



Increasing Voter Choice and Decreasing the Length of Campaigns:

Authorizing Instant Runoff Voting for Lane County Elections



A Policy Analysis Report

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“Provision may be made by law for the voter’s direct or indirect expression of his first, second, or additional choices among the candidates for any office.”

--Article II Section 16 of the Oregon Constitution

1. Introduction and Summary of Findings

IRV-Lane County is a group of Lane County voters working to bring instant runoff voting (IRV), also known as ranked choice voting or preference voting, to Lane County elections. They plan to have a charter amendment measure on the ballot for the November 2010 general election that if passed would allow the Lane County Board of Commissioners to establish IRV as the election method for Lane county offices (county commissioners, county assessor, and sheriff).

This document is a policy analysis report conducted primarily to address questions regarding the practical, legal, and financial feasibility of instituting IRV for Lane County elected offices. A summary of the findings of this analysis follow below:

- Instant runoff voting (IRV) would eliminate the need for a primary election (also called a nominating election) for Lane County offices while retaining the requirement that a candidate receive a majority of votes to win. Eliminating the primary election would give voters who only vote in the general election a greater choice of candidates, and in some cases reduce the demands on voters' time and attention and reduce the time and expense of campaigning for candidates. (Ch. 3)
- IRV would eliminate the “spoiler” dynamic that operates in the primary election, mitigating the negative effects of this dynamic: candidates who are potential allies can recommend each other as a second choice for voters, which would strengthen alliances and reduce negative campaigning; voters can vote their true preferences, expressing their political voice with less distortion; more candidates will feel free to run, bringing new ideas into the political arena; and the influence of well-financed interests would be reduced. (Ch. 4)
- Based on the experience of other U.S. cities and counties using IRV, the majority of voters find it easy to understand and attractive as a voting system, although reactions can depend upon the circumstances under which it replaces the previous voting system. (Ch. 5)
- The Oregon constitution appears to give clear legal authority to Lane County to allow the use of IRV via the county charter, and any uncertainty based on alleged conflict with state law is likely to be resolved by the Secretary of State and/or the state legislature in 2009. (Ch. 6)
- At present there are at least three options that Lane County could use for counting votes in IRV races, each at a different cost level. The costs are likely to come down in the near future as more and more localities adopt IRV and thus create a broader market for the technology of IRV vote counting. (Ch. 7)

- Based on these findings, this report recommends that the Lane County charter be amended to allow the Lane County Board of Commissioners to adopt IRV for elections to Lane County offices at such time as they judge the monetary costs of conducting the elections to be low enough to be outweighed by IRV's benefits. (Ch. 9)

2. What Is Instant Runoff Voting (IRV)?

Instant Runoff Voting (IRV) is a voting procedure that allows voters to rank order candidates for an office according to each voter's preferences, requires a candidate to receive a majority of votes to win, and eliminates the need for a separate run-off election when no candidate initially receives a majority. It has been used in Australia for nearly a century and has been adopted by several localities in the United States (see Appendix I).

For example, a voter might decide to rank his or her choice of candidates in this order:

Example of one voter's choices:	Candidate A:	2
	Candidate B:	
	Candidate C:	1
	Candidate D:	3

In the above example, the voter has ranked candidate C as the first choice, candidate A as the second choice, and candidate D as the third choice, and chosen not to rank candidate B. (There are different versions of IRV. One version would allow fourth, fifth, and further choices until all candidates were ranked; another would allow only the top three choices to be indicated.)

After all the votes are cast, the first choice votes are counted. If any candidate receives a majority of first choice votes (that is, more than 50%), that candidate would be elected.

Example 1 of totals for	Candidate A:	412	10%	
all first choice votes:	Candidate B:	2,163	55%	√ <i>winner</i>
	Candidate C:	1,304	33%	
	Candidate D:	68	2%	

In the above example, candidate B received a majority of first choice votes (2,163 is 55% of all 3,947 votes cast) and so is elected.

