The Carolina Journal

Ranked-choice voting: A solution for fairer elections and broader representation

By Don Berryann & Lennie Friedman
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Recent articles in *The Carolina Journal* highlight critical challenges in our electoral system, including the role of third-party candidates in shaping election outcomes and the barriers they face in gaining ballot access. From concerns about "spoiler" dynamics to delays by the North Carolina State Board of Elections (NCSBE) in certifying third-party candidates, these issues expose the limitations of our current plurality voting system. Ranked-choice voting (RCV) offers a powerful, non-partisan solution to address these concerns while enhancing fairness and representation.

The Spoiler Effect and Its Consequences

Articles like "Libertarians Played Spoiler in Key NC Elections" illuminate a common frustration: third-party candidates can alter election outcomes without themselves winning office. In several North Carolina districts, votes cast for Libertarian candidates exceeded the margin of victory, fueling debates over whether these candidates acted as spoilers. This dynamic creates a troubling tension where voter choice appears at odds with electoral stability.

Furthermore, the indecision of the North Carolina State Board of Elections (NCSBE) to certify third-party candidates only compounds these frustrations. Delays and challenges in ballot access not only diminish voter trust but also reinforce a system that stifles competition. Such issues underscore the need for a voting process that values every voter's voice without penalizing broader participation.

How Ranked Choice Voting Works

Ranked Choice Voting is a straightforward yet transformative alternative. Voters rank candidates in order of preference. If no candidate achieves a majority, the last-place candidate is eliminated, and their votes are reallocated to voters' next choices. This process continues until a candidate secures a majority. By allowing voters to express their preferences more fully, RCV eliminates the "spoiler effect" and ensures that winners have broad-based support.

Why Ranked Choice Voting Is a Conservative Win

RCV aligns with core conservative values of fairness, fiscal responsibility, and voter empowerment:

1. **Promoting majority rule**: By ensuring that winners have majority support, RCV upholds the principle that elected officials should reflect the will of most voters — a cornerstone of representative democracy.

2. **Encouraging fiscal responsibility**: Runoff elections, often required under the current system, are expensive and frequently plagued by low voter turnout. RCV achieves the same goal — majority consensus — without the additional cost to taxpayers.
3. **Strengthening voter confidence**: In states like Alaska and Maine, where RCV has been implemented, voters report high satisfaction with the process. By making elections more transparent and representative, RCV bolsters trust in our democratic institutions.

Addressing Concerns About Third Parties

Rather than viewing third-party candidates as threats, RCV allows them to participate constructively. It removes the "spoiler" label by giving voters the freedom to rank their true preferences without fear of unintended consequences. This not only enhances competition but also encourages major parties to engage with a broader range of issues and constituencies. Moreover, RCV produces winners who appeal to what is now the largest and fastest growing group of voters in North Carolina (as of September 2024, 38% of state voters were unaffiliated vs 32% Democrat and 30% Republican).

A Proven, Non-Partisan Solution

Ranked-choice voting is not a partisan experiment. It is used in jurisdictions across the political spectrum, including Republican-leaning Utah and Democratic-leaning California. These diverse applications demonstrate that RCV is a practical, adaptable solution capable of addressing the unique challenges of any electoral landscape.

A Path Forward for North Carolina

Adopting RCV in North Carolina could alleviate the tensions seen in recent elections. It would ensure that elections reflect the true will of the voters, regardless of party affiliation. The first step is to conduct a needs analysis, as proposed by the Ranked Choice Voting Resource Center, to determine the logistical requirements for implementation. With careful planning and bipartisan collaboration, RCV could strengthen our elections and restore confidence in the democratic process.

As the electorate grows more diverse, our voting systems must evolve to meet the moment. Ranked-choice voting offers a path forward — one that respects every voter's choice, ensures fair outcomes, and fosters a healthier political environment. It is a solution worthy of consideration by all who value the integrity and inclusivity of our democratic institutions.

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National Civic League

How Ranked Choice Voting Could Improve Presidential Elections

By Rob Richie
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Nothing captures national attention like presidential elections– and no single election has more impact on American governance, from the federal level to cities. Yet our dominant presidential voting rules fail to uphold basic principles of representative democracy. In primaries that nominate the major party candidates, early state voters matter far more than those in later states, while in the general election, voters in a handful of swing states matter far more than everyone else. Candidates regularly leverage non-majority wins in early primaries to garner unstoppable momentum, as eventual nominees did in the Republican primaries in 2016 and Democratic primaries in 2020. Since 2000, two Electoral College winners lost the national popular vote, and three presidential elections hinged on non-majority wins in swing states.

It will take collective action across states to reform the primary calendar and the Electoral College. But states can meaningfully improve presidential elections on their own. Ranked choice voting (RCV) has proven to uphold majority rule, protect voting rights, and encourage candidates to engage with more voters. Alaska and Maine today use RCV for presidential elections, Maine has extended RCV's use to presidential primaries, and major parties have used RCV in recent years in presidential primaries in Alaska, Hawaii, Kansas, Nevada, Wyoming, and the Virgin Islands. More than 50 American cities use RCV, with strong support for it in exit polls, including those in both small Utah towns and New York City. Thousands of private associations use ranked-choice voting (RCV) to select their leaders, a trend mirrored by its adoption for student government elections on over 100 American college campuses. This reflects the strong support for RCV among young people, who consistently back it by overwhelming margins. RCV has won 27 consecutive city ballot measures, and is on the November 2024 ballot in the states of Colorado, Idaho, Nevada, and Oregon, and District of Columbia. RCV has even been a clue on Jeopardy and in national crossword puzzles thanks to the public's growing familiarity with it.

