰 - 漢考克 Physician Medico 醫生	JOHN HANCOCK 約翰 - 漢考克 Physician Medico 醫生	JOHN HANCOCK 約翰 - 漢考克 Physician Medico 醫生
MARTIN LUTHER KING, JR. 小馬丁 - 路德 - 金 Minister Pastor 牧師	MARTIN LUTHER KING, JR. 小馬丁 - 路德 - 金 Minister Pastor 牧師	MARTIN LUTHER KING, JR. 小馬丁 - 路德 - 金 Minister Pastor 牧師
ANNA MAE PICTOU AQUASH 安娜 - 瑪 - 皮克圖 - 阿奎什 Indigenous Rights Organizer Organizadora para Derechos Indigenas 土著權益組織者	ANNA MAE PICTOU AQUASH 安娜 - 瑪 - 皮克圖 - 阿奎什 Indigenous Rights Organizer Organizadora para Derechos Indigenas 土著權益組織者	ANNA MAE PICTOU AQUASH 安娜 - 瑪 - 皮克圖 - 阿奎什 Indigenous Rights Organizer Organizadora para Derechos Indigenas 土著權益組織者
WRITE-IN / NO LISTADO / 寫入	WRITE-IN / NO LISTADO / 寫入	WRITE-IN / NO LISTADO / 寫入

-2004 San Francisco RCV Ballot Design

The Burlington, Vermont Ballot

The Burlington, Vermont Mayoral ballot on regards to its design, is very clear and simple to understand, taking a very minimalist approach which other RCV ballots should adopt. Rather than have three separate columns for ranking choices, the rankings are done in a single block. The horizontal rows show the candidates, and the vertical columns represent the ranked choices. The choices are alternatively shaded, and the candidates/choices are in bold to place emphasis on the choices. Additionally, directly below the choices, it notifies the voter to fill no more than one oval per column and no more than one oval per candidate. This layout conserves space on the ballot, leaving room for non-RCV selections such as state and county measures on one ballot. The ballot information is very concise and shows the voter how to vote, how a runoff works, when a run off ends, and an online link to access a presentation of instant runoff voting.

Instant runoff voting: A primer

Burlington voters have an opportunity to rank their preferences for mayor on their ballots in this year's mayoral election. How it works:

For MAYOR
Three-Year Term

Special Instructions: Rank candidates for mayor in order of choice.

- Fill in the number 1 oval (1) to the right of your 1st choice candidate.
- You may rank as many or as few candidates as you wish.
- Fill in the number 2 oval (2) to the right of your 2nd choice candidate.
- Fill in the number 3 oval (3) to the right of your 3rd choice, and so on.
- Fill in no more than one oval per column.
- Fill in no more than one oval per candidate.

(Rank candidates in order of choice)

		1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Bob Kiss 9 Germain Street	PROGRESSIVE	1	2	3	4	5
Andy Montroll 409 South Union Street	DEMOCRATIC	1	2	3	4	5
James Simpson 43 North Union Street	GREEN	1	2	3	4	5
Dan Smith 22 Linden Terrace	INDEPENDENT	1	2	3	4	5
Kurt Wright 31 Vine Street	REPUBLICAN	1	2	3	4	5
	Write-in	1	2	3	4	5

No more than one oval per column No more than one oval per candidate

Sample ballot similar to what voters will see at polling places.

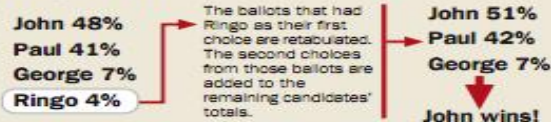
HOW YOU VOTE

Mark the oval in the "1st choice" column next to your first choice for mayor. If you choose, you may fill in ovals for second choice, third choice, etc. You do not have to make more than one choice.

	1st choice	2nd choice	3rd choice	4th choice
John	1	2	3	4
Paul	1	2	3	4
George	1	2	3	4
Ringo	1	2	3	4

HOW A RUNOFF WORKS

If no candidate is the first choice of 50 percent of the voters, an instant runoff ensues. If your first choice is the lowest vote-getter, your ballot counts for your second choice. If your second choice is later eliminated, your ballot counts for your third choice, and so on.



■ WHEN THE RUNOFF ENDS

As soon as one candidate receives 50 percent.

ON THE WEB: For a presentation on instant runoff voting, go to www.burlingtonvotes.org/

- Burlington, Vermont Mayoral Election Ballot Information

Burlington has conducted two successful RCV Elections with this layout in 2006 and 2009. The only relevant changes that are recommended is to eliminate the section: "you do not have to make more than one choice" in the How to Vote section to further eliminate ambiguity. This would risk the possibility of unnecessary under-voting, and the "you do not have to", may mislead voters to think it is possible to over-vote. Additionally, for the link provided for the RCV presentation in the bottom of the voter information, a non-profit RCV education site, <http://www.chrisgates.net/irv/> shows a much clearer example of how a RCV election runs.

003 Addison Addison-3		OFFICIAL VERMONT GENERAL ELECTION BALLOT NOVEMBER 7, 2006																																																									
INSTRUCTIONS TO VOTERS																																																											
<ul style="list-style-type: none"> • Use BLACK PEN or PENCIL to fill in the oval. • To vote for a person whose name is printed on the ballot, fill in the oval <input type="radio"/> to the right of the name of that person. • To vote for a person whose name is not printed on the ballot, write or stick his or her name in the blank space provided and fill in the oval <input type="radio"/> to the right of the write-in line. • Do not vote for more candidates than the "VOTE for NOT MORE THAN #" for an office. • If you make a mistake, tear, or deface the ballot, return it to an election official and obtain another ballot. DO NOT ERASE. 																																																											
FOR U.S. SENATOR Vote for not more than ONE		FOR GOVERNOR Vote for not more than ONE																																																									
<p>PETE DIAMONDSTONE Brattleboro Liberty Union <input type="radio"/></p> <p>CRIS ERICSON Chester Independent <input type="radio"/></p> <p>CRAIG HILL Montpelier Vermont Green <input type="radio"/></p> <p>PETER MOSS Fairfax Anti-Bushist Candidate <input type="radio"/></p> <p>BERNARD SANDERS Burlington Independent <input type="radio"/></p> <p>RICH YARRANT Colchester Republican <input type="radio"/></p> <p>(Write-in) <input type="radio"/></p>		<ul style="list-style-type: none"> • Fill in the number 1 oval (1) to the right of your 1st choice candidate. • You may rank as many or as few candidates as you wish. • To select a 2nd choice, fill in the number 2 oval (2) to the right of that candidate. • To select a 3rd choice, fill in the number 3 oval (3) to the right of that candidate, and so on. • Fill in no more than one oval per candidate. • Fill in no more than one oval per column. 																																																									
FOR REPRESENTATIVE TO CONGRESS Vote for not more than ONE																																																											
<p>CHRIS KARR East Montpelier We the People <input type="radio"/></p> <p>BRUCE R. MARSHALL Rochester Vermont Green <input type="radio"/></p> <p>DENNIS MORRISSEAU Pawlet Impeach Bush Now <input type="radio"/></p> <p>JANE NEWTON Londonderry Liberty Union <input type="radio"/></p> <p>MARTHA RAINVILLE Williston Republican <input type="radio"/></p> <p>KEITH STERN Springfield Independent <input type="radio"/></p> <p>JERRY TRUDELL Colchester Independent <input type="radio"/></p> <p>PETER WELCH Hartland Democratic <input type="radio"/></p> <p>(Write-in) <input type="radio"/></p>		<table border="1"> <thead> <tr> <th></th> <th>1st Choice</th> <th>2nd Choice</th> <th>3rd Choice</th> <th>4th Choice</th> <th>5th Choice</th> <th>6th Choice</th> </tr> </thead> <tbody> <tr> <td>BENJAMIN CLARKE Winooski Vermont Localist</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>JIM DOUGLAS Middlebury Republican</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>CRIS ERICSON Chester Independent</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>JIM HOGUE Caledonia Vermont Green</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>SCUDDER PARKER Middlesex Democratic</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>BOB SKOLD Springfield Liberty Union</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> <tr> <td>Write-in</td> <td>(1)</td> <td>(2)</td> <td>(3)</td> <td>(4)</td> <td>(5)</td> <td>(6)</td> </tr> </tbody> </table> <p>No more than one oval per column. No more than one oval per candidate</p>			1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	BENJAMIN CLARKE Winooski Vermont Localist	(1)	(2)	(3)	(4)	(5)	(6)	JIM DOUGLAS Middlebury Republican	(1)	(2)	(3)	(4)	(5)	(6)	CRIS ERICSON Chester Independent	(1)	(2)	(3)	(4)	(5)	(6)	JIM HOGUE Caledonia Vermont Green	(1)	(2)	(3)	(4)	(5)	(6)	SCUDDER PARKER Middlesex Democratic	(1)	(2)	(3)	(4)	(5)	(6)	BOB SKOLD Springfield Liberty Union	(1)	(2)	(3)	(4)	(5)	(6)	Write-in	(1)	(2)	(3)	(4)	(5)	(6)
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In a survey conducted by the University of Vermont following their 2006 election, on a question on voter preference of voting system, 63.4% preferred the RCV system, 17.9% preferred the previous system, and 18.7% had no opinion. Of the 17.9% who was against the RCV system, 16.4% answered that the system was confusing, which means only 2.9% felt confused by the transition.¹²⁹ The concern however lies in the Partisan difference in the reaction to the RCV change. Progressives and Democrats tend to favor RCV and Conservatives tend to dislike the system. In the same survey, on party preference, 33.8% of Burlington voters identified themselves as Democrats, 11.5% as Progressive, and 11.2% as Republican. Furthermore, 32.7% identified as independents who tend to lean towards the Democratic party.¹³⁰ The Republican party, in a case where a majority is not achieved in the first round has a significant disadvantage in the instant runoff, and have a strong incentive

¹²⁸ Deborah Markowitz. "Report to the Vermont General Assembly." http://www.sec.state.vt.us/elections_new/IRV%20report.pdf. Vermont Office of Secretary of State, 07 Mar. 2007. Web. 20 Feb. 2012. <http://www.sec.state.vt.us/elections_new/IRV%20report.pdf>.