However, if no candidate received a majority of first choice votes, the candidate with the fewest first choice votes would be eliminated and the ballots recounted using each ballot's top-ranked candidate still in the race.

Example 2 of totals for	Candidate A:	503	13%	
all first choice votes:	Candidate B:	1,728	44%	
	Candidate C:	1,631	41%	
	Candidate D:	85	2%	

No winner

In this example, none of the candidates received a majority of the votes. (Candidate B's leading position is not a majority.) Therefore candidate D would be eliminated, and the votes recounted using each ballot's top-ranked candidate still in the race. (Another way to think of this is that candidate D, having come in last, has his or her votes redistributed to the next-highest choice of each of the voters who had candidate D as their first choice.)

Suppose that in Example 2 above, of the ballots for which candidate D was the first choice, 21 have candidate A as the second choice, 54 have candidate B as the second choice, and 11 have candidate C as the second choice. In the second round of counting, the results would be:

Example 2, second round of counting:	Candidate A:	523	13%	
	Candidate B:	1,782	45%	
	Candidate C:	1,642	42%	
				<i>No winner</i>

If one of the candidates had a majority in this round of counting, that candidate would be elected. However, in this example none of the candidates has a majority yet. Therefore the process of the second round is repeated: the candidate with the fewest votes (now candidate A) is eliminated, and the votes are recounted using each ballot's top-ranked candidate still in the race. Suppose the totals of the third round of counting come out thus:

Example 2, third round of counting:	Candidate B:	1,949	49%	
	Candidate C:	1,998	51%	✓ <i>winner</i>

Candidate C now has a majority (1,986 is 50.6% of the total of 3,947 votes), and is elected.

IRV thus allows a majority to determine the winner of an election without the need for a run-off election. The votes are simply recounted using voters' ranked preferences, thus the name "instant" run-off.

In sum, the three key features of IRV are:

- Voters are allowed to rank-order their candidate preferences,
- A majority of votes is required for a candidate to win, and
- Only a single election is necessary.

3. Changes to the Electoral Process

If IRV were to replace the current method of electing candidates to Lane County offices, it would eliminate the need for a primary election (also called a nominating election), currently held in May of an election year, while retaining the requirement that a majority of votes is needed to elect a candidate.

Current electoral process for Lane County offices:

<u>Primary election (May)</u>		<u>General election (November)</u>
Candidate gets a majority of votes	→	Only that candidate on ballot
—or—		
No candidate gets a majority of votes	→	Top two candidates on ballot

As illustrated above, under the current electoral system for Lane County offices, there is a primary election and a general election. In the primary election, two results are possible. If a candidate gets a majority of votes, that candidate becomes the only candidate on the ballot for the general election; therefore that candidate is the de facto winner. However, if no candidate gets a majority of votes in the primary election, the two candidates who received the most votes both have their names placed on the ballot for the general election. The one of the two candidates who gets a majority in the general election is then elected.

If IRV were used for Lane County offices:

<i>(No primary election)</i>	<u>General election (November)</u>
	Candidate wins with a majority of first-choice votes
	—or—
	IRV recount process until majority winner emerges

Under IRV, there would be no primary election for Lane County offices. In the general election, if any candidate received a majority of first-choice votes, that candidate would be elected. If no candidate received a majority of first-choice votes, the IRV elimination and recount process would be used until one of the candidates emerged as the majority winner (see the previous chapter).

In determining the effects of eliminating the primary election by instituting IRV for Lane County elections, the two possible results of primary elections under the current system must be considered.

First comparison

One possible result of the primary election under the current system is that no candidate receives a majority of votes, and the two candidates with the highest number of votes are placed on the ballot for the general election.

In this case, eliminating the primary election would reduce the demands upon voters' time and attention. It would also allow voters who vote only in the general election (more voters vote in the general election than in the nominating election) a greater choice of candidates to consider because all candidates (not just two) would be on the general election ballot.

