Dear Chair Wagner, Vice-Chair Girod, and Senators Burdick, Manning, and Thatcher,

My name is Sara Wolk and I'm the Executive Director for the Equal Vote Coalition, a non-profit dedicated to fighting for equality in the vote through research, community education, and coalition building. I'm urging you to please vote no on both SB 791 and SB 343.

SB 391 would establish Ranked Choice Voting (RCV) as the default voting method for Oregon elections and while our current system is undeniably the worst and least representative voting method out there, RCV offers only a marginal improvement in some areas while losing ground in others. Beyond that RCV has been systematically oversold and its benefits misrepresented.

This is hard to say, because I was an advocate for RCV for a long time, but like many others, when I researched deeper, looking beyond lobbyist groups like FairVote and the many well intentioned groups who cite them, I found that many of the claims they make are oversold, misleading, or frankly false. As I and others in the field have come to understand, we can do a lot better.

In the voting science field election science experts, researchers, and reformers for other options have been warning politicians in your position for a long time to please listen to the science and look at the data. Ranked Choice Voting has a significant lobbyist budget around the country, and it has a number of pragmatic advocates who think any change is better than nothing, but we can do better and we owe it to the electorate to make an informed decision on this issue.

This session there are 8 bills in the legislature on voting reform. I urge you to support HB 3250 for STAR Voting, and HB 3248 which would offer state funding for local voting reform (with an needed amendment added.) If you are not versed on this issue and have not had a chance to look over the data and science on RCV, I strongly encourage you to support HB 3241 which would convene a task force to study voting methods.

The Senate bills SB 391 and SB 343 before you today are in conflict with these other bills and would require serious amending or rewriting to be worth passing. Not only that, but these bills run counter to the direction Oregon's reform community has been going over the last 4 years. Between late 2016 and 2020 RCV-OR membership voted to not move forward with Ranked Choice and to instead work on STAR Voting, which was dubbed RCV 2.0. Since then STAR Voting has been the subject of 1000s of meetings and events around the state, and every initiative on the matter, with 3 initiatives currently underway. So again, please, with a heavy heart, I urge you to vote NO on Ranked Choice Voting.

Ranked Choice Voting claims that don't pass fact check:

1. RCV Eliminates Vote Splitting and Spoilers. False.

Ranked Choice's tabulation method only counts a voter's top ranking at a time, so

this is essentially a series of normal plurality elections and votes can be split between similar candidates in each and every round of tabulation if candidates are truly competitive. As a result RCV has the same bias as our current system- towards splitting the majority vote and electing more polarizing candidates. For voters this reality leads to the same incentives to vote lesser-evil to combat the

> **"[IRV] can cause spoilers in up to 1 in 5 elections or worse when there are more candidates according to expert analysis."** Frequency of monotonicity failure under Instant Runoff Voting: Estimates based on a spatial model of elections. By Joseph T Ornstein, University of Michigan, Dept. of Political Science and Robert Z. Norman, Dartmouth College, Dept. of Mathematics, 2013.

2. RCV Eliminates Wasted Votes. False.

RCV advocates often explain that if your favorite is eliminated, your next choice will be counted. This is only true for some voters some of the time. RCV's tournament style elimination rounds waste votes and on average over 10% of ballots are not counted in the deciding round of the election. This is not just the kind of wasted vote we are used to, where a vote for a non-viable candidate doesn't have an impact. In RCV some votes do not transfer at all and their down-ballot rankings are not counted. This would be like if 10% of primary voters were physically barred from voting in the general election.

> **"The rate of ballot exhaustion was high in each election, ranging 9.6%–27.1%."** Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. By Craig M. Burnett, University of North Carolina, and Vladimir Kogan, Ohio State University, USA. 2015.
>
> **"Drawing on previous research conducted by the Maine Policy Institute, McCarty examined 98 RCV elections from 2006 to 2019 and found that, on average, 10.8 percent of ballots casted were considered exhausted by the final round."** Expert report reveals weaknesses of RCV. By Isabelle Christie. 2020

Wasted votes in RCV do not happen to all voters at the same rates. Numerous studies have shown that voters who come from already marginalized communities are more likely to have their vote exhausted due to ballot spoilage errors such as overvoting. Of voters who did fill out their ballot correctly, specific voters are also more likely to have their vote fail to transfer and not be counted in the final round.

Voters who prefer candidates who are strong underdogs are the most likely to see their favorite eliminated but their next choice never counted. These "voting system errors" are the most likely to happen in races with multiple viable candidates, and this further calls into question RCVs claim that it eliminates the need for primaries.