¹²⁹ *ibid.*

¹³⁰ *ibid.*

to repeal the RCV election system. The future challenge of advocating RCV would be to inform voters on the importance to preserve the system, in case a natural partisan opponent passes a legislation to repeal it.

Vermont 2006 Mayoral Election Survey Results:

[D] Overall, do you like the new voting method used for voting for mayor today better than the usual method of voting for one candidate?

63.4% Yes, like new method just used better

17.9% No, like usual method better

18.7% *don't know/don't care/no opinion*

Reasons offered for disliking the new methods (includes responses only from those answer 'no' to question D above):

16.4% it is too confusing

16.4% offered no reason

15.1% only voted once without ranking

5.7% don't like change

5.7% wanted a runoff

5.0% don't see reason for change

3.8% feel it will not be as true of a vote

3.1% feel it is not familiar

3.1% feel that it can be manipulated

3.1% feel forced to rank

3.1% feel that it is silly

3.1% feel that if you loose then you loose

2.5% the winner of the first round could loose

[Q] No matter how you voted today, do you usually think of yourself as a:

33.8% Democrat **32.7% independent**

11.5% Progressive **10.4% something else**

11.2% Republican

Conclusion

In order for an effective and more representative democracy to take place, access, accuracy and clarity of the ballots are necessary for a higher voter turnout. Access has been greatly improved through the Vote-by-mail system that Washington has successfully transitioned to following its Oregon neighbor. Voters require government accountability to have confidence and certainty in their results, so accuracy is key when ballots are tabulated. With very limited case studies of voting machine tabulation, having yet to see a

error free successful one, there needs to be an emphasis on the county auditors to getting machines certified through greater communication with its vendors. Alternative solutions such as counties abandoning their vendors to creating their own machines by staffing an internal I.T. department could benefit elections in the long run. This may expedite the certification process for RCV ballots to meet the scale, volume, and security requirements for county, state, and federal certification.

Finally, a clear and simple ballot design is necessary, so voters without any prior exposure to the ranked choice system will be able to understand not only how to rank, but how their votes will be allocated in case of an instant runoff. Voter confusion as an argument for past repeals in RCV is not a primary issue, and is mostly a point made by the natural opponents of ranked choice voting, and data provided are only taken in biased demographics. Ranked Choice allows voters to expand their voting preference outside of their party identity, with a higher potential possibility of competition in election outside of the predictable two party system. The outcome of an election may not change dramatically initially, but citizens will be part of a more representative government where every vote casted counts.

Initiatives and Implementation of Ranked Choice Voting

By *Philip Jones*

“It's a tug of war.”

- Tim Eyman (on the Initiative process)

Introduction

Initiatives act as a fourth check on the usual balancing between executive, legislative, and judicial branches familiar to any American. Initiatives are a form of direct democracy that allows ordinary citizens to put a new law on the ballot for consideration or to submit a law to the legislature for consideration by elected representatives.

Referendums are a similar process for an ordinary citizen to ask that a law passed by the legislature be placed before voters to ensure that a law has the support of the people. Both the initiative and the referendum are, in theory, protection against corruption by lobbying groups and other special interests. The goal of implementing a Top-Two Ranked Choice Primary in Washington State can be well served by the initiative process.

Like any other function of democratic government, the initiative and referendum processes have been heavily critiqued for their unintended failures and lauded for the vital role they play in a two-party representative system. It is the goal of this chapter to explain how initiatives work, to present case studies to understand their successes and failures, and then to apply that knowledge to the implementation of a Top-Two Ranked Primary (TT-RCP) system in Washington State.

A description of the process in Washington State will ground the discussion. A detailed exploration of the Washington State initiative process will include case studies, the reforms those studies suggest, and the impact on the proposal to use an initiative to pass TT-RCP. Case studies will form the core of this chapter, detailing and grounding the arguments made about the initiative process. The ergonomics initiative I-841 and I-872, which established the current Top-Two Primary are the case studies looked at as examples to evaluate initiatives and offer insights for the implementation of a Top-Two Ranked Primary in Washington. These cases will highlight the debate over the initiative process, the role of media, the power of money, and the role of citizen groups in the process. This

chapter will take the position that these issues have merit practically and politically and therefore must be addressed as this report advocates engaging voters through initiatives as well as elected representatives. However, since the proposed implementation of TT-RCP will impact the initiative process and the common criticisms of it, this chapter will recommend no major reforms be undertaken until the new system is in place, and even then only with caution to preserve initiatives rather than restrict their use.

In order to implement a Top-Two Ranked Choice Primary in Washington State the initiative process will inevitably come into play. If TT-RCP is approved, through whatever means, it will likely face a ballot challenge in the form of an initiative or referendum. A benefit of launching TT-RCP through the initiative process will be to establish the support structures to run against a ballot initiative seeking to over-turn the model. Expectation of a challenge is normal when anyone can try and overturn an unfamiliar system and few signatures are required to place it on the ballot. Through reform and engaging with the process, this report's proposals are more likely to stand the test of time and bring more fair representation to Washington State.

The Initiatives Process in Washington State

This section will consider the finer points of initiatives from the perspective of the Washington State's rules guiding the process. Drawing on the handbook issued by the Washington Secretary of State, this section will establish a basic understanding of how the process works, the general limitations and powers of initiatives, as well as the variations. Without a basic understanding of the initiative process, later discussions of specific case studies and their arguments would be harder to understand, but this section will offer the necessary background.

Filing an initiative begins with an individual or a group placing an "initiative to the people" or an "initiative to the legislature."¹³¹ Each type of initiative is bound to the same rules regarding signatures to be discussed farther down.¹³² These types of initiatives differ, however, on where, if certified, the initiative goes. In initiatives to the people, the measure

¹³¹ Procedures for Filing Initiatives and Referendums in Washington State 2003 through 2005. Government Publications Section University of Washington Libraries. Pg. 1

¹³² Use of the 2003 to 2005 handbook is convenience only. There is a more updated pdf version online, however they are effectively the same document with slightly different formatting.

goes to the ballot in the next state general election. Initiatives to the legislature are submitted to the legislature for approval. A simple majority can approve an initiative to the people except in cases where the measure is concerned with gambling or with the lottery. Additionally no initiative in Washington State is able to amend the state constitution unlike in other states that allow ballot initiatives like California. In the case of an initiative to the legislature, once certified, it can be passed as is without being placed on the ballot. However, if the legislature either refuses to act or amends the measure before passing it, then the measure must be placed on the ballot. In the case of an amended measure, both the original and amended versions are placed on the ballot. A final requirement in Washington State is that an initiative must have a single subject to be certified.

A referendum in Washington State can take the form of a “referendum measure” or a “referendum bill.”¹³³ A measure is where voters sign a petition to put a law recently passed by the legislature on the ballot. A bill is a law that is referred to voters by the legislature. Approving a referendum means to pass the law as stated, while a no vote on referendums is a rejection of the proposed law. Referendums are limited in a similar fashion to the initiative in that a referendum cannot repeal emergency laws passed to preserve public safety. The same requirement of a 60% majority vote for repeal of gambling and lottery measures is also in effect for all referendums.

Procedurally, the first step in filing an initiative or referendum is submission of the full text to the Secretary of State along with the proper fee and a sworn statement that the individual submitting the initiative is a Washington State voter. The time frame for such filings is variable. Initiatives to the people “must be filed within 10 months prior to the next state general election, and the petitions must be filed not less than 4 months before such general election.”¹³⁴ Initiatives to the legislature “must be filed within 10 months prior to the next regular session of the legislature, and...not less than 10 days before such regular session...” For a referendum, the petition signature sheets must be submitted within 90 days of the close of the legislative session in which the law being referred was passed. Initiatives are then submitted to a “Code Reviser” who checks for grammar and spelling issues and advises the filer on any

¹³³ Ibid. pg. 2

¹³⁴ Initiatives handbook pg. 3

potential problems. A serial number is then assigned to the initiative. From there it goes to the Attorney General to create a title and a summary for the measure when it is placed on the ballot. Both should be impartial and non-argumentative. The wording of these statements is subject to judicial review upon request.

Petitions must be circulated on “good quality paper ...not less than 11 inches in width and not less than 14 inches in length.” The paper is also not to contain more than 20 lines with space for a printed name, signature, and legal voting address. The petition must contain a clear legal warning of the requirement to be a legal voter in Washington, the official ballot title and summary, a serial number assigned by the Secretary of State, a heading, and the full text of the measure.

Signature requirements for initiatives are 8 percent of the total votes cast in the previous gubernatorial election, while a referendum requires only 4 percent. A petition with voter signatures must meet this requirement after elimination of invalid signatures. A signature is invalid if the person signing is not a registered voter in Washington State or cannot be verified as such because the address with their signature does not match voter registration documents. In Washington, signatures are run through a random sampling process to determine the rejection rate. If the rejection rate is low enough that the measure would qualify for the ballot, it is certified, and if the rate is too high for this automatic certification, each petition signature is checked.

