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R STREET SHORTS NO. 106

September 2021

## AN ANALYSIS OF RANKED CHOICE VOTING IN MAINE

By Matthew Germer

### INTRODUCTION

In 2016, Maine voters approved Question 5, the Ranked Choice Voting Act, which stated that all primary and general elections for governor, state legislature and federal congressional offices would use ranked choice voting (RCV) to establish a winner. After two years of litigation and modifications, Maine implemented RCV for the 2018 primary election and has continued to use it in both primary and general elections ever since.

While Maine was not the first jurisdiction to implement RCV, it was the first to do so for legislative and executive positions at a statewide level, and the highly contested race for Maine’s 2<sup>nd</sup> Congressional District in 2018 shone a spotlight on the RCV process.<sup>1</sup> Since that time, RCV has spread to other local jurisdictions and has been adopted in a different form statewide in Alaska.<sup>2</sup>

Though not exhaustive, concerns about RCV tend to fall into three broad categories:<sup>3</sup>

1. It is too complicated for voters to understand.
2. It eliminates genuine binary choices between two

top-tier candidates.

3. It disenfranchises voters by creating manufactured majorities.

While other papers have evaluated these concerns for their theoretical and ideological merit, in this paper we use available data from the 2018 and 2020 RCV elections in Maine to evaluate the extent to which RCV is too complicated for voters to understand and whether any confusion impacts the ability for voters to express themselves through the ballot.<sup>4</sup>

### WHEN GIVEN THE CHANCE, VOTERS USE RANKED CHOICE VOTING

To evaluate whether Maine voters find RCV too confusing, it is necessary to start by looking at how RCV has been implemented in Maine and whether voters take advantage of its unique features.

Following a ballot proposition and subsequent narrowing lawsuits and legislation, Maine implemented RCV for state primaries, federal primaries and general elections in 2018.<sup>5</sup> In that time, Maine’s politically divided 2<sup>nd</sup> Congressional District (ME-2) underwent three elections in which voters were asked to rank multiple candidates: the 2018 Democratic primary election, the 2018 general election, and the 2020 Republican primary election.<sup>6</sup> The 2018 Democratic primary ballot and 2018 general ballot each included four candidates. The 2020 Republican primary ballot included three candidates. Of note, only two candidates were on the ballot for the 2020 general election, and therefore the election was not conducted using RCV.

An analysis of the voting data from these three ME-2 RCV elections, which span both major parties’ primaries and a hotly contested general election, provides insights into the practical implementation of RCV and the willingness of voters to use the features of RCV by ranking multiple candidates.

The willingness of voters to rank multiple candidates in ME-2 RCV elections is summarized below in Table 1. From this data a few findings emerge.

TABLE 1: RCV UTILIZATION IN 2018 AND 2020 ME-2 ELECTIONS

Election	Ranked All 4 Candidates	Ranked At Least 3 Candidates	Ranked At Least 2 Candidates	Ranked At Least 1 Candidate	Blank Ballots
2018 Dem Primary	28.75%	45.89%	64.54%	88.60%	10.73%
2018 General	22.27%	35.87%	46.24%	97.61%	1.97%
2020 GOP Primary	-	48.35%	57.38%	89.73%	9.43%

First, when presented with the opportunity to rank candidates, voters largely took the opportunity to do so. A majority of voters in the primary election and a near-majority in the general election chose to rank two or more candidates on their ballots. Going a step further, between one-third and one-half of voters chose to rank three or more candidates, and in the races that contained four candidates, roughly one-quarter of voters ranked all four candidates somewhere on the ballot. At a high level, large portions of voters of all stripes appear willing to use the rank-ordering features of RCV, particularly within the context of a primary election where strong majorities ranked multiple candidates.

The willingness to rank more candidates in a primary than in a general makes intuitive sense in context. In a primary election, voters are likely to feel greater ideological and partisan alignment with multiple candidates, and they are thus more likely to find multiple candidates to be satisfactory.

In the general election, however, many voters may feel uncomfortable crossing party lines to vote, and independent candidates may not provide enough ideological alignment to warrant support. This exact circumstance occurred in the 2018 general election.

In the 2018 general election, four candidates ran for the ME-2 seat: incumbent Republican Bruce Poliquin, Democrat Jared Golden, and independents Tiffany Bond and William Hoar. As indicated in Table 2, a majority of GOP voters in the 2018 general election did not feel comfortable supporting any candidate other than the Republican, Bruce Poliquin. This could be due to ideological misalignment with the other candidates, or because Republican voters felt satisfied with the incumbent Republican’s performance and thus never became familiar with the challengers. Democratic voters, in contrast, largely felt comfortable including one of the independent candidates on their ballots, which was likely for inverse reasons to the Republicans. Democrats may have felt greater alignment with the independents, or may have wanted to send a message of “anyone but Poliquin.”

**TABLE 2: WILLINGNESS TO RANK MULTIPLE CANDIDATES BY FIRST-CHOICE SELECTION IN 2018 ME-2 GENERAL**

Top Candidate	Ranked Just 1	Ranked More Than 1
Bond (I)	24.89%	72.04%
Golden (D)	37.32%	59.54%
Hoar (I)	24.89%	67.40%
Poliquin (R)	62.44%	31.36%

In all, a strong majority of Democratic and third-party voters and nearly a third of Republican voters ranked more than one candidate in the 2018 general election. When taken in context with the strong majorities who ranked multiple can-

didates in the 2018 Democratic and 2020 Republican primaries, the results in ME-2 show that voters of all perspectives do not find RCV confusing, as evidenced by their willingness to use the rank-ordering feature of RCV to express their preferences.