3. RCV elects majority winners. False.
Ranked Choice elects a winner who was preferred on a majority *of remaining ballots in the final round of tabulation,* but not all ballots are actually counted in the final round. As many as ⅓ of voters may have their ballot not counted in the deciding round. As explained above, some voters will have their ballot exhausted, and this can even happen to voters whose preferences should have made a difference. In the 2009 Burlington, VT mayoral election Ranked Choice failed to elect the candidate who was preferred over all others, failed to elect a majority preferred winner, and Burlington voters repealed the system the following election.

> "In examining 96 ranked-choice voting races from across the country where additional rounds of tabulation were necessary to declare a winner, The Maine Heritage Policy Center concludes that the eventual winner failed to receive a true majority 61 percent of the time." Matthew Gagnon, Adam Crepeau, and Liam Sigaud. A False Majority- The Failed Experiment of Ranked Choice Voting. The Maine Policy Institute. 2019.

It's important to note that in some elections a candidate supported by a majority may not exist. In other cases there could be multiple candidates who are supported by a majority of the voters. Preferences can even be cyclical, like in a rock-paper-scissors three way tie. The important thing is that the voting method finds the candidate with the most support overall, the candidate who best represents the will of the people. Some ranked ballot systems do this, but the version proposed in SB 791 is not one of them.

4. RCV is more equitable and elects more diverse candidates. Misleading.
RCV advocates often cite a study from the Bay Area which shows that following the adoption of RCV more women and people of color were elected, and voter turnout was better.

These claims have some truth, and preference voting in general is absolutely likely to result in more equitable and representative winners, but the fact that RCV doesn't count all the vote data seriously hamstrings the potential gains that could be had from a preference voting method without spoilers, wasted votes, and exhausted ballots.

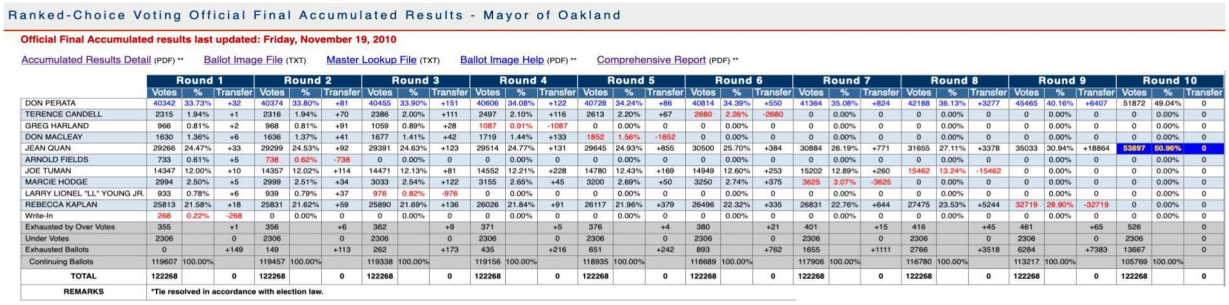
The fact is that in the Bay Area RCV was adopted for general elections only and primaries were eliminated. Studies are clear that primaries have less diverse voter demographics, and thus eliminating them gives you a more representative electorate. HB 391 does not eliminate primaries. Moreover, RCV doesn't deliver the election accuracy needed to move to a 1 round election process without seriously compromising accurate outcomes in competitive races.

> **"We find that RCV helps reduce the substantial drop in voter participation that commonly occurs between primary and runoff elections. Otherwise RCV does not appear to have a strong impact on voter turnout and ballot completion. In a case study of Minneapolis**

> **we find similar levels of socioeconomic and racial disparities in voter participation in plurality and RCV elections."** Voter Participation with Ranked Choice Voting in the United States. By David C. Kimball and Joseph Anthony, Department of Political Science University of Missouri-St. Louis St. Louis, MO. 2016.

It's also important to note that the Bay Area is well known for its progressive electorate, and the political left absolutely dominates elections there. The trends for more representative winners in the Bay are not unique or surprising in that context, and they are consistent with national trends, even in elections with traditional choose-one Plurality Voting.