Washington State puts out a Voters Pamphlet that attempts to explain the positions of various individuals running for office, and it does the same for initiatives and referendums. Both sides have an opportunity to present their arguments and counter the arguments made by others. An impartial statement prepared by the Attorney General is also included to explain both the current law and what changes are being proposed. Any votes on the issue by the legislature are also tabulated for voters to base their final decision on.

Initiatives can be overturned by the legislature. The rules for doing so require a larger majority prior to the two-year mark and simple majorities after two years have passed. This has been the case with the tax initiatives passed by Tim Eyman, one of the case studies discussed below. With the exception of restrictions on amending the State Constitution and the restrictions guiding gambling and lottery measures, the initiative and

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referendum processes are designed to be direct democracy in the face of unresponsive government. It is important to note that there have been attempts to overturn the initiative process in the past by the legislature.¹³⁵ Such attempts have, so far, been unsuccessful but characterize the contentious nature of the check and balance that initiatives play in Washington State politics.

Case Study: Ergonomics Rule

Initiatives, like the one to repeal the ergonomics rule in 2003, are supposed to pass through public scrutiny and only be approved by an electorate that in general approves good ideas and easily rejects obviously bad ones. Reality was quite different from that utopian vision in the case of the repeal of the ergonomics rule according to a doctoral critique by Katherine Hall at the University of Washington in 2009.¹³⁶ The case study exhaustively examined in Hall's thesis provides evidence for the classical critiques of the initiative process in Washington State. Lack of media attention, lack of citizen engagement, and the overwhelming influence that money has in convincing voters are the three areas that Hall points out as problematic for the initiative process. This section will explore what the ergonomics rule was, the problems that the initiative process was supposed to solve, and the problems that this process revealed about initiatives as a form of government.

Hall describes Initiative 841 (2003), to repeal the ergonomics rule, as the first time that an initiative was used to overturn a rule rather than a law. A rule is a law made by departments through a regulated process rather than by the legislature. Such rules are often in response to laws passed by the legislature and seek to clarify and otherwise fill in the specifics of more general laws. In this case the ergonomics rule was designed by the Department of Labor and Industry and sought to reduce the number of monetary claims related to workplace injuries that could be classified as ergonomic. Ergonomic injuries include stress injuries and other problems brought on by a work environment that was

¹³⁵ Doherty, Seth. The Legislature Strikes Back: Citizen Initiatives in Washington State. William and Mary Election Law Society. <http://electls.blogs.wm.edu/2010/02/22/the-legislature-fights-back-citizen-initiatives-in-washington-state/>

¹³⁶ Hall, Katherine Jean. Citizen Involvement in Rulemaking and Initiatives: Experiences from Washington State. Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy. University of Washington, 2009.

deleterious to human health and could be “ergonomically” designed to reduce or eliminate those factors. It was pursued in part because the overall value of these claims was financially significant for the state, making up “32% of the state’s workers compensation claims and 46% of compensation costs.”¹³⁷

Hall describes a process in which the interests of labor and business came together in a “classic” clash. On the one hand labor framed the issue in terms of worker health, while businesses came out against the “job killing” rule. Both sides had opportunities to contribute to the heavily documented process, but while labor came out feeling satisfied with the rule as proposed business interests were unhappy with a rule they felt was too broad and not applicable to particular industry circumstances. Grocery stores and the building industry, for example, were especially concerned that the new rule would make the normal tasks of workers off limits or restrict them in ways that required employers to cut hours or face penalties. The rule was too broad therefore and needed industry specific exemptions in many cases. In response, the drafters of the rule added a section that allowed for industries where an honest effort was considered in compliance if the alternative would be to cut hours. Still business was not satisfied with the outcome and launched an initiative campaign to oppose the rule.

The money behind the initiative campaign came from the Building Industry Association of Washington (BIAW), who launched a campaign based on the job-killing premise. Despite the fact that the rule did include language to preclude their arguments, the measure succeeded in the elimination of the rule. Hall examined the media’s treatment of the issue, the funding disparity, and the issue of how engaged citizens were with the process and concluded that, “spending limits or public finance, in addition to a media ‘truth squad,’ could level the playing field.”¹³⁸ With regards to citizen engagement, Hall points to online voter education projects, and better phrasing on ballot initiatives to produce clarity of objectives.

Media “truth squads,” however, are unlikely according to Hall because of the complexity of issues and the appearance of new media in the form of online or digital

¹³⁷ Ibid pg. 27

¹³⁸ Hall, Katherine Jean. Citizen Involvement in Rulemaking and Initiatives: Experiences from Washington State. pg 73.

engagement. It is not the job of the media to “provide civics lessons” Hall says, although they can do a better job at challenging the ballot language and addressing the untrue statements made by campaigners. In either case media can play their expected role better even if the money for investigative reporting is rare in hard economic times. BIAW faced greater scrutiny later in campaigns it mounted in opposition to Governor Gregoire in part because these were high profile elections with more at stake. In dealing with obscure and seemingly unimportant changes to state rules, it was not enough to guarantee media interest.

Spending limits are only mentioned in passing, but deserve a little more attention due to the common nature of the complaint. In this case BIAW got large sums of money from the public institution, the Department of Labor and Industry, that it was attempting to undermine and discredit. In a media environment where money is speech, state laws “prohibit[ing] agency staff from speaking or acting for or against a ballot initiative” are especially problematic in the case where a group with partially public funds is able to use that money unchecked against department actions.¹³⁹

Clarity is difficult to establish but vital. Hall documents cases where voter confusion over what the measure would do, whether a “yes” vote meant voting against the measure, and issues of false campaign statements were influential in swaying an election.

The Ergonomics case study demonstrates that when attempting to implement a Top-Two Ranked Primary, opposition can be expected in the form of both court cases and initiatives against the system. Media engagement can be a major issue especially for cases where voters can be easily confused by what an initiative does and doesn't do. Also, who can and cannot speak up for a measure requires outside advocacy groups, PACs, and now Super PACs, to step up and ensure that large infusions of cash do not sway an election. To paraphrase Tim Eyman, an advocate for the initiative process, a good idea will pass and bad ideas will fail.¹⁴⁰ Still it would be best to make sure that the public understands exactly what an initiative does in simple language, so that ideas, not dollars, change minds.

¹³⁹ Hall, Katherine Jean. Citizen Involvement in Rulemaking and Initiatives: Experiences from Washington State. pg. 73

¹⁴⁰ Interview with Tim Eyman by telephone.

Case Study : I-872

Washington State had a “blanket primary” system for roughly 70 years.¹⁴¹ A blanket primary allowed voters to vote for any candidate for any office and split their vote between several political parties or not. This system was declared unconstitutional in California, beginning a series of attempts in Washington State to challenge and change the primary system. Despite the changes, the blanket system had been popular enough that replacements for the system attempted to preserve the nature of the blanket primary system. The Top-Two Primary and a Party Choice system were passed by the legislature, with Pick-A-Party to come into effect if Top-Two was found unconstitutional or not passed elsewhere. Governor Locke vetoed the Top-Two portion of the bill, and the Pick-A-Party system was in place for a limited time. Due to its extreme unpopularity, however, it was quickly challenged in court and found unconstitutional by the Supreme Court.¹⁴² I-872 was then placed on the ballot advocating for the creation of a Top-Two system. Several court cases followed, culminating in the US Supreme Court ruling that the Top-Two system was, in fact, constitutional.

The history of the implementation of the Top-Two Primary in Washington State offers certain lessons for any attempt to alter the system to include ranked choice. Of most interest is how an initiative was used after the other levels of government had failed to reach a consensus. In this case, an initiative allowed the continuation of the open principles of the blanket primary, long a popular choice, within the framework of the constitution. Of additional note is that the system that was implemented in this way had around a 75% approval rating from voters after the first election using that system. Once passed by citizen initiative the new primary system quickly took root and has continued to flourish. The system that it replaced, the Pick-A-Party system, was not favored by the court or by voters. That distrust came out of a long history of independent voting by individuals who distrusted limits on who they could vote for and being locked into a two party system. This history indicates a good chance for a successful ballot initiative aimed at enhancing and preserving that legacy in Washington State.

¹⁴¹ History of Washington State Primary Systems. Washington Secretary of State Website. Resources – Primary Systems Sub-Tab

http://www.sos.wa.gov/_assets/elections/HistoryofWashingtonStatePrimarySystems.pdf

¹⁴²According to the Secretary of State's documentation polls put the popularity in the 25% range

Initiative Reform Analysis

Initiative reform is not the primary focus of this report. Indeed the role of this chapter is to offer insights and suggestions justifying the use of a ballot initiative to implement Top-Two-Ranked Choice Primary. Still there are reasons to examine the criticisms and common reform suggestions in brief. Initiatives have existed because of a failure of government to respond adequately to the needs and wishes of the people. The initiative plays a role in a government because of a problem that we aim to solve, at least in part, by implementing this proposal. Another reason is because current and past elected representatives have attempted to dismantle the initiative system, even as they claim to be holding it up.¹⁴³

Initiatives, in the eyes of Tim Eyman, represent a “tug of war” between the people and the legislature that is checked by both the court system and the office of the Governor. If a new primary system makes legislators more responsive it may reduce the need for citizen initiatives to the people (although not necessarily initiatives to the legislature). It cannot be said, however, that the need for such initiatives would disappear entirely. Indeed there seems to be no reason to dismantle the system.