Eliminating the primary election would also likely reduce the time and expense of campaigning for the top two candidates, reduce the time solicited from campaign volunteers for these candidates, and reduce the money solicited from campaign donors for these candidates.

Second comparison

The second possible result of the primary election under the current system is that one candidate receives a majority of votes, and only that candidate is on the ballot for the general election.

In this case, eliminating the primary election would be unlikely to appreciably reduce demands on voters' time and attention as in the current system voters do not pay a great deal of attention to a general election with a single candidate on the ballot. However, as above, it could allow voters who vote only in the general election a greater choice of candidates to consider because all candidates (if there is more than one) would be on the general election ballot.

Eliminating the primary election in this case would also be unlikely to have a significant effect on the time and cost of campaigning, as generally a sole candidate for the general election will not spend much time or money on campaigning for the general election.

In summary

The effects of eliminating the primary election by instituting IRV would be to give voters who vote only in the general election a greater choice of candidates, and in some cases to reduce the demands on voters' time and attention and reduce the time and expense of campaigning for candidates.

4. Other Benefits of IRV

The “spoiler” dynamic

A key attraction of IRV is the elimination of the so-called “spoiler” dynamic. Most U.S. elections require a candidate to receive a plurality of the votes, rather than a majority, to win an office. This means that whoever gets the most votes wins, even if that candidate receives less than half the votes. When there are only two candidates for an office one of them will have a majority (unless there is a tie), but if there are more than two candidates the votes may split between them in such a way that none of the candidates have a majority. For example, assume there are two candidates for an election and the percentage of voter support for each of them is this:

Candidate X: 55% of voters support
Candidate Y: 45% of voters support

If the election were held, Candidate X would win with majority support. But suppose a third candidate enters the race and draws the support of many of Candidate X’s supporters and a few of Candidate Y’s supporters. The levels of support could change to this:

Candidate X: 35% of voters support
Candidate Y: 40% of voters support
Candidate Z: 25% of voters support

Now if the election were held, Candidate Y would win, even though a majority of voters do not support that candidate. Candidate Z has acted the role of the “spoiler” by splitting Candidate X’s supporters and causing Candidate Y to win instead.

There are several negative effects of the “spoiler” dynamic. First of all, it can allow a candidate to win even if a majority of voters oppose that candidate (such as Candidate Y above). Second, it creates tensions between candidates (such as Candidates X and Z) and their supporters who would otherwise probably act as allies, which can increase the negativity of campaigns. Third, voters who prefer a “spoiler” candidate above the other candidates often avoid voting their true preference so that they do not allow a disliked candidate to win over a second choice. Because for most citizens voting is the primary means of expressing themselves politically, the “spoiler” dynamic can have the effect of distorting some (and possibly many) voters’ political voices. Fourth, in order to avoid the “spoiler” role some (and possibly many) potential candidates will not run for office, which limits the introduction of new ideas into campaigns. Finally, well-financed interests have greater influence over the electoral process because well-financed candidates are usually seen as the “viable” candidates and less-financed candidates as the “spoilers.”

The “spoiler” dynamic in elections to Lane County offices

For Lane County offices the “spoiler” dynamic does not operate in the general election, because only two candidates (at most) will appear on the general election ballot. But the “spoiler” dynamic can, and does, operate in the primary (or nominating) election, although in a somewhat modified form. When there are only two candidates in the primary election, one will win a majority and be the only candidate that advances to the general election, in effect winning the office. But if one or more additional candidates enter the primary election, the votes may split between the candidates in such a way that none of them receive a majority and the top two vote getters must continue their campaigns into the general election. This costs them time and money and extends the period of uncertainty for everyone, thus creating the same type of pressure for “spoiler” candidates not to run and the same types of negative effects: tensions between potential allies, voter inhibitions against voting their true preferences, and increased influence over elections by well-financed interests.