RCV is a simple change that upholds the right of voters to have fair outcomes and a stronger voice in their democracy. To underscore how RCV's use would matter, consider that candidates have won a third of our presidential elections with less than half the popular vote, that only a single state in 1992 was won with a majority, and that minor party votes were far greater than victory margins in decisive swing states in 2016 and 2020. RCV would address each of these problems.

The logic behind RCV is the same as settling on strawberry ice cream if a store is out of chocolate. With RCV, voters gain the option to rank candidates in order of choice: first,

second and third. If one candidate receives an outright majority of first choices, he or she wins. If not, the last-place candidate is removed and votes for that candidate go to the one ranked next on the ballot – like settling for strawberry if there isn't any chocolate. This process of eliminating last-place candidates and adding their votes to the next-ranked candidate repeats until a candidate earns a majority of the vote in the final "instant runoff."

RCV helps address several problems afflicting American elections: unrepresentative outcomes, toxic partisanship, limited voter choice, the need for "strategic voting," and "wasted votes." Under our current rules, presidential election outcomes frequently do not represent or reflect the will of voters. In both crowded primaries and general elections with minor parties and independents, single-choice voting rules result in far too many winners who are strongly opposed by most voters because of votes being "wasted" on non-viable candidates. With our current rules, choosing to take advantage of voting early (or by mail) may result in voters effectively losing their votes. In the crowded presidential primaries in 2016 and 2020, for example, nearly four million votes were counted for candidates who had already dropped out before those votes were counted.

Presidential elections within our Electoral College system are at particular risk of unrepresentative outcomes. Independent and minor party candidates can offer important perspectives, and polls show that voters consistently want greater choice, but the single-choice, plurality system is not set up to include those perspectives productively. In 2016, thirteen states were won with less than 50 percent of the votes, indicating that third-party candidates like Gary Johnson and Jill Stein may have affected the result. In 2020, Libertarian Party nominee Jo Jorgensen won more votes than the victory margin in four states, and there were controversies over potential manipulation of minor party candidates in the presidential race and key U.S. Senate elections.

The seven swing states of 2024 that have garnered nearly 100 percent of general election campaign time and spending were also the seven closest states in 2024. The combination of keeping non-majority voting rules and having highly predictable swing states invites attempts to use third-party candidates to manipulate outcomes. Major party backers spent millions trying to help or obstruct minor candidates based on projections of their effect on the election. Those efforts helped end bids by "No Labels" and Robert Kennedy Jr, yet Democrats still ended up with a potential reduction in their vote due to the Green Party's Jill Stein being on six presidential swing state ballots, while Libertarian Chase Oliver may affect the Republican vote in all seven swing states.

RCV creates electoral incentives for candidates and their backers to run more positive campaigns in contrast to the hyperpolarization and toxic partisanship fueled by single-choice voting. Strong parties with clear and distinct platforms help democracy function, but parties have become so polarized that their supporters too often question the

legitimacy of opposing parties' wins and elected officials refuse to make needed compromises. Plurality voting incentivizes candidates to attack or marginalize their opponents rather than reach out to their opponents' supporters and seek common ground. This incentive contributes to excessively negative campaigning in elections and ineffective governance. In the 2012 presidential election, for example, well over 90 percent of independent expenditures by the five largest presidential election spenders went to attack ads.

Mitigating this problem and effectively ending the presidential "spoiler" problem is within reach by focusing on passing RCV, especially in the swing states that decide the White House. Australia has used RCV for its national elections for more than a century, typically with an average of more than five candidates – and there is no talk of spoilers. The only other proven alternative for protecting majority outcomes is a runoff election, as used in many nations and American cities and some states. However, beyond the fact that the Electoral College prevents having December runoffs for president, consider the extra campaign spending demands, election administration costs, and burdens associated with having a national runoff for president. In Georgia alone, more than a half billion dollars was spent by the parties seeking to win its two Senate runoffs after the 2020 election, and Georgia taxpayers spent some $75 million to administer that runoff election. Runoffs also often result in lower voter turnout; in the 276 congressional primary runoffs from 1994 to 2022, the median turnout decline was nearly 40 percent.

The case for using RCV in presidential primaries is also increasingly obvious. Based on the Republican presidential fields in their last three open contests in 2008, 2012 and 2016 and in the Democratic field in 2020, it will be the norm for more than 15 candidates to seek an open contest for a major party nomination. While holding a sequence of primaries and caucuses will winnow such large fields, it does so at the expense of undercutting voting rights and risking the rise of an unrepresentative nominee. No other single reform would come close to RCV's impact in such primaries to make more votes count and avoid lost votes.

