

The Impact of Ranked Choice Voting on Communities of Color

Memo from the Center for Voting and Democracy

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Introduction: Questions and concerns have been raised about the impact of “ranked choice voting” (RCV) and the ranked ballots used for this electoral system on communities of color. This memo is a summary of much of the data that is available from elections in the United States and other nations that provides some answers to this question.

Summary of the findings: Ranked choice voting (RCV) and ranked ballots are not in widespread use around the United States or the world, so the amount of data is limited. Nevertheless, the data that exists suggests strongly that ranked choice voting and ranked ballots have had positive impacts on communities of color and minority candidates. Ranked ballots have been used with much success by minority voters and candidates in various places, and their use has been upheld by the U.S. Department of Justice and a court in Michigan. Many minority leaders and organizations in San Francisco endorsed the March 2002 ballot measure that adopted instant runoff voting, and in that election the most minority precincts in San Francisco voted strongly in favor of the ballot measure.

Conversely, there is evidence that San Francisco's previous two-round (December) runoff system negatively impacted communities of color.

1. Previous December runoff elections negatively impacted communities of color.

Research by San Francisco State University professor Rich DeLeon has demonstrated that, while citywide voter turnout declined in most December runoff elections, it declined even more among minority precincts. Communities of color often do not have the financial resources to mobilize voters for two back-to-back elections. Consequently, the final decisive election in December has occurred when voter turnout in communities of color was at its lowest.

Furthermore, in any runoff system successful candidates must raise money for two elections, often in a short period of time for the second election. Anecdotal evidence, including testimony in a federal voting rights case against runoffs in New York City, suggests that this presents a disadvantage for minority communities and their candidates. Thirdly, one-on-one runoff elections can be racially polarizing, as evidenced recently in mayoral runoffs in 2001 in Houston, Los Angeles and New York City and historically in runoffs in primary elections in many states in the South.

These discriminatory effects of runoff elections have had the impact of diluting the voting strength and representation of communities of color, not only in San Francisco but other cities. While this diluting effect of runoff elections is easily recognized in the southern United States and in New York City, where two-round runoffs have been the subject of voting rights challenges, in liberal San Francisco it went unrecognized for many years. Nevertheless, there have been discriminatory impacts from using two-round runoff elections in San Francisco.

Below we summarize the evidence from other places that have used ranked ballots. This evidence strongly indicates that ranked ballots like those used in ranked choice voting have had a positive effect

on communities of color and language minorities in other places, including New York City, Ann Arbor, Cincinnati, London, Australia, Cambridge (MA), and more.

1. Ranked Choice Voting elected a black mayor in Ann Arbor, Michigan, and voter error declined.

When Ann Arbor used ranked choice voting to elect its mayor in 1975, this led to the election of the city's first African American mayor, a Democrat. Voter error also declined sharply, down by half to 1.2% from the typical error rate in its mayoral races of 2.3%. A legal challenge to the system by the losing Republican candidate was rejected by the Michigan court. Ranked choice voting was upheld as constitutional and in full compliance with "one person, one vote."

2. Ranked ballots in New York City community school board elections have helped racial and language minorities.

New York City has used an at-large form of ranked choice voting (known as choice voting) for community school board elections since 1969. Large percentages of non-English speaking voters have participated, including non-citizens who have children in the public school system. As the Asian American Legal Defense and Education Fund (AALDEF) has documented, Asian American candidates achieved greater electoral success in these elections than in any other elections in New York City. Latino and African-American candidates also fared well. Margaret Fung, the executive director of AALDEF wrote in 2002, "Despite a concern that this voting process may be confusing for language minority communities, we have found that Asian American voters, whose primary language is Chinese or Korean, have made very effective use of this preference voting system." Specifically, those ranked ballots encouraged coalition-building and teamwork, and helped minority communities to prevent split votes among their own competing candidates. Ms. Fung wrote, "Based on our experience in New York City, it would seem that ranked choice voting could be used in San Francisco to benefit racial and language minority communities in the November elections." (Note that in 2002, the New York state legislature voted to abolish elected community school boards for reasons unrelated to ranked choice voting, although that legislation has not yet been finalized.).

3. U.S. Department of Justice has upheld the use of ranked ballots.

The U.S. Department of Justice in 1999 upheld the use of New York City's ranked ballot elections when it refused to pre-clear under Section Five of the Voting Rights Act an effort to go to a non-RCV system. Bill Lann Lee, first Asian American director of the Civil Rights division of the Justice Department, was personally involved in this decision, meeting both with city officials seeking the change and minority voting rights advocates seeking to preserve RCV. Evidence in support of RCV was provided by AALDEF, the Center for Voting and Democracy, ACORN, New York City councilmember Guillermo Linares (the first Dominican American elected in New York and co-chair of the black and Latino caucus on the council in the late 1990s), ACORN and others.

4. Previous experience in the United States with ranked ballots.

Cambridge, MA has used the at-large form of ranked choice voting for over 50 years to elect its city council and school board, and has consistently had African-American representation on those bodies. Cincinnati was one of two dozen American cities to use the at-large form of ranked choice voting (called "proportional representation" in Cincinnati) to elect city councils from 1925 to 1957.