IRV eliminates the “spoiler” dynamic

IRV eliminates the “spoiler” dynamic because the splitting of voter support among more candidates does not affect the production of a majority winner. In the example above with Candidates X, Y, and Z, under IRV the entry of Candidate Z into the race will not “spoil” Candidate X’s chance to win. Because none of the candidates would have a majority in the first round of vote counting, Candidate Z would be eliminated in the next round and the ballots of voters who chose that candidate as their first choice will revert to those voters’ second choices, bringing the count back to what it was in the first part of the example: Candidate X winning with 55% of the votes to Candidate Y’s 45%.

Because IRV eliminates the “spoiler” dynamic, it also mitigates its negative effects. Candidates who are potential allies can recommend each other as a second choice for voters, which would strengthen alliances and reduce negative campaigning. Voters can vote their true preferences, expressing their political voice with less distortion. More candidates will feel free to run, bringing new ideas into the political arena. And the influence of well-financed interests would be reduced.

It should be noted, however, that these effects depend upon other factors in addition to the kind of voting process that is used. The argument is that IRV *tends* to lessen things like negative campaigning and the influence of well-financed interests, not that it *guarantees* they will be lessened (and certainly not that it will eliminate them). This prediction is based on extensive knowledge about how electoral politics and voting systems work; systematic research to document these effects would be difficult due to the complexity of causality and to our knowledge has not been conducted in U.S. localities that have adopted IRV.

5. How Voters Respond to IRV

The experience of voters in other U.S. cities and counties using IRV can be used to assess the likely response of Lane County voters if IRV were instituted here.

San Francisco (which is both a city and a county) has used IRV, under the name of ranked choice voting (RCV), for local elections since 2004. The Public Research Institute of San Francisco State University assessed voters' reactions to using RCV in the 2004 and 2005 elections. Their findings show that voters responded positively to the experience. For example:

- In 2004, 86% of voters said they understood the new voting system “perfectly well” or “fairly well,” and 61% preferred the new system versus 13% who preferred the old (Neely, Blash, & Cook, 2005, pp. 15-16, 38).
- In 2005, 87% said they understood the new system perfectly or fairly well, 46% said the system was “easy” or “fairly easy” to use compared to 16% who found it “difficult” or “fairly difficult,” and 55% preferred the new system versus 17% who preferred the old (Neely, Cook, & Blash, 2006, pp. 10, 21-22, 25).
- Also in 2005, 37% found RCV to be more fair than the previous system, more than two times the 15% who said the previous system was more fair, with 48% seeing no difference in fairness (Neely, Cook, & Blash, 2006, p. 30).

In March of 2006 political science students at the University of Vermont conducted exit polls during the first use of IRV in Burlington VT for the election of mayor. They found that 63.4% of the voters liked the new system versus 17.9% who did not like it (Vermont Legislative Research Shop, 2006).

Takoma Park MD began using IRV in January of 2007 in an election to replace a city council vacancy. An exit poll conducted at the time found that 88.75% of the respondents found IRV “very easy” or “easy” to use versus 1.25% who found it “difficult.” Over 88% said they would like to see IRV used again in the future (Bartolanzo, 2007, pp. 5-6).

In 2007 Professor Michael Cobb conducted exit polls for IRV elections in Cary NC for city council and mayor and Hendersonville NC for city council (Cobb, n.d.). He found that:

- In Cary NC 95% of voters found ranking candidates very easy or somewhat easy to understand versus 5% who found it very hard or somewhat hard to understand, and 68% preferred ranking candidates compared to 27% who preferred voting for only one of two candidates where a second run-off election might be necessary.

- In Hendersonville NC 86% of voters found ranking candidates very easy or somewhat easy to understand versus 15% who found it very hard or somewhat hard to understand, and 67% preferred ranking candidates compared to 28% who preferred voting for a single candidate where a second run-off election might be necessary.