Current bills aimed at reducing the number of initiatives, the rules for what initiatives can and cannot do, and even rules for what kinds of methods can be used to gather signatures should not go forward. As seen in the use of initiatives with I-872, the outcome can be positive and reflective of more open democracy. Issues such as the influence of money, the lack of attention of “mainstream” media, and the lack of citizen engagement are issues that should be addressed outside of changes to the initiative process alone. Indeed the changes proposed to the primary system would go a long way to increase voter participation, interest, and thus bring more balance and media coverage into play. The main proposal alone will not solve the issue but at the least will not make initiatives more problematic than they are today.

¹⁴³ Tim Eyman has said that certain efforts, like the effort to require initiatives to state their funding source are aimed at dismantling the initiative system from effectively working. See the news article at <http://www.tvw.org/capitolrecord/index.php/tag/sen-dan-swecker/> for that case.

Conclusions

Initiatives should play a vital role in the implementation of a Top-Two Ranked Primary in Washington State. Initiatives, often criticized, stand as a fairly robust check against unresponsive government and will continue to do so going forward. Initiatives may come under increased media scrutiny and interest as citizens engage more with an electoral system that allows further choice and eliminates the prospect of “wasted” votes and “spoiler” candidates. Changes to initiatives should be viewed critically with a mind towards the protection of this vital feedback mechanism. Feedback will be inevitable in this case regardless.

In addition to challenges in court, a Top-Two Ranked Primary will likely face a ballot initiative campaign against it. Elected officials, unwilling to learn a new system, are also likely to attempt to overturn the measure. A solidly passed initiative to the people solves much of the political problem by forcing officials to overturn the will of the people if they want to abandon the measure. An opposing campaign is, however, still likely because of the common perception of initiatives as partially bought by large sums of money by private business interests as with I-1183.¹⁴⁴

¹⁴⁴ I-1183 overturned the State run liquor stores in favor of private distribution. It was heavily backed by Costco and other major chains like Safeway that sought to sell hard alcohol. Spending on that campaign by Costco exceeded \$20 million.

http://seattletimes.nwsourc.com/html/localnews/2016720231_elexliquor09m.html

Practical Implementation and Considerations

By Dominique Madera-Miciano

Our complex democracy has avenues that allow political participation, adjustments, and flaws. After considerable exploration of the Washington state electoral system, we now know that change is inevitable. In trying to choose an electoral system, we set a goal to maximize participation, transparency, and democracy. Choosing an electoral system that is accessible and meaningful is important as it affects us directly. Our goal is to make sure that elections foster a political environment in which our leaders and representatives are more accountable and more likely to act in voters' best interest.

Washington State and Voting Today

The current two party system to which we adhere is not designed for third party candidates. Coalitions are formed pre-election, and chances are, special interest groups are less likely to invest in a non-incumbent. When the votes are cast, a third party vote would end up as a wasted vote or a liability that could throw the election either way. As it stands, we are left with low turnover and diminished competition in congressional elections.

Turnover in the House of Representatives has consistently been low. From 1998-2004 only 15 of the 435 seats have changed party hands and only five incumbents have lost to challengers. This decline in competition is a concern. It can be argued that low turnover is a reflection of the loss of competitive districts and candidates, which almost grants immunity to members of Congress as they lose democratic accountability to voters.

It is no accident that we can create majority-minority districts. Under the Voting Rights Act, in the Southern United States, for example, were required to create as many districts as possible that would elect a black representative. Since redistricting is the usual culprit in the fall of competitive districts, and districts rarely change, we must make recommendations for the next round of redistricting in 2012 as discussed in detail in Appendices A and B.¹⁴⁵ To our benefit, the redistricting process in Washington State is one that has great transparency. Since the early 1980's Washington State has had a bipartisan

¹⁴⁵ Gary Jacobson. *The Marketplace of Democracy: Electoral Competition and American Politics*. Brookings Institute. WA, DC. 2006.

Redistricting Commission that is not part of the Legislature. This committee acts as a safeguard against gerrymandering. Under the current electoral system, a minority group does not have a concrete chance at electing a representative that will cater to their specific interests if their candidate is not one of the democratic or republican incumbents. As we have addressed in previous chapters, if an RCV primary was instituted, the minority group could support their particular candidate while maintaining a second choice for a possibly more popular candidate that still adequately represents them. This way, their vote is not wasted.

If RCV is implemented in Washington State, this would maximize representation for all citizens in the state, allowing the most suitable representatives to win elections. RCV would bring about a healthier competition between candidates, as the new focus would not be to slander another candidate but to also be able to catch second or third choice votes. This shift in the ideology of competition will also prove positive for communities. In Oakland race, a representative won many second choice votes because of his community involvement, not his destruction of his opponent's reputation.¹⁴⁶ This is a clear example of fair representation, and a minority-supported candidate standing a chance against a candidate with more popular support. Our current system has dire consequences for two candidates of the same party who split the vote within the party, causing both to lose to another out of party candidate. Both party candidates can be contenders in an RCV primary race without the risk of their votes being "spoilers." This is an important part of our democratic process in finding true and fair representation.

RCV is feasible because it covers areas that need much work in our electoral system. Unlike traditional elections, RCV ensures that the winner of an election has a majority of the votes, not just a plurality. If no candidate achieves a majority when first choices for all candidates are counted, RCV allows second choices of voters whose first candidate was eliminated to be counted, thus reducing wasted votes as well as increasing voter choice and impact. The exact purpose of a democratic process is to make sure that every voice is heard and every vote counts. RCV eliminates spoiler votes and makes certain that voter's choices are taken into account.

¹⁴⁶ Rob Richie, Fairvote.org. Interview. 2 February 2012.
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Another positive impact of changing over to RCV is that it changes the nature of traditional dog eat dog campaigning. Since every choice counts, candidates keep the campaign dialogue civil in hopes of capturing the second or third place vote of their opponents. According to our recommendations, integrating RCV into our primary elections may eventually eliminate the need for two separate rounds of elections which saves money that can be spent on much needed state infrastructure. We understand that initial costs may be an impediment, but stressing the importance of using best practices from successful RCV elections will eliminate the need to spend beyond a properly constructed budget and timeline.

Before making our recommendations, we followed the summary of assumptions covering implementation options done by Fairvote.org. The assumptions covered a range of important factors – from ballot counting to the role of clerks – to consider before being able to implement RCV. In our research, we found that the process from start to finish need not be so confusing or complex.

RCV Cons and Cost

The largest impediment to switching to an RCV election is the cost of new equipment. We have found that most voting and counting machines do not need new software for performing the RCV tabulation. As we discussed in Chapter 4, Washington State was one of the first to attain certification and receive optical scanning machines, which may be updated for RCV capability. Current systems are actually RCV compatible though it requires new software or added configuration. Voting equipment only needs to be able to store individuals' votes, not necessarily perform the simulated runoffs. San Francisco's RCV implementation was a new experience for local election officials, state election officials, the vendor, and federal and state voting system testers. Despite delays, the role of advocates was key in that they outlined all of the policy details and procedures not established in San Francisco's charter and state law. They maintained transparency and made sure that the Board of Supervisors (fiscally in charge of voter education appropriation) and the public were informed about decisions and progress toward implementation.

Early preparation and simulation will be key in implementing this in Washington.

Burlington, VT's implementation was simpler than San Francisco's experience with LHS Associates; their vendor was already conducting ranked choice elections in Cambridge, Massachusetts, with the same equipment used in Burlington. San Francisco did not take into consideration additional costs. However, the city still saved much more money by using RCV and paying the comparatively low cost for changes. It is important to make sure that contracts are locked in with voting companies before spending valuable taxpayer money. When companies are competing for a contract, compatibility, RCV-readiness, and updates for at least five to ten years must be contractually guaranteed and locked in.

In terms of ballot design, a simple, uniform machine-readable ballot can be used in both hand count and machine elections. In terms of the process, RCV will use "batch elimination," where all candidates except the top two recipients of first choice votes are eliminated before the RCV tally. Smaller jurisdictions may also hand-tabulate votes or use a combination of automated counting and hand counting. Burlington, VT and Takoma Park, MD, successfully perform their RCV elections this way.¹⁴⁷

Lastly, the clerks on election day need minimal training to be able to respond to questions about the new voting method and should use provided voter education materials. Post-election demands are also minimal because RCV counts will take place at regional counting centers under the supervision of the county office.

The negative responses against RCV are due to lack of understanding of the process, either in part or as a whole. There were several complaints with RCV in Pierce County from the start, primarily the time and material consumption for transitioning to RCV as well as its high cost; the transition cost the county \$3,291,340 in one-time and ongoing costs to conduct a successful election.¹⁴⁸ RCV created new costs for machines, software, increased ballot printing (RC vote was printed on a separate ballot), and increased costs of election administration. It also created costs for, education, promotion, testing, and additional staffing.¹⁴⁹ According to Chapter Two, one of the most noteworthy factors to learn from is the fact that RCV has been most successfully implemented at a local level. The North Carolina example has shown that adoption at the statewide level requires better phasing

¹⁴⁷ Fairvote. Voting Equipment and IRV Compatibility. www.fairvote.org

¹⁴⁸ Ibid 16

¹⁴⁹ Loren Collingwood, Todd Donovan, and Matt Barreto. *An Assessment of Rank Choice Voting's Debut in Pierce County, WA: A Report of the Washington Poll*. Washingtonpoll.org. pg. 14

and feedback from localities, but it not impossible. It is important to run pilot programs in different localities in order to try the system and truly understand the processes and benefits of RCV. As Katey Houck pointed out in Chapter Two, “pilot programs should begin with the intention to learn and improve the election process over the course of three to five elections with accurate data from exit polls and other measures of success.” Since RCV has been finding its way into different states and electoral systems, accurate data must be utilized for successful implementation.

