

THE CASE FOR RANKED CHOICE VOTING IN NEW YORK CITY

Testimony of Susan Lerner, Executive Director, Common Cause/NY Before The 2019 NYC Charter Revision Commission, Expert Forum – Elections February 25, 2019

Thank you for the invitation to testify at the Commission’s Expert Forum on Elections. I am Susan Lerner, Executive Director of Common Cause/NY. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government and lead the grassroots component of the nationwide Election Protection effort. Common Cause/NY is among the largest and most active state chapters and is a founder and leader of the statewide Let NY Vote coalition. Accordingly, the orderly administration of elections and insuring that our elections are accessible and fair is part of our core mission to promote civic engagement and accountability in government. I submit this written testimony to supplement and expand on my oral testimony. Common Cause/NY will submit separate written testimony addressing three other areas: redistricting, the impact of off-year municipal elections, and improving term limits.

NEW YORK IS UNIQUELY SITUATED TO BENEFIT FROM RANKED CHOICE VOTING

While our city has been a national leader in campaign finance reform, election reform in New York City has languished over the years, in part due to the lack of progress in reforming our antiquated voting laws at the state level. Now that we are finally seeing significant progress on reforming and modernizing New York State’s elections, it is a particularly appropriate time for this Commission to address an election reform which New York City is uniquely positioned to benefit from: Ranked Choice Voting.

One of the primary benefits of New York City’s well-regarded campaign finance system is that it opens the ballot to more diverse and community-backed candidates. That improved ability for more candidates to run combined with the term limits repeatedly approved by New York City voters has allowed many candidates to run, particularly in city primary elections, providing New York City voters with increased choices on the ballot. Common Cause/NY sees this as an admirable strength and selling point for a small donor matching fund campaign finance system. But it does have some unintended consequences: elections that are won with less than majority support and voters who are hesitant to vote their true preference. We believe that a Ranked Choice Voting system, where New York City voters are able to rank their top 5 choices for any primary or special election where more than two (2) candidates are on the ballot, addresses these unintended consequences, as well as helps to avoid Voter Fatigue.

Common Cause analyzed election results for primary and general elections during the last three election cycles to determine the frequency of multi-candidate elections¹ and the frequency of primary and general elections that are won with less than a majority.² We found that 66.1% of primaries were multi-candidate races, races where a candidate could win with less than majority support. As a result, our analysis of election outcomes is largely focused on the multi-candidate primaries since 2009.

More importantly, over the last three election cycles, we discovered an alarming trend- **63.6% of multi-candidate primaries were won with less than 50% of the vote, 29.8% of multi-candidate primaries were won with less than 40% of the vote, and 7.7% of multi-candidate primaries were won with less than 30% of the vote.**³

We also examined the outcomes of the occasional run-off election for a citywide elected office. Since 2009, there have been three run-off elections for citywide offices.⁴ **We found that run-off elections saw precipitous drops in already low voter turnout, which drove massive increases in the cost per vote.** This precipitous drop-off from repeat elections is often referred to as “Voter Fatigue.”

New York City has a unique opportunity to bring transformative change to how New Yorkers vote. The City Council’s Charter Revision Commission is considering Ranked Choice Voting⁵ as a possible recommendation to be approved by voters in 2019.

COMMON CAUSE NY STRONGLY URGES THE COMMISSION TO RECOMMEND RANKED CHOICE VOTING FOR NEW YORK CITY PRIMARY AND SPECIAL ELECTIONS.

New York City elections are long overdue for structural reform that would produce better outcomes for voters, candidates and elected officials. Ranked Choice Voting is an elegant path forward that solves for troubling citywide trends. Ranked Choice Voting builds majority support for candidates in multi-candidate races, inspires voters to vote their preference- not the lesser of two evils - and avoids costly run offs. With Ranked Choice Voting, elected officials would start their term with a stronger mandate from their constituents. And voters would back the majority winner while truly engaging in the democratic process.

2009-2017 Primary Election Outcomes

Multi-Candidate Primary Elections in New York City

Since 2009 there have been 121 primary elections in the city. The majority were city council races. 33.8% of these primaries were two candidate races and 66.1% were multi-candidate races.

2009-2017 Candidates in Primary Elections

<i>Total Primary Elections</i>	<i># of Two Candidate Primaries</i>	<i># of Multi-Candidate Primaries</i>
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¹ In this instance, Common Cause defines multi-candidate races as those with more than 2 candidates.

² For the purposes of this analysis, majority is defined as 50% or greater.

³ We found little evidence that this trend persists into general elections.

⁴ Under current election law, run-off elections are triggered when a candidate for citywide office fails to secure 40% of the vote.