Pierce County WA used IRV, again under the name of ranked choice voting (RCV), for the first time in the November 2008 election, but reports of voters' reactions are at this point hard to interpret. News reports indicate a strong negative reaction to RCV, but this may be related to Washington voters' unhappiness about the loss of the state's traditional "blanket" primary after a federal court decision in 2003 forced the counties to replace it (Wickert, 2008). A poll of Pierce County voters by the county auditor found that twice as many respondents had a negative view of RCV as those who had a positive view. However, a professor and a key backer of RCV in Pierce County has critiqued this poll on the grounds of a low response rate (27%) and the fact that the sponsorship of the survey was a potential biasing factor, as the auditor's name was on the survey and she was also a candidate in one of the races and public opponent of instituting RCV (Anderson, 2008).

Overall, based on the experience of other U.S. cities and counties using IRV, the majority of voters find it easy to understand and attractive as a voting system, although reactions can depend upon the circumstances under which it replaces the previous voting system.

6. Legal Considerations

IRV is clearly consistent with Article II, section 16 of the Oregon constitution:

“Provision may be made by law for the voter’s direct or indirect expression of his first, second, or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office.”

In *State ex rel. v. Portland 65 Or. 285* (1913) the Oregon Supreme court held that the phrase “by law” in the above section 16 is not limited to statute law but includes the provisions of a city charter. Furthermore, Article VI, section 10 of the Oregon constitution provides that:

“A county charter shall prescribe the organization of the county government and shall provide directly, or by its authority, for the number, *election* or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary.” [emphasis added]

Together these provisions of the Oregon constitution appear to give sufficient authority to Lane County via charter amendment to allow the Board of Commissioners to institute IRV for elections to Lane County offices.

However, when the city of Eugene was considering instituting IRV in 2001, state elections director John Lindback took the position that state enabling legislation would be required before city governments could establish IRV elections. In a letter to the Eugene city attorney dated March 21, 2001, Lindback asserted that state elections law manifested a “clearly stated legislative intent to preempt local legislation on the manner of the conduct of elections.” Lindback cited several state statutes that he believed would conflict with a city instituting IRV elections. These include ORS 254.065, which specifies that a candidate receiving the highest number of votes for an office shall be elected (under IRV a candidate receiving the highest number but not a majority of votes in the first count is not elected), and ORS 254.016, which specifies that elections held in Oregon must be conducted according to the provisions of state elections law unless provided otherwise in statute law.

The Eugene city attorney challenged this interpretation in a memo to the city manager’s office dated March 30, 2001, commenting that the letter from Lindback “does not explain how the legislature, by statute, can prohibit that which Article II, section 16 of the Constitution seems to allow.” In part because of the uncertainty caused by this dispute, the Eugene IRV referendum failed to pass.

Any similar dispute over whether Lane County has the legal authority to institute IRV for elections to Lane county offices ultimately would be resolved in one of three ways: (1) a court decision, (2) a favorable opinion by the Oregon Secretary of State, or (3) state legislation clarifying that use of IRV by local governments is permissible.

A court decision would take place only if Lane County attempts to institute IRV, the Secretary of State's office blocks it, and Lane County sues. Kate Brown, Secretary of State-elect for the 2009-2012 term of office, made many statements in support of IRV during her 2008 election campaign. It is possible that under her tenure her office will take the position that Oregon counties have the constitutional authority to institute IRV. In this event Lane County could institute IRV without a legal obstacle.

However, it is even more likely that in its 2009 session the state legislature will pass legislation clarifying that the use of IRV by local governments is permissible. In the 2007 legislative session a bill for this purpose in the Oregon House of Representatives (HR 2761) was voted out of committee with a "do pass" recommendation. The bill's sponsors pulled it before a floor vote because they appeared to be a few votes short of being able to pass it, due in part to opposition from then-Secretary of State Bill Bradbury. Similar bills for the 2009 session are being sponsored in both houses of the Oregon legislature and stand a good chance of passing. The new Secretary of State, Kate Brown, pre-filed one of the IRV bills before leaving the state senate in 2008; that bill has received a number (SB 29) and is regarded as a committee bill. Unlike in 2007, the current Secretary of State clearly can be expected to support this legislation.