Voter Education

Voter education campaigns have no need to be costly. The range of education costs varied from state to state where RCV was implemented, and by using the best practices, initial costs as well as unforeseen expenditures from past implementations of RCV can be avoided. Many templates that explain the process accurately and succinctly have been used in areas like San Francisco and Pierce County. There is no need to pay for templates that have been created to explain RCV in the most simple and accurate way. Case studies indicate that referring to the Instant Runoff Voting system as Ranked Choice Voting allows for better understanding that voters will be ranking candidates and removes any misunderstanding about how “instantly” they may or may not learn the election results. Although media plays a critical role in disseminating the information to voters, other avenues in social networking such as Twitter® and Facebook® can be used to educate voters and reach a younger demographic for free.

Burlington’s voter education program cost approximately \$0.50 per registered voter. By borrowing materials from Burlington and San Francisco and by realizing economies of scale, Vermont could conduct an effective first-time statewide voter education program for approximately \$0.25 per registered voter. Since we are recommending this change on a county level first, our cost of voter education would be lower and could be folded into existing voter programs at negligible cost.

Burlington’s approach can serve as a model for doing effective, low-cost voter education.

Key components included:

- Postcards to all residences: These post cards informed voters that they would be able to rank candidates for mayor, graphically illustrated how to fill out the ballot, and told voters how they could get more information.
- Flyer with absentee ballots: The flyer included with the absentee ballots repeats the same information as the postcard, using the same graphics and overall look.
- Banners and ads on public buses: During the month before the election, Burlington posted a banner over key city streets and displayed educational ads on city buses.
- Posters in polling places: Large posters showing how to fill out a ballot and with simple, graphical instructions to avoid spoiling the ballot (no more than one choice per candidate, no more than one choice per column) should be prominently posted so that voters see several of them as they wait in line, register and fill out their ballots.
- Flyers in voting booths: A one-page flyer with the same graphics as the large posters and absentee flyers should be posted in each individual voting booth. This flyer graphically shows how to fill out the ballot and how to avoid an error.
- Error message flyers: These flyers should be posted next to voting equipment in polling places that use voting machines. When a machine rejects a ballot with an erroneous vote in an IRV contest, the poll worker explains the error message to the voter, shows the voter the flyer, and asks if they would like to correct the error or cast the ballot “as is.” There are typically two or three error messages that are unique to IRV races.
- Frequently Asked Questions: A flyer with answers to frequently asked questions should be available at town hall and in polling places.
- Media outreach: Over half of respondents to Burlington’s exit poll reported that they heard about the new voting system from the media. At very little cost, election officials can enlist the media to inform the public that a new system is going to be used and to show how to fill out ballots.

- Website: Burlington and San Francisco both made excellent use of city websites to make information available to the public and to the media. These sites included sample ballots, copies of education materials, videos and flash animations, all of which can be borrowed for statewide use.¹⁵⁰

In King County, the Oversight Committee on RCV found additional merits in that third party candidates would be included as candidates in the General Election, which again increases the breadth of representation. By including third party candidates in the General Election without their participation making them "spoilers" (as has happened in presidential and other elections) this system truly highlights the merits of democratic choice. Ranked Choice Voting is a more democratic alternative to the current system because of the nature of the entire process.¹⁵¹

Next Steps – How do we get this into law, and out on the street!

It is feasible to implement at a county level using a range of options from hand counts to a fully automated process using new voting equipment. Fairvote.org found that, in 2008, a single statewide RCV tally would likely cost less than \$15,000 on a state level. This number will be greatly decreased for a county level election. RCV implementation would benefit from an effective planning process that includes input from experts, the public, and the best practices from San Francisco and Burlington. Relatively inexpensive voter education centered on attention to ballot design and poll worker training, helped voters adapt easily to RCV in San Francisco and Burlington.

Practical Implementation

Three priorities emerge from a study of the implementation of RCV in San Francisco and Burlington: early preparation, transparency and attention to feedback, as well as cost – effective voter education.¹⁵² RCV has been implemented in the United States by hand and by voting equipment vendors in multiple jurisdictions. Some vendors for private elections,

¹⁵⁰ Ibid.

¹⁵¹ Helen, Hansen. King County Citizens' Elections Oversight Committee. "Report Ranked Choice Voting. 8 Jan 2010.

¹⁵² Caleb Kleppner. The Feasibility of Instant Runoff Voting in Vermont. Fairvote.org March 9, 2007

as well as many overseas companies, have significant experience administering ranked ballot elections. The evidence presented by our task force realizes the need to employ best practices and draw upon past challenges that can be easily avoided if systematically phased in. The five steps are simple: Build a base model; gain political endorsements and local support, put it through the initiative process, and focus on a succinct education campaign on RCV. Again, we can implement this at a county level using ready-made templates that have been tested to work well.

Step 1: Using best practices, build a model outlining steps and logistics.

Step 2: Build Political Support/Endorsements. Fairvote.org and the League of Women voters are a large voice for RCV. By engaging these organizations, we can have access to their networks, which will help bring us closer to garnering local support.

Step 3: Building local support – The University of Washington uses RCV in ASUW elections. By staging local mockups and run-throughs, voters will gain hands on experience and be able to give useful feedback.

Step 4: Pass Legislation and put it on the ballot through the initiative process.

Step 5: Implement voter education using best practices and templates from successful IRV campaigns.

Conclusion

One of the biggest hindrances to switching over to an RCV primary is that it changes the rules of the game. The traditional democratic principle that the candidate with the most votes wins can no longer be applied, and that is difficult for voters to wrap their heads around. The most important factor that voters must remember is that RCV allows their individual choice to actually count by allowing them to rank a first, second, or third choice. One of the cornerstones of our democratic system hinges on the right to choose who will represent us, the people of the United States of America. What we are recommending in Washington State is a Ranked Choice Primary, followed by the general election. This does not change the system via shock but serves as a gateway to allowing fairer and broader representation.

Redistricting in Washington State: *Appendix A*

By Heather Krawiecki

Introduction

Since the creation of the bipartisan Washington State Redistricting Commission in 1983, residents in Washington have benefited from a system that encourages the creation of fair legislative and congressional districts that are reflective of actual community boundaries. Redistricting, a procedure that often evokes controversy and frustrating political stagnation in other states, brings little political strife to Washington. The reason behind the effectiveness of redistricting in Washington is that the Commissioners who draw the boundaries have no personal stake in the final district plans. Conversely, the process in most other states is carried out by their respective state legislatures.¹⁵³ The adoption of a separate redistricting entity takes the power out of the hands of a legislature that might exercise partisan bias when reapportioning districts. The fear is that state legislators will draw boundaries that benefit themselves and their parties and maintain the status quo in government. The Washington State Redistricting Commission is a safeguard against such outright gerrymandering.

As reflected in local newspapers, and in part due to public involvement in the most recent 2011 redistricting cycle, the majority of Washington voters have faith in the increasing efficacy of the Washington State Redistricting Commission. Thus, Washington has a system that does not require large-scale redistricting reform. That is not to say, however, that the Commission does not have room for improvement. It is vital that, in future redistricting cycles, the Commission continues to adhere to the principles of transparency, bipartisan cooperation, and that they strive for the creation of competitive districts. Nevertheless, the effectiveness of the Redistricting Commission is one of the reasons that Washington voters are able to focus on other advantageous reforms, such as

¹⁵³Jonathan Winburn, *The Realities of Redistricting* (Lanham: Lexington Books, 2008), 2.

the implementation of Ranked Choice Voting. Reformers in other states, plagued with cases of partisan redistricting and gerrymandering, have preliminary redistricting changes to consider. In Washington, however, we have the chance to move forward and improve the democracy of our elections system. To illustrate how accommodating the superior redistricting process in Washington really is, we provide some examples of how redistricting, under the traditional process, can cause political conflict in other areas of the country.

Redistricting and its role in U.S. Politics

"As the next census approaches... I think we should begin an open bipartisan discussion about ensuring that future attempts at redistricting are as fair as possible... The fact of the matter is that we now have a system where, too often, our representatives are selecting their voters, as opposed to the voters selecting the representatives. That is a situation that I think the American people should not accept."

--[before 2011 redistricting] President Barack Obama¹⁵⁴

Redistricting refers to the process in which congressional and legislative district lines are redrawn within a state to account for population and demographic changes. Article 1, Section 2 of the Constitution outlines redistricting and the parameters surrounding it.¹⁵⁵ Redistricting takes place every ten years, in the year directly following the release of the most recent census data. Although not all of the procedural steps for redistricting are necessarily federally mandated, there are certain guidelines on redistricting. Due to the outcome of several court cases, such as *Wesbury v. Sanders* and

¹⁵⁴"Reforming American Redistricting: Lessons from British Columbia" *Hudson Institute*, http://www.hudson.org/index.cfm?fuseaction=HUDSON_upcoming_events&id=674

¹⁵⁵"Frequently Asked Questions" *Washington State Redistricting Commission*, <http://www.redistricting.wa.gov/faq.asp>

Reynolds v. Simms, it was determined that congressional and legislative districts have to have equal populations; this principle is commonly referred to as “one man, one vote”.¹⁵⁶ Also, redistricting is not to take place mid-decade and can only be carried out in the year following the census.¹⁵⁷ Precedents of other redistricting cycles also set the example for acceptable guidelines for redistricting. It is generally accepted that districts ought to be judged on their “compactness.” Often, when a proposed district is not compact, the Supreme Court must determine whether or not the district has been gerrymandered. The Voting Rights Act, which was initially created in 1965 for the purpose of providing “fair and effective representation for all citizens,” also effects how redistricting is carried out in many states.¹⁵⁸ The implications of the VRA have been interpreted in many ways – it is sort of “the elastic clause” of redistricting – and some states, such as Arizona, have interpreted it as a piece of legislation that encourages the creation of majority-minority districts.