In 2020, more than three million votes were cast for Democratic presidential candidates who had dropped out before they were counted. California has widespread use of early voting, and in its primary in early March, more than a half million votes were counted for candidates who had recently dropped out. In Washington state, more than one in four ballots were cast for withdrawn candidates; instructively, its sequence of reporting results enabled seeing the effect on voters of knowing their preferred candidate has dropped out. In the ballots counted that were cast earliest, a third of ballots were for withdrawn candidates. Among the ballots cast closer to the primary, only six percent were for withdrawn candidates. Any state with rules that encourage early voting without RCV for primaries is essentially thumbing its nose at those who cast this incredibly large share of lost votes.

RCV will more reliably help parties choose a representative nominee differently based on the party using it. In Democratic primaries, candidates must earn 15 percent support within a state to earn delegates. Votes for candidates under 15 percent do not count when it is time to divvy up delegates; RCV would simply allow the backers of candidates below 15 percent to have their ballot count for their next-ranked candidate that is viable.

On the Republican side, most states use a winner-take-all system for their presidential primaries: Whoever gets the most votes in a state wins all the delegates. In crowded fields, a candidate can win an early state with an extremely low portion of the vote, as low as 25 percent. That winning candidate might only appeal to a narrow slice of the party; after all, the vast majority voted for someone else. Candidates can ride all-important "momentum" to frontrunner status, saddling parties with a weak nominee.

Consider the 2016 Republican primaries, which featured more than a dozen credible candidates. With provocative rhetoric making him the favorite of a passionate minority, Donald Trump captured the nomination despite falling short of a majority in the first 40 primaries and caucuses, as well as in polls indicating he might have lost a head-to-head race against opponents such as Senators Marco Rubio (R-Fla.) or Ted Cruz (R-Texas). The Democratic primary in 2020 presented the same fractured dynamics. In the wake of its fractured opening contests, most models projected that the primaries would not generate a nominee before the convention – a perilous result that was only prevented because several major candidates volunteered to drop out and rally around Joe Biden, despite his receiving less than 15 percent of the vote in the opening states of Iowa and New Hampshire.

As states and parties consider how to improve their presidential primaries, they can look to promising models. In 2020, early Democratic voters in Nevada and all Democratic voters in Alaska, Hawaii, Kansas and Wyoming cast RCV ballots in their party-run presidential contests. While millions of votes were wasted elsewhere, in these states, 99 percent of voters helped one of the active candidates earn delegates. In February 2024, Virgin Islands Republicans used ranked-choice voting (RCV). While Donald Trump won a first-round majority of the vote, RCV enabled a reduction of the field to Trump and Nikki Haley. Trump increased his lead once weaker candidates were eliminated, underscoring his support within the party.

Policymakers in many states can now adopt RCV for statewide elections, confident that it can be implemented seamlessly and inexpensively, albeit with the important caveat of needing to work closely with election officials. The key changes involve ballot-counting and voter education. The leading voting equipment companies and regulatory agencies are finally updating their rules and systems to accommodate RCV, and many cities now release preliminary RCV tallies on election night and embrace best practices on transparency, audits, and timely release of results and data. Most states can move to

RCV with one-time upgrades that will generate results in RCV elections that are as transparent, auditable, and as fast as non-RCV elections. Election officials can draw on proven practices for ballot design and voter education to provide a good voter experience. On average, 99.7 percent of voters cast valid ballots in RCV elections, and nine in ten voters will use their power to rank candidates in major elections contested by more than two candidates. In Maine's very first RCV election – a seven-way Democratic primary for governor in 2018 – more than three times as many voters ranked at least six candidates as ranked one.

To be sure, RCV has its critics. In 2020, the Republican parties of Indiana, Utah, and Virginia all used RCV in major statewide and congressional nomination contests. In 2021, Virginia Republicans nominated Glenn Youngkin for governor in a crowded seven-candidate field, and Georgia became the sixth southern state to have its overseas voters cast RCV ballots in runoff elections to make more of their votes count. However, the fact that Democrats won close RCV contests in congressional elections with RCV in Alaska and Maine triggered a wave of conservative opposition, and several Republican-run states have passed laws to block any uses of RCV. At the same time, ballot measures this year for RCV in some Democratic-run states like Colorado and Nevada have drawn Democratic opposition. These opponents will argue that RCV is harder for racial minorities, but the data is overwhelmingly clear: Voters of all races are making good use of RCV, voter participation is positively affected, and women and candidates of color have had surges in their elections in jurisdictions with RCV.

Indeed, the more voters and candidates experience RCV, the more they are likely to appreciate its virtues. Presidential elections may be where the parties join hands to put voters first. Both major parties will benefit from removing the uncertainty of general election "spoilers" that can come from both the left and the right. Both parties will benefit from having RCV in their nominations to more reliably pick representative nominees and avoid lost votes for withdrawn candidates. By 2028, expect several new states to pass RCV for presidential elections. In the wake of such progress, Congress could make RCV a national norm by requiring it in Congressional elections, as proposed this year in the Ranked Choice Voting Act. For American voters who value representative election results, it couldn't happen soon enough.

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