Conclusion

The Oregon constitution appears to give clear legal authority to Lane County to allow the use of IRV via the county charter, and any uncertainty based on alleged conflict with state law is likely to be resolved by the Secretary of State and/or the state legislature in 2009.

7. Vote Counting and Cost Considerations

With more and more U.S. localities adopting IRV (see Appendix I), the technology of IRV vote counting has been evolving rapidly and likely will continue to evolve. At present there are at least three options that Lane County could use for counting votes in IRV races, each at a different cost level.

Combining a machine count with hand counting

For most of its vote counting Lane County currently uses Optech 400C optical scan vote counting machines purchased from Sequoia Voting Systems (Verified Voting Foundation, 2008). Elective offices subject to IRV would not require additional rounds of counting in every election; if only one or two candidates register to run for an office, vote counting can proceed as usual with the machines now in use.

If there are three or more candidates for an office subject to IRV, the IRV race may be designated on the ballot by displaying each level of a voter's choice (1st choice, 2nd choice, 3rd choice) in an individual column listing all of the candidates for the office as though each column is for an individual race. This part of the ballot would look something like this:

<u>First choice</u>		<u>Second choice</u>		<u>Third choice</u>	
Candidate A	<input type="radio"/>	Candidate A	<input type="radio"/>	Candidate A	<input type="radio"/>
Candidate B	<input type="radio"/>	Candidate B	<input type="radio"/>	Candidate B	<input type="radio"/>
Candidate C	<input type="radio"/>	Candidate C	<input type="radio"/>	Candidate C	<input type="radio"/>
Candidate D	<input type="radio"/>	Candidate D	<input type="radio"/>	Candidate D	<input type="radio"/>

The ballots would be run through the vote counting machines as usual, and the results from adding all the votes in the first choice column would indicate whether further rounds of counting are needed for the IRV race. In many cases, there will be a majority winner and no additional rounds of counting will be necessary. Over the last twelve years, nine of the twelve nominating elections with more than two candidates for a Lane County office had a majority winner (Lane County, 2008).

If there is no majority winner in the first choice column, the candidate with the fewest first choice votes is eliminated. This would be done by hand separating the ballots of voters who chose that candidate as their first choice in order to tally their second-choice votes and add the results to the first round vote totals of the remaining candidates. In some cases the separated ballots will be few enough to count by hand easily. If the number of separated ballots is very large, they could be run through the vote counting machines a

second time and the totals from the second choice column added to the totals from the first round of counting (with the eliminated candidate's first round votes disregarded).

If more than two rounds of counting are necessary, further counting would have to be done entirely by hand because second choices would have to be counted on some ballots and third choices on others, and because too many ballots would become degraded by multiple passes through the vote counting machines. If there is more than one IRV race on the ballot (for Lane County offices there would be at most two, county commissioner and assessor or sheriff), second and further rounds of counting for the second office will also have to be hand counted because of the ballot degradation problem.

The primary cost of this option for IRV vote counting would be the labor expense of elections workers' additional time spent in training and in separating and counting ballots. This cost could be smaller or larger in different election years depending on unpredictable factors such as how many candidates register for races, how many IRV races there are, and how many rounds of counting are necessary.

IRV vote counting machine upgrade

To avoid hand counting, Lane County's vote counting machines could be upgraded to do the IRV calculations automatically. Sequoia Voting Systems has developed an upgrade which would enable its optical scan vote counting machines to record IRV rankings and the central computer which processes the data to calculate an IRV winner. This upgrade has been used in San Francisco and in Pierce County WA for the November 2008 election. (California and Washington allowed its use for local elections on a one-time basis pending federal certification, which is likely to take place before the 2010 elections.) Lane County would have to purchase this upgrade and retrofit its voting machines at a price estimated by a Sequoia representative to be over \$750,000 (email communication, Dec. 9, 2008). The actual price would be negotiated between the county and Sequoia, and other counties have reportedly purchased the upgrade for significantly less money, although still in the hundreds of thousands of dollars.