Critiques on Redistricting at the Federal level

Typically, redistricting within a state is carried out by that state's own legislature. Unfortunately, there is no federal standard regarding how states should monitor this process, nor on how to determine when racial or partisan gerrymandering has taken place. The lack of standards, and the fact that state legislators are drawing their own district boundaries - potentially according to their own partisan preferences - is cause for concern. Even when partisan goals do not take center stage, the path toward “fair” districts is often a cloudy one; those in charge of redistricting must decide what district criteria is important for their state – good intent is not enough to ensure that district lines will be drawn effectively. Michael P. McDonald adequately captures the frustrating aspects of the redistricting dilemma, saying, “redistricting has multiple, often conflicting goals, such as

¹⁵⁶“Key Court Cases” *Redistricting in America*, Rose Institute of State and Local Government, <http://www.redistrictinginamerica.org/learn/courtcases>

¹⁵⁷“Redistricting Basics” *Americans for Redistricting Reform*, <http://americansforredistrictingreform.org/html/documents/RedistrictingBasics.pdf>

¹⁵⁸Alan Ehrenhalt, *Democracy in the Mirror*, (Washington, DC: Congressional Quarterly, 1998), 11.

competitiveness and minority representation, and the best method for achieving any of those goals - let alone all of them – is often unclear”.¹⁵⁹ Because the stakes of redistricting are so high, in light of the process' direct effect on the representation of constituents, reform on a national level is necessary to lessen the potential abuses of partisan gerrymandering. However, this outreaches the scope of this report. Fortunately, there are groups, such as Americans for Redistricting Reform, that have come together to try and mend the redistricting process at the federal level.¹⁶⁰ Previous redistricting reforms in Washington have ensured that Washingtonians need not worry about the same redistricting abuses that plague other areas of the country.

Washington State Redistricting Commission

Currently, the redistricting process in Washington is one of the best in the country. In most states, the state legislature controls the redistricting process. For three different redistricting cycles now, Washington voters have benefited from a bipartisan Redistricting Commission that exists as a separate entity, apart from the legislature. The League of Women's Voters of Washington presented the proposal for a separate redistricting commission in Washington to the State House as early as 1958.¹⁶¹ This bill changed forms and was presented many times in the decades to come, but was not put into law until an effective ballot initiative brought about the transition in 1983. Therefore, the first official Commission convened during the next redistricting cycle in 1991, following the 1990 Census.

See Chapter Five for more information on how similar ballot initiatives can further necessary electoral reform within Washington in upcoming election cycles.

¹⁵⁹Michael P. McDonald, “Legislative Redistricting” *Democracy in the States: Experiments in Electoral Reform*

¹⁶⁰“Redistricting Basics” *Americans for Redistricting Reform*, <http://americansforredistrictingreform.org/html/documents/RedistrictingBasics.pdf>

¹⁶¹“Historical Timeline” *Washington State Redistricting Commission*, <http://www.redistricting.wa.gov/faq.asp>

Criteria for Redistricting

The Washington State Constitution outlines the criteria that Commissioners must consider during the process of redistricting. Both legislative and congressional districts must be drawn according to the following principles:¹⁶²

- Districts must constitute of equal numbers of people, to the degree that this is practical. Following the last census, this means that each legislative district should consist of 137,235 people and each congressional district should consist of 672,454 people. These numbers are related to the fact that the population in Washington has reached 6.7 million people.
- Minority groups must have an equal opportunity to elect representatives of their choice, in compliance with the Voting Rights Act.
- Districts must be compact and contiguous, or not physically separated.
- The boundaries of cities, counties, neighborhoods and communities with special interests ought to be considered.
- Districts cannot be drawn in such a way that clearly benefits a particular incumbent, candidate, or political party.

Working through past obstacles and increasing transparency

The Realities of Redistricting outlines a few of the past obstacles that the Washington State Redistricting Commission has faced.¹⁶³ In 2001, for instance, the Redistricting Commission nearly missed the constitutional deadline for approved maps. They also had issues with maintaining the transparency of the process, and “the commissioners circumvented the transparency of the system by working around open meeting laws to meet in private and consider restricted political incumbency data”.¹⁶⁴ However, the book also highlights that the separate, bipartisan commission required commissioners to set aside partisan bias in order to come to a compromise before (or near) the constitutional deadline. The resulting maps in 2001 showed no signs of partisan gerrymandering.

¹⁶²“Frequently Asked Questions” *Washington State Redistricting Commission*, <http://www.redistricting.wa.gov/faq.asp>

¹⁶³Winburn, pg. 167-195

¹⁶⁴Ibid. pg. 192

2011 Redistricting Commission

Despite past problems with the maintenance of transparency, the Redistricting Commission improved upon this in 2011. This redistricting process was open to the public, and the Commissioners did consider third party proposals on the district maps. Also, the Redistricting Commission and their staff have made videos of past meetings and transcripts available on their website. This is an important step forward for the redistricting process in Washington; with such transparency, voters can have confidence that at the very least, partisan gerrymandering was kept to a minimum.

The Commission welcomed public opinion about redistricting, and even full-scale third party proposals – maps included – throughout the 2011 redistricting process. This opportunity for public participation provided a check on the Commission itself, preventing the process from ever sliding into partisan discussions. This platform also allowed minority advocacy groups to achieve many of their goals, such as the creation of majority-minority districts, and the hope here is that these public victories will increase faith and participation among minority voters around the state.

One considerable aspect that the Redistricting Commission's final maps reflect is that Washington will now have 10 congressional districts, one more than in previous years; this addition reflects Washington's changing population, an increase of over 1 million in the last decade, as determined by the 2010 Census. This means that there will now be a congressional district without an incumbent. Commissioner Dean Foster commented that he believes that it was the addition of a 10th congressional seat that warranted so much public and media attention for this particular redistricting cycle. According to Jared Paben, who keeps a blog about local politics associated with the *The Bellingham Herald*, the approved maps reflect that some of the districts will prove to be highly competitive – the new 1st Congressional District, for example, which now encompasses all of Whatcom County, could swing either Republican or Democratic. Paben quotes Commissioner Slade Gordon in noting that, "It may be the most evenly divided congressional district in the

United States of America.”¹⁶⁵ The benefit of the inclusion of such competitive districts is that this will increase the responsiveness of our government in regard to changes in public opinion. A map filled with districts that are “safe” for any one particular party lessens the chance for such responsiveness.

On January 1, 2012, the Commission approved the final plan that dictates Washington’s 49 legislative and 10 congressional districts for the next ten years. Peter Callaghan, of Tacoma’s *News Tribune*, writes that each of the legislative and congressional districts appeared to be contiguous, but he deems that the 9th Congressional District is the “exception”.¹⁶⁶ The newly proposed 9th Congressional District is now a majority-minority district, meaning that a majority of the voters in the district are a part of an ethnic minority group. This majority-minority district appears to be a victory for minority groups around the area, but others, like Peter Callaghan, have suggested that the boundaries of the majority-minority borders might point to gerrymandering. Four other contiguous majority-minority legislative districts were also added in the plan, including three in King County and one in Yakima County (which caters to the Hispanic community in particular). *See the end of the chapter for a closer look at the approved congressional and legislative district maps.*