⁵ Ranked Choice Voting allows voters to rank candidates from first to last choice on the ballot. A candidate who collects a majority of the vote wins. If there’s no majority, then the last-place candidate will be eliminated and votes reallocated. The process is repeated until there’s a majority winner.

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Overall, we found:

- Just 36.3% of multi-candidate primaries won with more than 50% of the vote.
- 63.6% of multi-candidate primaries won with less than 50% of the vote.
- 29.8% of multi-candidate primaries won with less than 40% of the vote.
- 7.7% of multi-candidate primaries won with less than 30% of the vote.
- Three multi-candidate primaries resulted in run-off elections.

2009-2017 Multi-Candidate Primary Election Outcomes

<i>% of Primaries won with more than 50%</i>	<i>% of Primaries won with less than 50%</i>	<i>% of Primaries won with less than 40%</i>	<i>% of Primaries won with less than 30%</i>	<i># of Runoffs</i>
36.3%	63.6%	29.8%	7.7%	3

2017 Election Cycle

In September, there were 38 primaries in New York City. The vast majority were city council races, but also included several borough and citywide positions including the Mayor, Comptroller, and Public Advocate. 17 of these primaries had two candidates, the remaining 21 races were multi-candidate primaries.

2017 Primary Election Cycle

<i>% of Two Candidate Primaries</i>	<i>% of Multi-Candidate Primaries</i>	<i># of Citywide Primaries</i>	<i># of Borough Primaries</i>	<i># of City Council Primaries</i>
44.7%	55.2%	2	1	35

Multi-Candidate Primary Outcomes

- 38% of multi-candidate primaries were won with over 50% of the vote.
- 61.9% of multi-candidate primaries were won with less than 50% of the vote.
- 19% of multi-candidate primaries were won with less than 40% of the vote.

General Election Outcomes

In the general election, two candidates won their city council races with less than 50% of the vote.

- Margaret Chin won Council District 1 with 49.9% of the vote.
- Mark Gjonaj won Council District 13 with 48.7% of the vote.

2013 Election Cycle

In September, there were 46 primaries in New York City. The vast majority were city council races, but also included several borough and citywide positions including the Mayor, Comptroller, and Public Advocate. Just 17 of these primaries had two candidates, the remaining 29 races were multi-candidate primaries.

2013 Primary Election Cycle

<i>% of Two Candidate Primaries</i>	<i>% of Multi-Candidate Primaries</i>	<i># of Citywide Primaries⁶</i>	<i># of Borough Primaries</i>	<i># of City Council Primaries</i>
36.9%	63%	4	3	39

Multi-Candidate Primary Outcomes

- 28.5% of multi-candidate primaries were won with over 50% of the vote.
- 71.4% of multi-candidate primaries were won with less than 50% of the vote.
- 32.1% of multi-candidate primaries were won with less than 40% of the vote.
- 10.7% of multi-candidate primaries were won with less than 30% of the vote.
- A runoff race was triggered for the office of the Public Advocate.
 - Neither Letitia James nor Daniel Squadron achieved threshold support to win the Public Advocate primary.

General Election Outcomes

In the general election, all candidates won their races with over 50% of the vote.

2009 Election Cycle

In September, there were 37 primaries in New York City. The vast majority were city council races, but also included several borough and citywide positions including the Mayor, Comptroller, and Public Advocate. Just 7 of these primaries had two candidates, the remaining 30 races were multi-candidate primaries.

2009 Primary Election Cycle

<i>% of Two Candidate Primaries</i>	<i>% of Multi-Candidate Primaries</i>	<i># of Citywide Primaries</i>	<i># of Borough Primaries</i>	<i># of City Council Primaries</i>
18.9%	81%	3	1	33

Multi-Candidate Primary Outcomes

- 42.8% of multi-candidate primaries were won with over 50% of the vote.
- 57.1% of multi-candidate primaries were won with less than 50% of the vote.
- 35.7% of multi-candidate primaries were won with less than 40% of the vote.
- 10.7% of multi-candidate primaries were won with less than 30% of the vote.
- Two runoff races were triggered for the office of the Comptroller and Public Advocate.
 - Neither John Liu nor David Yassky achieved threshold support to win the Comptroller primary.
 - Neither Bill de Blasio nor Mark Green achieved threshold support to win the Public Advocate primary.

General Election Outcomes

In the general election, one candidate won their city council race with less than 50% of the vote.

- Peter Koo won Council District 20 with 49.6% of the vote.

Voter Fatigue: Low Turn-Out Run-off Elections in New York City

⁶ In 2013, Democrats and Republicans had mayoral primaries.