The Sequoia upgrade also requires that IRV races be on a separate ballot from non-IRV races, which adds additional costs related to printing, mailing (due to the greater weight of two ballots), and processing the second ballot. At present this option is cost prohibitive, although the price may be subject to change in the future.

Using other machines

A third option would be to use other optical scan machines and data-processing computers capable of handling an IRV election. The technology is available, and the programming requirements are not especially difficult. TrueBallot is a company that has provided the technology and labor for IRV elections in two U.S. localities to date (as well as conducting IRV elections for a number of private entities), charging a retainer plus

approximately one dollar per ballot for the vote counting process (phone communication, Jan. 9, 2009). The IRV races could be on the same ballot as the non-IRV races and the Sequoia machines used for the first round of vote counting, as discussed in the section above on combining machine and hand counting, with TrueBallot's vote counting services coming into use (rescanning the ballots on their own machines) if a majority winner did not emerge in the first round of counting.

Again the actual price of contracting such services would be negotiated, but one knowledgeable person estimated the retainer could cost around \$25,000. The cost for instituting IRV elections in a particular election year would thus range from the cost of the retainer to approximately two hundred thousand dollars if all of the ballots needed additional counting for a county-wide race (sheriff or assessor). However, before this option could be utilized there would have to be state certification of the technology and a change in state law to allow its use in local elections without federal certification.

Conclusions

At present there are at least three options that Lane County could use for counting votes in IRV races, each at a different cost level. The costs are likely to come down in the near future as more and more localities adopt IRV and thus create a broader market for the technology of IRV vote counting.

8. Replies to Arguments against IRV

IRV violates the “one person, one vote” rule.

The “one person, one vote” rule came out of the 1963 U.S. Supreme Court decision in the case of *Gray vs. Sanders*, in which it ruled that electoral districts had to be drawn so as to represent equal numbers of citizens; it had nothing to do with voting procedures. Under IRV, every voter’s ballot is equally weighted and counts as one vote in each round of counting. If a voter’s second choice is counted, that voter’s first choice is cancelled; there is no disadvantage to voters whose first choice is still in the race. In 1975, a Michigan circuit court considered these issues and determined that the use of IRV was constitutional (Michigan Circuit Court, 1975). A similar case is now pending in Minneapolis MN (Nelson, 2008).

With the possibility of multiple rounds of counting under IRV, election results could be delayed for weeks.

Under Lane County’s current system of a nominating election in May and a general election in November, the final results of the election may not be known until six months after the first votes are cast; even if it took weeks to know the results of an IRV election, it would be a much faster process. Although it *could* take weeks for the results of an IRV election to be known, it should not usually take that long. Much depends upon the vote processing method chosen, how many rounds of counting are needed, and other variable factors.

IRV is subject to strategic voting, in which the choice of a minority of voters can change the results of the election.

This is a hypothetical possibility, but extremely unlikely to actually happen. Two contradictory conditions would have to hold: (1) there would have to be three or more candidates with nearly equal support from voters, and (2) a minority of voters would have to vote against their true preferences in order to change the order in which candidates would be eliminated. These are contradictory conditions because if support for the candidates was nearly equal, no one could be sure what the likely outcome was going to be and so no set of voters could know in advance whether changing their vote would alter the outcome.

IRV may not produce a true majority winner if many voters do not indicate ranked choices beyond their first choice.

There is not a true majority winner in any of our elections if “true majority” is taken to mean a majority of all registered voters, because nearly half of registered voters choose not to vote. If a voter does not make a second choice in an IRV

election, it is the equivalent of that voter choosing not to vote in the instant run-off if his or her first choice is eliminated.

In September of 2001 voters in Eugene decided against the use of IRV in city elections.