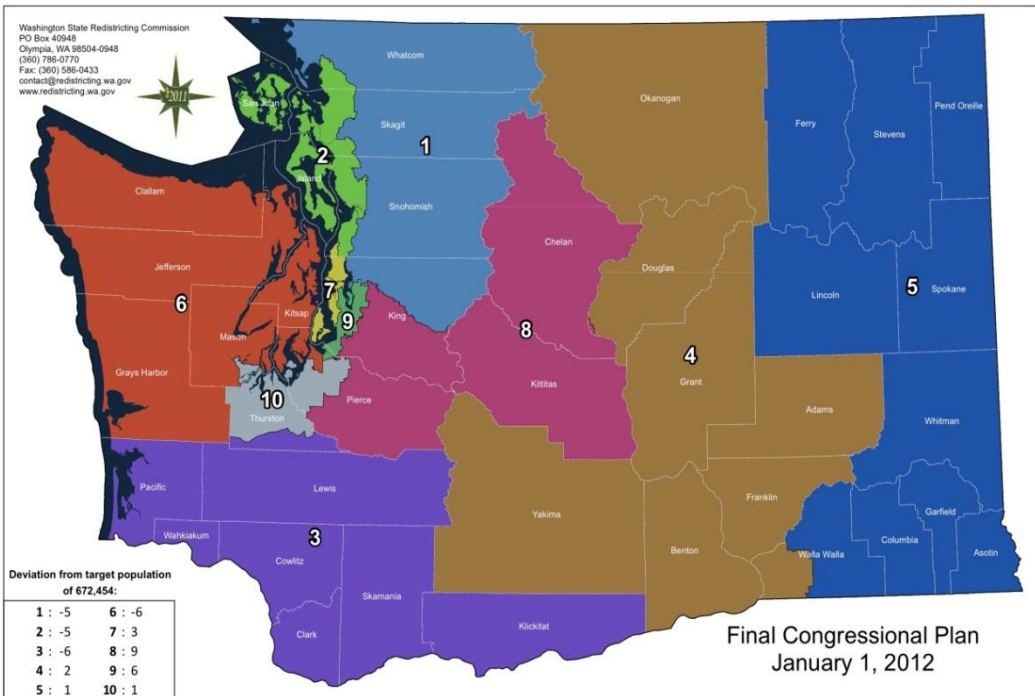
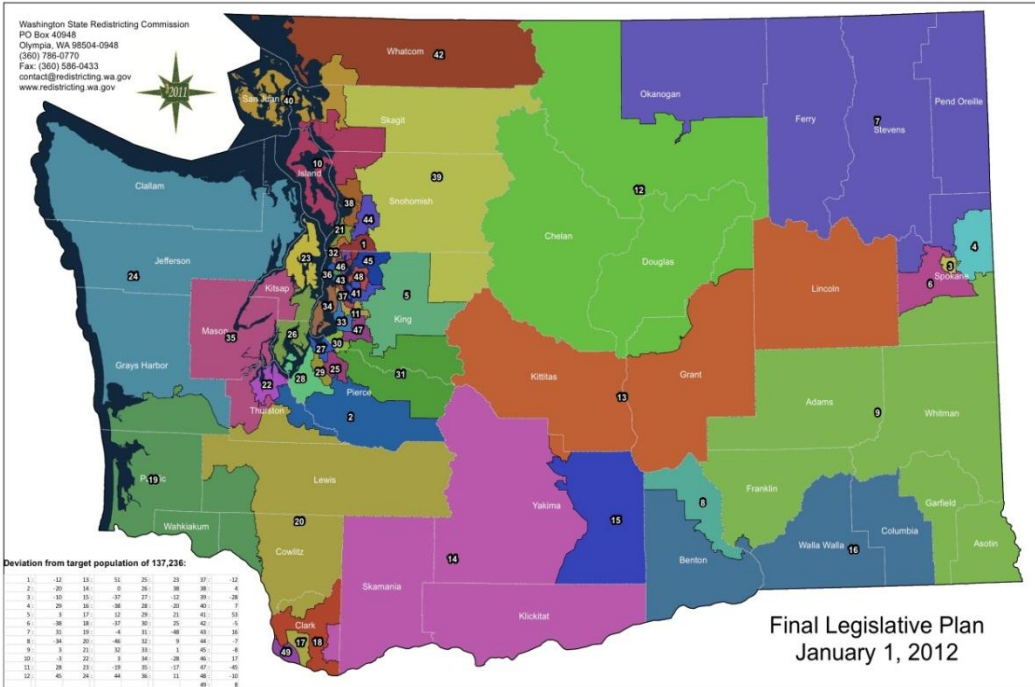
¹⁶⁵Jared Paben, “Redistricting plan puts much of Whatcom County into swing 1st congressional district” *The Bellingham Herald*, Dec. 29, 2011.

¹⁶⁶Peter Callaghan, “For a majority- minority district, gerrymander” *The Tacoma News Tribune*, Jan. 08, 2012

Conclusion

The effectiveness of the current redistricting process in Washington will allow voters to focus attention on other areas of electoral reform. In any other state, one without a separate, bipartisan redistricting organization, the obvious option for electoral reform would lie in the creation of such a commission, separate from the power of the state legislature. As it stands in Washington, however, we already benefit from the adoption of such a system, and our Redistricting Commission can now serve as a model for other states looking toward positive electoral reform. The superior function of the Washington State Redistricting Commission is a reform that was made by the voters of Washington. This inspiring example of the past is a reminder that Washington voters have the power to bring about real change that improves the efficacy of our local democracy. Looking forward, then, we believe that Washington voters have the chance to implement further beneficial reform in the way of supporting Ranked Choice Voting in Washington primary elections.

Recently Approved Maps



A Focus on Minority Representation: *Appendix B*

By Heather Krawiecki

The adoption of RCV Primaries in Washington would allow for increased minority representation. We can expect this policy to have more positive outcomes than other options that have been explored toward this end, such as the push for majority-minority districts and a proposal of the Washington Voting Rights Act of 2012. Case studies from other RCV trials demonstrate the inherent benefit that ranked voting can have for minority communities.

Introduction

There have been recent political efforts, driven in particular by certain advocacy groups, to ensure the real and fair representation of minority groups. These efforts speak to the fact that a large percentage of Washingtonians identify with minority groups, and it has even been suggested that the addition of the 10th Congressional District is related to a surge in minority populations within the last ten years, particularly in the areas surrounding the Puget Sound.¹⁶⁷ One of the most notable demographic changes is that the Latino population in Washington has increased 70% in the last ten years.¹⁶⁸ Finally, the 2010 Census dictates that one in four Washingtonians is a person of color.¹⁶⁹ However, a quick glimpse into the State House in Olympia would demonstrate that the racial breakdown of Washington's legislative branch does not reflect this demographic statistic. Minority groups make up 25% of the state's population — but only 6% of its legislature.¹⁷⁰ Advocacy groups are concerned about the currently low levels of representation in government for these growing populations; unfortunately, even though the minority population has increased dramatically, the number of minority representatives has not. To

¹⁶⁷"Time for Washington to have a Voting Rights Act" *Seattle Times*, Feb. 1, 2012

¹⁶⁸Pramila Jayapal, "Washington's redistricting commission should ensure people of color have more influence" *The Seattle Times*, Oct 5, 2011

¹⁶⁹Ibid.

¹⁷⁰Collin Tong, "Redistricting away Seattle's minority representation" *Crosscut*, Nov. 7, 2011, <http://crosscut.com/2011/11/07/washington-legislature/21516/Redistricting-away-Seattle-s-minority-representation/>

address this issue, advocacy groups, primarily OneAmerica, have suggested policies such as the incorporation of majority-minority districts and a Voting Rights Act that would be specific to Washington.

It is important to note that there are other options for reform within the Washington system of elections that could further facilitate increased minority representation that have yet to be explored. We believe that the adoption of Ranked Choice Voting in primary elections is a viable option for increasing the representation of all Washington state voters, including those that identify with local minority groups. The implementation of this system, as outlined throughout this report, encourages both voter participation and sincerity; RCV also has many aspects that make it an attractive voting system to minority groups. Due to the inherent benefits of the ranked voting system, we believe that this will eliminate the need for recent redistricting attempts that have been aimed at providing more representation for minority groups. Improving elections and their ability to reflect voter opinion (promoting the idea of responsiveness) through the implementation of RCV primary elections would only increase the functionality of current legislative and congressional districts, allowing them to do what they have been designed to do: bring the right representatives to the right populations.

The question of the majority-minority district

Due to the hard work and dedication of particular minority advocacy groups, awareness regarding minority representation is growing. For instance, with input from APACE, OneAmerica, and other local minority advocacy groups, the Washington State Redistricting Commission released their final legislative and congressional maps, and these reflect new majority-minority districts. There are now five majority-minority districts within our state (one congressional and four legislative majority-minority districts). Upon being asked why the Commission had the long-standing goal of adding majority-minority districts, Commissioner Tom Huff of the 2011 Redistricting Commission remarked that they had decided to move toward the creation of the majority-minority district where applicable due to public opinion in support of such districts.¹⁷¹ He said that the Commission

heard from private minority advocacy groups, such as Win/Win Network and OneAmerica, who were vying for majority-minority districts. The webcasts available on the Commission's website also portray other advocacy groups in their efforts to secure the majority-minority district, including the Tacoma Pierce County Black Collective and APACE.¹⁷² Many such civic organizations teamed up and joined an umbrella organization, United for Fair Representation, in charge of the positive campaign for majority-minority districts.¹⁷³ Articles published from these organizations discuss how such districts will increase representation of Washington's minority groups and also increase participation among minority voters.

Some writers have, however, pointed to the fact that majority-minority districts do not always have inherent benefit for minority groups. In the case of Washington, one reason that the majority-minority district might not better represent minority groups around the Puget Sound is that all of the minority groups have been linked together, as if the plight of each minority group were the same. How can one representative fairly cater to the needs of Asians in Bellevue, African Americans in South Seattle, and other groups around the region as well? Another danger of packing all minority groups into one district is that this reduces their political clout in other districts. Grant Hayden, a professor at Hofstra Law School, addresses the fact that this often means that adjacent districts have almost *no* minority voice, and in cases across the country this has sometimes resulted in the election of even more Republican representatives.¹⁷⁴ Although the Democratic Party is typically associated with providing the best representation for minority groups, and majority-minority districts will then generally be Democratic, packing all of the minority voters into one district could result in more Republican representatives from Washington overall. Peter Callaghan of *The News Tribune* states that although we cannot predict all of the implications of the newly drawn 9th Congressional District, he does suggest that “what

¹⁷¹ Tom Huff, phone interview regarding majority-minority districts, Jan. 12, 2012

¹⁷²“Commission Meetings and Public Forums” *Washington State Redistricting Commission*, <http://www.redistricting.wa.gov/forums.asp>

¹⁷³Collin Tong, “Redistricting away Seattle's minority representation” *Crosscut*, Nov. 7, 2011

¹⁷⁴Grant Hayden, “Majority-Minority Voting Districts and Their Role in Politics: Their Advantages, Their Drawbacks, and the Current Law,” Oct 7, 2004

had been a nominally swing district – having elected one Republican in its 20 years of life – is now safely Democratic.”¹⁷⁵ But what does this mean for adjoining congressional districts, devoid of the minority vote? Collin Tong, writing for Northwest news provider Crosscut, suggests that the addition of the 9th will result in an adjacent, Republican stronghold, writing “but redistricting is a game of unexpected consequences, and some of these are already coming to light. That [Ninth] Congressional District would carve away minority-heavy, Democratic-leaning territory from the battleground Eighth District, currently represented by Congressman Dave Reichert - making the Eighth once again a safe Republican district.”¹⁷⁶ The debate of the majority-minority district does not have a clear answer. Minority groups often view majority-minority groups as their only path toward increased representation, and still other groups view this panacea as a falsity, citing that majority-minority districts might even be detrimental to the plight of minority groups with the goal of increasing their representation.