Below is a summary that documents African American electoral success in Cincinnati under this system.

<u>Era</u>	<u>Years</u>	<u>Number of Elections</u>	<u>Percentage of seats won by African Americans</u>
Before RCV	1915-1921	3	0%
Using RCV	1925-1955	16	9% (continuous, 1941-1955)
After RCV	1957-1961	3	0

5. In San Francisco, minority precincts strongly voted in favor of Proposition A.

Proposition A was the March 5, 2002 ballot measure that implemented ranked choice voting for all major city offices. According to an analysis by Professor Rich DeLeon of San Francisco State University, Proposition A was strongly supported in the most minority precincts in the city, and by all racial/ethnic groups except conservative white voters:

<u>Group</u>	<u>Yes on Prop A %</u>
Latino precincts (40% VAP)	69%
African American precincts (40% VAP)	62%
Asian American precincts (50% VAP)	55%
Citywide total	55%
White liberal precincts	66%
White conservative precincts	42%

6. Ranked choice voting has been strongly supported by minority leaders and organizations.

In San Francisco, minority backers of Proposition A to adopt ranked-choice voting (2002) and/or Proposition H to adopt the at-large version of ranked-choice voting (1996) included the Latino Democratic Club, Chinese for Affirmative Action, Asian Pacific Democratic Club, Asian Week, San Francisco Bayview Newspaper, Mexican American Legal Defense and Education Fund (MALDEF), President of the San Francisco Board of Supervisors Matt Gonzalez, school board members Eric Mar and Mark Sanchez, and more. Other endorsers of Proposition A included current Secretary of State Kevin Shelley, former Secretary of State (acting) Tony Miller, San Francisco Democratic Party, San Francisco Planning and Urban Research Association (SPUR), San Francisco Labor Council, Services Employees International Union Locals 790 and 250, Common Cause, California PIRG, Congress of California Seniors, Sierra Club, Senior Action Network, League of Conservation Voters, NOW, Harvey Milk L/G/B/T Democratic Club, California Nurses Association, SF Tenants Union, and more.

Outside of San Francisco, ranked-choice systems have drawn support from a wide range of organizations and individuals. A partial list includes the League of Women Voters of California, Democracy South, Southwest Voter, United Farm Workers, US PIRG, Common Cause, National Organization for Women, and individuals such as Congressman Jesse Jackson Jr. (Illinois), Congressman James Clyburn (South Carolina, former head of the Congressional Black Caucus), Rev. Jesse Jackson, Sr., former Congressman Tom Campbell, Lani Guinier, Dolores Huerta, former Vermont governor Howard Dean, Senator John McCain, the editorial boards of USA Today, Minneapolis Star Tribune and St. Petersburg Times, and many more.

7. No evidence of negative impact on minorities in over 100 years of research. Political scientists long have documented the ability of all sorts of voters to use ranked ballot voting systems. Dr. Shaun Bowler, a political science professor who specializes in voting methods at the University of California-Riverside, has said, “The idea that minority voters can’t rank candidates is flat wrong. There’s a hundred years of evidence from around the world that voters of many cultures, languages, literacy levels, and educational attainments can rank candidates.”

Dr. Benjamin Reilly, a research fellow at the Australian National University and an international expert on the use of ranked choice voting, wrote, “There is ample evidence that assuming basic voter education is forthcoming, voters fairly quickly understand the logic, if not the mechanics, of preferential voting. Examination of election results in both pre-independence Papua New Guinea and outback Australian aboriginal communities, for example, has found that the concept of rank-ordering potential representatives is intelligible to voters, and that they have little difficulty marking their ballots, particularly following several electoral iterations. As one aboriginal educator in Australia’s Northern Territory put it, even at his remote settlement “voters ‘clearly knew how to mark ‘1’ for the good bloke, ‘2’ for the okay bloke and ‘3’ for the bad bloke.’”

Non-English speakers in Australia, London, New York City, Cambridge, MA and elsewhere have been able to rank their ballots for their elections. Ireland adopted ranked-choice voting eighty years ago after it gained independence, and had a 1% voter error rate in its first election despite relatively low rates of literacy. There simply is no evidence that ranked ballots have been a barrier to electoral success for racial or language minorities in these elections -- quite the contrary.

Conclusion

In sum, while the amount of data, especially in the United States, is not great, there is strong evidence from both the United States and abroad that ranked ballots and ranked choice voting have been advantageous to communities of color and their candidates. There is no evidence of a negative impact on racial or language minorities resulting from ranked choice voting or the type of ranked ballots used in such elections. And there also is no evidence that ranked ballots have been confusing for minority voters.

At the same time, there is plenty of evidence of the discriminatory impacts and voting rights implications in the use of San Francisco’s previous two-round (December) runoff system.

Finally, San Francisco’s communities of color strongly supported Proposition A to implement ranked choice voting.