Since 2009, there have been three run-off elections for citywide offices. Under current election law, run-off elections are triggered when a candidate for citywide office fails to secure 40% of the vote. If no candidate reaches the 40% threshold, the top two vote earners proceed to the run-off election. Run-off elections are low turnout, high expense elections, far exceeding the per-vote costs of a primary or general election. We found:

- Turnout drops precipitously for run-off elections.
 - In 2013, 73.6% fewer voters showed up at the polls between the primary election and the run-off election. 772,241 eligible voters voted in the primary and just 203,696 eligible voters participated in the run-off.
 - In 2009, 27.1% fewer voters showed up at the polls between the primary election and the run-off election. 330,659 eligible voters voted in the primary and just 241,206 eligible voters participated in the run-off.

- Which, in turn, led to a huge increase in the cost per vote for run-off elections.
 - Per vote, the 2013 run-off was twice the cost of the primary election and more than triple the cost of the general election.

2013 Public Advocate Run-off

The Democratic primary for the Public Advocate race was crowded with five candidates. Since no candidate achieved the 40% threshold, a run-off election was held between the top two vote earners three weeks later.

Voter turnout for the primary was a meagre 23% and the general saw a slight bump in voter turnout at 26%. However, the run-off election for the Democratic slate saw a precipitous 73.6% decline in voter participation when just 7% of eligible voters showed up at the polls.

2013 Election Cycle- Voter Turnout

	Primary Election	Run-off Primary Election	General Election
Voters	772,241	203,696	1,102,400
Turnout	23%	7%	26%

While the run-off election cost less than the primary and the general elections, the cost per vote skyrocketed. The run-off election, as measured by cost per vote, doubled from the primary and more than tripled in comparison to the general. **The runoff election, as measured by cost per vote, exceeded the costs of the general and primary elections combined.** The city spent \$35.1 million on the primary and general elections in 2013, but due to the runoff were forced to spend an additional \$10.4 million.

- 772,241 New Yorkers cast their ballot in the primary at a cost of \$24.20 per vote.
- **203,696 New Yorkers cast their ballot in the run-off at a cost of \$51.20 per vote.**
- 1,102,400 New Yorkers cast their ballot in the general at a cost of \$15 per vote.

2013 Elections- Cost Per Vote

	Primary Election	Run-off Primary Election	General Election
Total Expenditures	\$18,471,307.01	\$10,430,602.27	\$16,866,420.39



Cost per Vote	\$24.20	\$51.20	\$15
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2009 Election Cycle

The Democratic primary for the Public Advocate and Comptroller races were crowded fields with five and four candidates, respectively. Since no candidate achieved the 40% threshold, run-off elections for both offices were held between the top two vote earners two weeks later.

Voter turnout for the primary was a meagre 11%, while the general saw a bump in voter turnout at 29%. However, the run-off election for the Democratic slate saw a precipitous 27.1% decline in voter participation when just 8% of eligible voters showed up at the polls.

2009 Election Cycle- Voter Turnout

	Primary Election	Run-off Primary Election	General Election
Voters	330,659	241,206	1,178,057
Turnout	11%	8%	29%

Unfortunately, reliable expenditure data for the 2009 primary and general elections is unavailable and therefore not provided. However, the run-off election cost \$48.90 per vote which undoubtedly exceeded the cost per vote of the primary and general.

2009 Elections- Cost Per Vote

	Primary Election	Run-off Primary Election	General Election
Total Expenditures	n/a	\$11,800,000	n/a
Cost per Voter	n/a	\$48.90	n/a

A Clarion Call for Ranked Choice Voting in New York City

As our analysis demonstrates multi-candidate primaries in New York City tend to result in negative electoral outcomes:

- Over the last three election cycles, 63.6% of multi-candidate primaries were won with less than majority support.
- In 2017, 61.9% multi-candidate primaries were won with less than majority support.
- In 2013, 71.4% multi-candidate primaries were won with less than majority support.
- In 2009, 57.1% of multi-candidate primaries were won with less than majority support.

The handful of multi-candidate races in the general election which produced a winner with less than majority support did so on the margins. Two races were within a 0.5% of the majority and one was within 1.3% of securing the majority.

Runoff elections suffer from phenomenally low voter turnout, which invariably leads to exorbitant per vote costs. In 2013, the cost per vote of the runoff election exceeded the cost per vote of the primary and general elections combined.

Implementing Ranked Choice Voting would avoid the troubling pattern of anti-democratic electoral outcomes in New York City. Candidates would move to the general election with strong consensus support from their district. Constituents are well served when their elected representative garners support, while the elected official benefits from a broader base of support. As an additional benefit, the city would avoid the occasional but costly run-off election. Ultimately, New Yorkers would feel truly invested in the electoral process as our elected officials would be chosen by a majority of voters.