We do think that majority-minority districts are appropriate in situations where the population breakdown of the region really reflects a majority of a minority group, particularly in the recently proposed majority-minority *legislative* districts. These districts are smaller in size, as they are comprised of nearly five times less people than the congressional districts, and thus the reality behind a contiguous district consisting of a majority-minority is more plausible. The district that does present a problem, then, is solely the 9th Congressional district.

The next census does not take place until 2020, and thus the next Washington State Redistricting Commission will not convene until 2021, as mandated by the state constitution.¹⁷⁷ However, we can make recommendations regarding 2021 redistricting that could benefit all voters under the institution of Ranked Choice Voting in the primary stage of Washington State elections. With RCV in place, minority groups could sincerely vote for

¹⁷⁵Peter Callaghan, “For a majority- minority district, gerrymander” *The Tacoma News Tribune*, Jan. 08, 2012

¹⁷⁶Collin Tong, “Redistricting away Seattle's minority representation” *Crosscut*, Nov. 7, 2011

¹⁷⁷“Frequently Asked Questions” *Washington State Redistricting Commission*, <http://www.redistricting.wa.gov/faq.asp>

the candidate that best suits their special interests without “throwing away” their vote. In this way, minority representation would be increased due to the use of a more fair and reflective system of voting, rather than the blanket cure-all of a majority-minority district, an entity that has debatable benefit to begin with.

Push for the Washington Voting Rights Act of 2012

There is also an effort to pass a Voting Rights Act that is specific to Washington, and thus the Washington Voting Rights Act of 2012 is currently under legislative review in both the Washington House and Senate.¹⁷⁸ The proposed WVRA has been modeled after the California Voting Rights Act, or CVRA.¹⁷⁹ The goal of this legislation is to increase minority representation, due to the fact that too many minority communities, particularly Hispanic communities, have had trouble actually electing minority representation. Under the current electoral system, typical patterns of racially polarized voting often result in the election of candidates that are not of the minority group. This legislation of the WVRA proposes that if a minority group could prove that in a particular instance an election reflected discriminatory results, then a judge would intervene and encourage a shift for that community from at-large voting to a district-based format that draws lines to increase minority voter influence. The act would allow any voter in a protected class—race, skin color, or language minority—to challenge in court the results of any election (state, county, city) on the basis of racially polarized voting. The proponents for the WVRA are some of the main players responsible for securing the majority-minority districts during the redistricting cycle. Editorials within the *Seattle Times* have so far been supportive of the WVRA.¹⁸⁰ Representative Adam Smith and gubernatorial candidate Jay Inslee are also backing the legislation.¹⁸¹ However, there is opposition to the WVRA. There is a concern

¹⁷⁸“For Immediate Release: Jay Inslee, Adam Smith, and Bob Ferguson Endorse the Washington Voting Rights Act” *United for Fair Representation*, <http://fairrepresentationwa.org/>

¹⁷⁹“Time for Washington to have a Voting Rights Act” *Seattle Times*, Feb. 1, 2012

¹⁸⁰*Ibid.*

¹⁸¹“For Immediate Release: Jay Inslee, Adam Smith, and Bob Ferguson Endorse the Washington Voting Rights Act” *United for Fair Representation*, <http://fairrepresentationwa.org/>

about the legal costs that could arise out of the instances of litigation that the legislation, if passed, might prompt. As Jared Paben of *The Bellingham Herald* points out, the bill has many legislative adversaries, including Republican Representative Jason Overstreet.¹⁸² It will be interesting to see how this bill progresses throughout the duration of the current legislative session.

With the support of many influential Washington politicians, the proposal of this legislation, at the very least, indicates that the goal of increasing minority representation is a highly important issue in Washington's political climate; the growing concern for minority representation and the related support of majority-minority districts and the WVRA highlight that the current system is not working to adequately support all factions of the electorate. The efforts of OneAmerica and other advocacy groups have resulted in great momentum for minority groups, but the effects of these transitions may not be enough to provide real change and increased representation for minority populations. A reform that includes using Ranked Choice Voting in primary elections, however, would succeed in bringing about this necessary development.

How RCV could increase representation for all

Ranked Choice Voting, worked into any type of local election, will bring great benefit to voters. Voters will be able to cast their vote with sincerity, as RCV allows people to reflect their true preferences without concern for casting a “spoiler vote”. In particular, if we can enact the implementation of RCV in state legislative primary elections, the positive implications of this would be great; this would maximize representation for all citizens in Washington, allowing the most appropriate representatives to win elections, given the particular district population at hand.

Rob Ritchie, Executive Director at FairVote, believes that Ranked Choice Voting can work to better the representation of minority groups.¹⁸³ First of all, he points to the fact

¹⁸² Jared Paben, “Rep. Overstreet among opposition to state Voting Rights Act of 2012” *The Bellingham Herald*, Feb 10, 2012

¹⁸³ Robert Richie, Interview by authors, Phone interview, February 2, 2012

that RCV elections in San Francisco encouraged less racially polarized election results (racial polarization in voting often results in a loss for minority candidates). He also considers the fact that minorities in San Francisco did indeed gain increased representation due to the RCV voting system. The number of members of racial minorities on the San Francisco Board of Supervisors has doubled from four to eight since the transition to RCV.¹⁸⁴ Steve Hill, another political analyst at FairVote, suggests that through the use of RCV, minority communities in San Francisco had more of a voice because they did not need to use all of their voting power to support one candidate to avoid splintering the minority vote.¹⁸⁵ We must learn from the success of RCV in San Francisco and the system's ability to enhance minority representation to inform our own electoral organization here in Washington.

Under the current system of elections in Washington, the newly drafted majority-minority 9th Congressional District is presumed to be a victory for minority groups around the Puget Sound. Time will tell as to whether or not minority advocacy groups will be pleased with the results of this new district, and whether or not this district elects a representative that is able to satisfy all of the unique groups within it. We do think, however, that the plight of each of the minority groups within the Puget Sound region would be better served under a reform in which minority groups would not be blocked together within one district. If we could enact a statewide transition to Ranked Choice Voting in legislative primary elections, this would encourage the real increase in representation that minority advocacy groups have been searching for. In the case of an electoral system that utilizes RCV in the primary, a minority voter could have their voice heard by way of casting their real, sincere vote. Under the current electoral system, a minority group does not have much hope to elect a candidate that particularly caters to their interests without "wasting" their votes; under an RCV voting primary, however, the minority group could back their particular candidate while still maintaining a second

¹⁸⁴Katherine Wells, "In some elections, second best might be good enough" *Freakonomics*. Nov. 3, 2011. <http://www.freakonomics.com/2011/11/03/in-some-elections-second-best-might-be-good-enough/>

¹⁸⁵*Ibid.*

choice for a possibly more popular candidate that still adequately represents them. This would allow for the case, then, where a minority-supported Democrat and the “mainstream” Democratic candidates could both run in the RCV primary without the risk of the “majority” of votes going to a less popular, Republican candidate. The new rules of the game would foster a more sincere representation of who minority groups – and majority groups, as well – truly want to elect.

Conclusion

Advocacy groups have done a great job enacting reforms with the intent of increasing minority representation, and yet the benefit that will come out of these changes is debatable. At this time, we cannot predict future implications of the recently created majority-minority districts or whether or not the Washington Voting Rights Act will become law. Regardless, we believe that the adoption of Ranked Choice Voting in primary elections would better address the problem of the representation disparities that currently face minority groups. This would increase minority representation in real terms. Consider that in the Bay Area, the use of RCV resulted in many more representatives that were better suited to champion the plight of minority groups in the area.

We ought to focus reform efforts on increasing the efficacy of our elections if we wish to provide better representation to the citizens in Washington. Election reform, in the way of instituting Ranked Choice Voting in primary elections, will better reflect the true opinions of all voters. There will be no unintended consequences for voters who wish to support the candidate they truly like the best, even if he or she is not a mainstream candidate. Ranked Choice Voting can be the vehicle through which we can truly increase minority voter representation. Under RCV, minority groups will not have to rely on redistricting maneuvers such as the addition of majority-minority districts or the creation of a regional take on the Federal Voting Rights Act, from which there would only be a partial benefit. Instead of packing people into districts depending on racial qualifications, constituents would be better represented under the proposed plan; simply by the virtue of Ranked Choice Voting, RCV in primary elections would allow *all* voters, whether or not they belong to a minority group, to sincerely vote in the primary without the threat of any unwanted consequences.

A final recommendation for our proposal addresses the current dissatisfaction among minority groups regarding the current election system. It will be vital during the implementation process, that the benefits of RCV be explicitly explained to minority advocates, leaders, political candidates, and citizens. We suggest that voter education be particularly heavy in areas that have high densities of minority populations. A good place to start would be to focus voter education about RCV in the newly drawn majority-minority districts across the state. This ensures that minority voters will understand that Ranked Choice Voting in Washington has the potential to bring the diversity we are all proud of to Olympia.

**The purpose of the promotion of minority representation is not to necessarily elect more representatives of color, but rather representatives that are championed by minority groups. Oftentimes, this distinction does not matter, and the candidate that the minority groups hope to elect may in fact be of the same ethnic group as the minority group in question. Yet this is not always the case. The goal is to tweak elections until they provide representatives that will reflect voters' opinions and ideas, not that they provide representatives that resemble their constituents.*

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