5. RCV is simple. False.



Ranked-Choice Voting Official Final Accumulated Results - Mayor of Oakland

Official Final Accumulated results last updated: Friday, November 19, 2010

Accumulated Results Detail (PDF) ** | Ballot Image File (TXT) | Master Lookup File (TXT) | Ballot Image Help (PDF) ** | Comprehensive Report (PDF) **

	Round 1			Round 2			Round 3			Round 4			Round 5			Round 6			Round 7			Round 8			Round 9			Round 10		
	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer	Votes	%	Transfer
DON PERATA	40342	33.73%	+32	40374	33.80%	+81	40455	33.90%	+151	40606	34.08%	+122	40728	34.24%	+86	40814	34.39%	+550	41364	35.08%	+824	42188	36.13%	+3277	45465	40.16%	+6407	51872	49.04%	0
TERENCE CANDELL	2315	1.94%	+1	2316	1.94%	+70	2386	2.00%	+111	2497	2.10%	+116	2613	2.20%	+67	2680	2.26%	-2680	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
GREG HARLAND	966	0.81%	+2	968	0.81%	+91	1059	0.89%	+28	1087	0.91%	-1087	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
DON MACLEAY	1630	1.36%	+6	1636	1.37%	+41	1677	1.41%	+42	1719	1.44%	+133	1852	1.56%	-1852	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
JEAN QUAN	29266	24.47%	+33	29299	24.53%	+92	29391	24.63%	+123	29514	24.77%	+131	29645	24.93%	+855	30500	25.70%	+384	30884	26.19%	+771	31655	27.11%	+3378	35033	30.94%	+18864	53897	60.96%	0
ARNOLD FIELDS	733	0.61%	+5	738	0.62%	-738	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
JOE TUMAN	14347	12.00%	+10	14357	12.02%	+114	14471	12.13%	+81	14552	12.21%	+228	14780	12.43%	+169	14949	12.60%	+253	15202	12.89%	+260	15462	13.24%	-15462	0	0.00%	0	0	0.00%	0
MARCIE HODGE	2994	2.50%	+5	2999	2.51%	+34	3033	2.54%	+122	3155	2.65%	+45	3200	2.69%	+50	3250	2.74%	+375	3625	3.07%	-3625	0	0.00%	0	0	0.00%	0	0	0.00%	0
LARRY LIONEL "LL" YOUNG JR.	933	0.78%	+6	939	0.79%	+37	976	0.82%	-976	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
REBECCA KAPLAN	25813	21.58%	+18	25831	21.62%	+59	25890	21.69%	+136	26026	21.84%	+91	26117	21.96%	+379	26496	22.32%	+335	26831	22.76%	+644	27475	23.53%	+5244	32719	28.90%	-32719	0	0.00%	0
Write-In	268	0.22%	-268	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Exhausted by Over Votes	355		+1	356		+6	362		+9	371		+5	376		+4	380		+21	401		+15	416		+45	461		+65	526		0
Under Votes	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0	2306		0
Exhausted Ballots	0		+149	149		+113	262		+173	435		+216	651		+242	893		+762	1655		+1111	2766		+3518	6284		+7383	13667		0
Continuing Ballots	119607	100.00%		119457	100.00%		119338	100.00%		119156	100.00%		118935	100.00%		118689	100.00%		117906	100.00%		116780	100.00%		113217	100.00%		105769	100.00%	
TOTAL	122268		0	122268		0	122268		0	122268		0	122268		0	122268		0	122268		0	122268		0	122268		0	122268		0
REMARKS	*Tie resolved in accordance with election law.																													

Ranking candidates 1st choice, 2nd choice, and so on is simple, yes, but the tabulation of RCV and the implications for election officiation, election security, and auditability are anything but.

If you were surprised or incredulous reading the sections above you may be one of many people who thought RCV was simpler than it is. Most people assume that all rankings are counted. Most people assume that if their favorite is eliminated their next choice will be counted. Those assumptions are false and are based on an oversimplified understanding or explanation of a relatively complex and un-transparent tabulation algorithm, and the algorithm for the multi-winner version of RCV is even more complex.

Logistically, full rank ordering can take up a lot of space on a ballot, so in some jurisdictions the number of candidates which can be ranked is limited to 3, 4, or a fixed number. Alternatively, some elections may allow voters to write in a number rather than filling in a bubble, but this can result in large numbers of ballots being discarded due to handwriting issues.

Recent elections in Oregon, including the Presidential Primary, the Portland Mayoral Election, and the Portland City Commissioners Position 2 races saw over 20 candidates initially. Ranking that many candidates without the ability to show no-preference creates a major strain on cognitive load and down ballot rankings can result in preferences that are somewhat randomly assigned.

Ranked ballots don't allow voters to give multiple candidates the same ranking, and

ballots with these kind of errors are considered "spoiled" and must be thrown out.