RANKED CHOICE VOTING CHANGES THE CAMPAIGN CLIMATE

In a typical election campaign, each candidate regards a vote for another candidate as a loss in a zero-sum game. There are, accordingly, significant incentives for candidates to do anything possible, including negatively attacking rivals, to discourage voting for any other candidate. This can lead to a corrosive campaign atmosphere, frequently decried by the press and voters alike. Ranked Choice Voting significantly switches the incentives for negative attacks between candidates. Candidates vie not only to be the voter's top choice, but also to be a ranked choice of voters who support any of their rivals. As a result, voters and candidates report that negative campaigning is lessened under a Ranked Choice Voting system.⁷

Ranked Choice Voting encourages candidates to campaign outside their base group of supporters, breaking down the barriers between communities. Betsy Sweet, candidate for the Democratic gubernatorial nomination in Maine's 2018 election, the first run with Ranked Choice Voting, told a New York City audience this past November that she was encouraged to form an alliance with a rival candidate due to Ranked Choice Voting. Rather than these two candidates with mostly similar positions seeking to distinguish themselves to the voters by attacking each other, they campaigned together, emphasizing the policies they both supported. This experience confirms the research reported by Madeline Henry in 2016.⁸ As our crowded and highly polarized special election campaign for Public Advocate shows, such a change would be welcome.

Additionally, a Ranked Choice Voting system allows voters to vote for their true first choice without having to settle for the "lesser of two evils." When candidates with similar ideological positions or from the same ethnic community run as part of a multi-candidate field for the same office, they are frequently accused of being spoilers, based on a fear that their presence on the ballot will result in the election of a candidate that none of their supporters would choose. Ranked Choice Voting allows the voter to vote for their preferred candidate without worrying that their vote will result in the election of a candidate they oppose.

⁷ Donovan, Todd, Caroline Tolbert, and Kellen Gracey. 2016. "Campaign Civility Under Preferential And Plurality Voting" 42. *Electoral Studies*: 157 - 163. doi:10.1016/j.electstud.2016.02.009.

⁸ Henry, Madeline, 2016. "The Implementation And Effects Of Ranked Choice Voting In California Cities, Masters Thesis Presented to Department of Public Policy and Administration California State University, Sacramento. Accessed Feb.24, 2019: <https://csus-dspace.calstate.edu/bitstream/handle/10211.3/182785/Henry.pdf>

RANKED CHOICE VOTING HELPS PEOPLE OF COLOR AND WOMEN CANDIDATES

An important factor in weighing any change in our voting systems is the impact that the reform is likely to have on traditionally under-represented constituencies: candidates of color and women. Anecdotal reporting from candidates in Minneapolis and Santa Fe indicate that candidates of color and women are not impeded by Ranked Choice Voting and, indeed, can be helped by it. These anecdotal reports are confirmed by a recent analysis conducted by FairVote⁹ and a peer-reviewed article published by Fair Vote researchers in the journal *Electoral Studies*.¹⁰

Fair Vote analyzed elections for 53 seats in four racially diverse cities in California’s Bay Area and concluded that “[p]eople of color went from winning only 38% of pre-RCV elections for these 53 offices to winning 62% of RCV elections despite only modest increases in their share of voters (and a decline of black voters).” In other words, more people ran for, and won, office under Ranked Choice Voting. A copy of the Fair Vote analysis is provided with this testimony. The analysis published in *Electoral Studies* analyzed elections in eleven California cities, four cities with Ranked Choice Voting and seven without. That study concluded that more people of color candidates ran under Ranked Choice Voting and that more women and particularly women of color, won election in the cities with Ranked Choice Voting.

RANKED CHOICE VOTING ELIMINATES COSTLY RUN-OFFS

An obvious benefit of using Ranked Choice Voting for city primaries is that it eliminates the cost of run-off elections when there is no candidate who garners 40% or more of the primary vote. As discussed earlier, run-off elections have cost the city a minimum of \$10 million per run-off. And, our analysis as discussed above, run-offs show a precipitous drop-off in voter turn-out from already low turn-out primaries. Adopting Ranked Choice Voting eliminates these undesirable effects.

⁹ Fair Vote, RCV and Racial Minority Voting Rights in the Bay Area. Accessed Feb.24.2019, https://www.fairvote.org/rcv_and_racial_minority_voting_rights_in_the_bay_area

¹⁰ John, Sarah, Smith, Haley and Zack, Elizabeth, “The alternative vote: Do changes in single-member voting systems affect descriptive representation of women and minorities?” *Electoral Studies*, 54 : 90-102 , 2018-08-31.