Much has change since 2001. Successful use of IRV has been demonstrated in several localities across the United States, and IRV-capable software for vote counting machines has been developed, used, and submitted for federal certification. In addition, disputes about the legal authority of local governments to institute IRV are likely to be resolved by the Oregon Secretary of State and/or the state legislature in 2009. These changes address some of the most important arguments raised against IRV in the 2001 referendum campaign.

9. Conclusions

There are several benefits to instituting IRV for Lane County elections. It eliminates the primary election, thus reducing demands upon voters' and candidates' time and attention while increasing the number of candidates voters can choose from in the general election. It also eliminates the "spoiler" dynamic that current operates in the primary election, and thus would tend to strengthen political alliances, allow voters to express their preferences with less distortion, bring new candidates and ideas into electoral campaigns, and reduce the influence of well-financed interests. The primary obstacle to instituting IRV is that at this time the process of vote counting to determine the final winner is likely to be costly, although the cost of different options for vote counting will probably come down in the near future.

Weighing the benefits of adopting IRV against the monetary costs to the county of conducting the elections is a political judgment best made by the voters or by a deliberative body representing the voters. The county charter would have to be amended by the voters in order either to mandate the institution of IRV or to enable a deliberative body to institute IRV when it judges the conditions to be right for this.

If the county charter were to be amended to mandate IRV, it would be difficult to predict what the benefit/cost ratio and county budgetary constraints would be like by the time the amendment process was completed and IRV could be implemented. Because a deliberative body representing the voters could more easily track the changing cost picture and budgetary constraints, this report recommends that the Lane County charter be amended to allow the Lane County Board of Commissioners to adopt IRV for elections to Lane County offices at such time as they judge the monetary costs to have been reduced enough to be offset by its several benefits.

Appendix I. A Short History of IRV

- In 1856 British electoral reformer Thomas Hare proposed that voters be given the opportunity to rank candidates in the order of each voter's preferences.
- American professor W.R. Ware saw that Hare's concept could be adapted to single-member electoral districts such as are common in the U.S.
- Provision for preference voting included in the Oregon constitution (1908).
- Maryland used IRV for primary elections in the early 20th century.
- A form of IRV was adopted for elections to the Australian House of Representatives in 1918; it is still being used to elect Australian legislators.
- A form of IRV was adopted in Cambridge MA in 1941; it is still being used there.
- IRV used briefly in Ann Arbor MI in the 1970s.
- Current movement to institute IRV in U.S. elections began in Texas in 1997; IRV measures passed in Santa Clara County CA in 1998, Vancouver WA in 1999, and San Leandro CA in 2000.
- Referendum to institute IRV in elections for the city of Eugene OR voted down, Sept. 2001.
- In 2002, then-state senator Barack Obama introduced a bill to bring IRV to Illinois primary elections.
- IRV measures passed in Burlington VT and San Francisco CA in 2002; Ferndale MI and Berkeley CA in 2004; Takoma Park MD in 2005; Davis CA, Oakland CA, Minneapolis MN, Cary NC, Hendersonville NC, and Pierce County WA in 2006; Aspen CO and Sarasota FL in 2007; and Memphis TN, Telluride CO, and Santa Fe NM in 2008.
- IRV adopted for use by overseas and/or military voters in Louisiana in the 1990s, South Carolina in 2006, Springfield IL and Arkansas in 2007; IRV also adopted for use in some judicial vacancies in North Carolina in 2006.
- IRV implemented in San Francisco CA in 2004; Burlington VT in 2006; Takoma Park MD, Cary NC, and Hendersonville NC in 2007; and Pierce County WA in 2008.

Appendix II. Proposed Lane County Charter Amendments

The following draft amendments are offered to show how the Lane County charter might be amended to allow the Lane County Board of Commissioners to institute instant runoff voting. In the 2009 state legislative session bills have been introduced in both houses that would clarify county and city authority to institute instant runoff voting. If this legislation passes, the scope and wording of the following illustrative charter amendments may have to be revised to conform to the details of the state legislation.

[This section is not yet complete.]

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