Cognitive load theory has demonstrated that while people like to have choices, when the number of options is higher than 7 or so most people start to feel overwhelmed, confused, and have less clear preferences. Ranked Choice elections with larger numbers of candidates tend to see increased rates of voter error leading to spoiled and exhausted ballots which are not counted in the deciding round of the election.

Beyond the complexity for voters themselves, the fact that not all rankings on all ballots are counted means that all unique ballots need to be centralized before tabulation can proceed. This means that tabulation beyond the first round can't begin until voting has closed, and results may be delayed seriously as a result. It also means that RCV isn't scalable. RCV is not precinct summable, meaning that ballots have to be physically trucked to a central location to be counted, unless ballot data is sent over the internet, which would obviously be a horrible practice. In Maine and in most places that use RCV statewide, ballots are trucked to one location for tabulation, and due to the complexity and security risks many places, including Ireland still do hand counts, physically sorting ballots into cubbies.

6. RCV is significantly better than the current system. False.
RCV was cutting edge when it was first invented 150 years ago, but voting reform has come a very long way since. Election accuracy and modeling consistently show RCV coming in towards the bottom of the pack of voting methods studied, often right next to choose-one Plurality with a primary and a general election. Depending on the number of methods studied RCV doesn't usually make the top 10, and in comprehensive studies looking at election accuracy metrics such as "Bayesian Regret" and Condorcet winner selection from Dr Warren Smith, PhD, it came in 41st and 42nd place. Essentially tied with the current system.

Method	Condorcet Winner	Bayesian Regret
1. Score + Top Two	15,574	0.148
2. Approval + Top Two	15,054	0.168
3. Score	11,796	0.163
4. Approval -1,0,+1	11,439	0.173
…	…	…
7. Approval 0,+1	10,997	0.215
…	…	…
41. Plurality + Top Two	8,823	0.499
42. Instant Runoff Voting	8,387	0.501
…	…	…
50. Plurality	6,357	0.644

Frohnmayer, Election Science. The Equal Vote Coalition. 2016, citing Smith, Range Voting With Mixtures of Honest and Strategic Voters. 2000.

Studies showing "significant" improvement often fail to take into consideration our current system's primary and general election. Significant improvement is a subjective comparison, but when we compare RCV with the potential improvements offered by competing reforms it doesn't measure up.

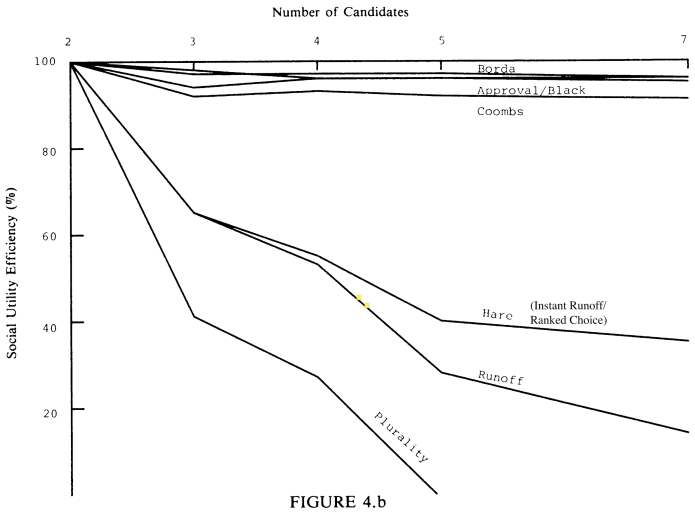


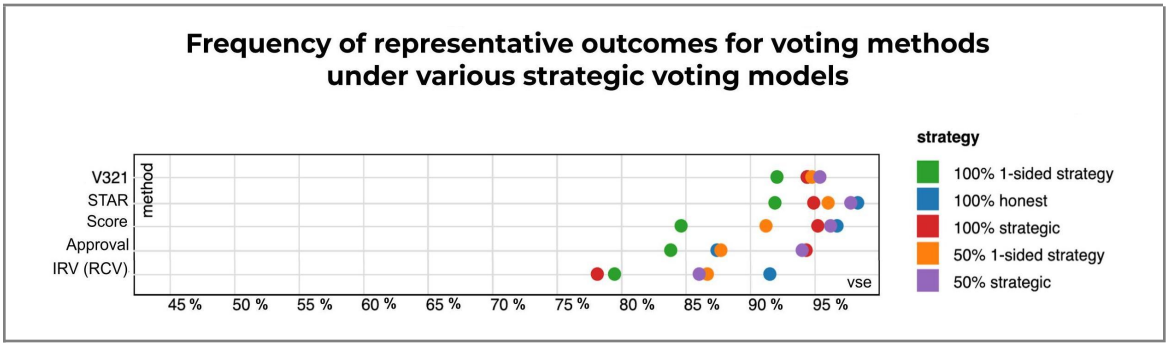
FIGURE 4.b

Social Utility Efficiency under Spatial Model Assumptions
(201 voters, two dimensions, correlation = .5, relative dispersion = .5)

Merrill, Samuel (1984). "A Comparison of Efficiency of Multicandidate Electoral Systems".

This study shows serious declines in election accuracy when more candidates are added to the race in both the current traditional voting system and Ranked Choice Voting. Note that rating, scoring, and approval based systems do not show this deterioration in large fields.

Voting methods are not created equal. Studies show that the current Choose-One Plurality system only elects the correct winner in the around 75% or 80% of elections. (This is improved slightly when a two election primary and general are conducted.) Ranked Choice does better, electing the correct winner around 85%-90% of the time. When you consider that many elections are not competitive and that any system will get it right if there are only 2 candidates in the race, that's actually not good odds. In contrast, STAR Voting tops the charts with 98% accuracy, even in competitive fields with many candidates.



Dr. Jameson Quinn, Voter Satisfaction Efficiency. Center for Election Science. 2016.

Voting reform is the keystone. A single cause with the potential to empower us to be effective on every other issue we care about. But change is scary. If we are going to put in the work to educate voters on this issue and adopt a whole new voting method we owe it to the voters to get it right.

Sincerely,

Sara Wolk
Executive Director, Equal Vote Coalition
websites: starvoting.us | equal.vote
phone: (971) 222-9364
pronouns: she/her

Sources:

1.) **"[IRV] can cause spoilers in up to 1 in 5 elections or worse when there are more candidates according to expert analysis."** Frequency of monotonicity failure under Instant Runoff Voting: Estimates based on a spatial model of elections. By Joseph T Ornstein, University of Michigan, Dept. of Political Science and Robert Z. Norman, Dartmouth College, Dept. of Mathematics, 2013.

2.) **"The rate of ballot exhaustion was high in each election, ranging 9.6%–27.1%."** Ballot (and voter) "exhaustion" under Instant Runoff Voting: An examination of four ranked-choice elections. By Craig M. Burnett, University of North Carolina, and Vladimir Kogan, Ohio State University, USA. 2015.

3.) **"We find that RCV helps reduce the substantial drop in voter participation that commonly occurs between primary and runoff elections. Otherwise RCV does not appear to have a strong impact on voter turnout and ballot completion. In a case study of Minneapolis we find similar levels of socioeconomic and racial disparities in voter participation in plurality and RCV elections."** Voter Participation with Ranked Choice Voting in the United States. By David C. Kimball and Joseph Anthony, Department of Political Science University of Missouri-St. Louis St. Louis, MO. 2016.

4.) **"Drawing on previous research conducted by the Maine Policy Institute, McCarty examined 98 RCV elections from 2006 to 2019 and found that, on average, 10.8 percent of ballots casted were considered exhausted by the final round."** Expert report reveals weaknesses of RCV. By Isabelle Christie. 2020

5.) **"Concerns about the fairness of IRV led at least four jurisdictions to repeal... Burlington, VT (2006–2009), Cary, NC (2007–2009), Pierce County, WA (2006–2009), Aspen, CO (2009)." and "Consistently, precincts where more African-Americans reside are more likely to collect overvoted,**

voided ballots. And this often occurs where more Latino, elderly, foreign-born, and less wealthy folks live." *Overvoting and the Equality of Voice under Instant-Runoff Voting in San Francisco*, California Journal of Politics and Policy. By Francis Neely and Jason A. McDaniel San Francisco State University.

6.) **Voter Satisfaction Efficiency (VSE) studies** by Dr Jameson Quinn Phd. At the time this study was released Quinn was Vice Chair for the Center for Election Science. Quinn is now on the board of the Equal Vote Coalition http://electionscience.github.io/vse-sim/vse.html

7.) **Election Accuracy**. A comprehensive list and overview of studies, sources, and citations comparing voting methods including RCV and STAR. http://starvoting.us/accuracy

8.) **Frohnmayer, Election Science. The Equal Vote Coalition.** 2016, citing Dr Warren Smith Phd., Range Voting With Mixtures of Honest and Strategic Voters. 2000.