### **BY AND LARGE, VOTERS WERE NOT DISENFRANCHISED DUE TO CONFUSION OVER RANKED CHOICE VOTING**

Looking next to the question of disenfranchisement due to confusion, the 2018 and 2020 ME-2 RCV elections provide strong arguments against widespread voter confusion. Instead, these elections show that voters confused by RCV represent a small minority of total voters and were far too few to impact the outcome of even the narrow margins of the 2018 general election.

As shown above in Table 1, the overwhelming majority of ballots in all three ME-2 RCV elections from 2018 to 2020 showed support for at least one candidate. However, not all ballots from these elections indicated support for any of the candidates. Some ballots were returned with missing votes for first or second choice (“undervoting”), while others included too many candidates as a first or second choice (“overvoting”).<sup>7</sup> In RCV terms, these are known as “exhausted ballots,” and they indicate some level of confusion from voters.

While overvoting is the result of an unintentional mistake by a voter when filling out the ballot and is a strong indicator of voter confusion, determining voter confusion from undervoting is a bit more complicated. Some voters may intentionally leave a ballot blank not out of confusion but instead to express that they have no preferences between the candidates.

Looking again at Table 1, primary voters were substantially more likely to leave their ballot completely blank while almost all general election voters chose at least one candidate. This discrepancy between blank ballot totals in primary and general elections should be expected. In a primary election, voters may feel ideological alignment with multiple candidates and be satisfied with any of the candidates representing the party in the general election. Relatedly, primary voters may also feel more attachment to the party than to individual candidates and be less willing to spend their time researching or voting for each office in a primary. Finally, primary elections often receive less media coverage, and as a result it can be harder for voters to learn about the candidates participating. In this case, voters may choose to leave their ballots blank rather than decide based on limited information.

In any event, a greater number of blank ballots in a primary is not unique to RCV elections. In 2016, just prior to the implementation of RCV, 9.98 percent of GOP voters left the ME-2

primary election blank on their ballots, as displayed in Table 3.<sup>8</sup> Therefore, blank ballots should not be regarded as a sign that voters are confused with RCV as a voting system. Rather, blank ballots can provide insight into voters' preferences for who wins an election, which is to say these voters may have no preference.

**TABLE 3: BLANK BALLOTS IN CONTESTED ME-2 PRIMARIES**

Election	Election Type	Blank Ballots
2020 GOP	RCV	9.43%
2018 Dem	RCV	10.73%
2016 GOP	Plurality	9.98%

While blank ballots alone do not indicate voter confusion, undervoting may still be the result of confusion. In an attempt to account for this type of confusion, Maine law requires ballot canvassers to count the ballot for a voter's second choice if the ballot shows an undervote for first choice.<sup>9</sup> However, ballots are exhausted if they contain two consecutive undervotes.<sup>10</sup> In practical terms, this means that some ballots may be exhausted even though they show some attempt at voting, as exemplified in Figure 1. Such a ballot represents a strong indicator of voter confusion with RCV and would result in the ballot being removed from the count.

**FIGURE 1: EXAMPLE OF EXHAUSTION DUE TO UNDERVOTING, YET INDICATING AN ATTEMPT TO VOTE**

Candidate	First Choice	Second Choice	Third Choice
Armando Alvarez			
Brenda Buttons			
Christine Chan			X

In all, when evaluating voter confusion, ballots indicating support for a candidate or that are completely blank are ballots that effectively convey voters' intent. However, ballots showing overvoting or showing undervoting with an intent to vote indicate some level of voter confusion leading to ballot exhaustion.

For the 2018 and 2020 for the ME-2 RCV elections, the confused voters are summarized in Table 4.

**TABLE 4: VOTER CONFUSION IN ME-2 RCV ELECTIONS**

Race	Picked At Least 1 Candidate	Completely Blank	"Confused" Ballots	"Confused" but Still Counted	Exhausted Due to Confusion
2018 P	88.60%	10.73%	0.66%	0.31%	0.35%
2018 G	97.61%	1.97%	0.41%	0.21%	0.21%
2020 P	89.73%	9.43%	0.84%	0.11%	0.73%

- “Confused Ballots” means the ballot did not include a valid selection in round 1 either due to overvoting or undervoting (but the ballot itself was not entirely blank).
- “Confused but Still Counted” means the ballot contained an undervote for first choice but had a valid selection for second choice.
- “Exhausted Due to Confusion” means their ballot was exhausted either by overvote or undervote (but the ballot itself was not entirely blank).

In the 2018 Democratic primary, 88.60 percent of ballots contained a valid first-choice candidate. With 10.73 percent of the ballots completely blank, only 0.66 percent of the ballots definitively reflected some kind of voter confusion, either overvoting or undervoting. However, as explained above, some of those undervoted ballots still counted for the voters' second-choice candidate and were not considered “exhausted.” After removing these ballots from the count, only 0.35 percent of the ballots were exhausted, or “disenfranchised,” due to confusion. Put differently, this means 99.65 percent of ballots reflected some kind of preference by voters. For being the first RCV election in the state, such a low rate of exhaustion due to confusion should be regarded as quite impressive.

While the goal should be eliminating the number of ballots exhausted due to confusion, some voter error is always present, even in standard “winner-take-all” elections.<sup>11</sup> And while voter error is concerning, Maine's experience with RCV shows that exhaustion rates due to confusion at these low rates are highly unlikely to impact the outcome of the election.

In the 2018 general election, Republican Bruce Poliquin led the election over Democrat Jared Golden after the first round of voting 46.33 percent to 45.58 percent.<sup>12</sup> With no clear majority, the lower-performing independent candidates were eliminated, and their votes were transferred to the remaining two candidates under the rules of RCV. Ultimately, Golden defeated Poliquin 50.62 percent to 49.38 percent, a margin of just 3,505 votes. In this extremely close election, only 0.21 percent of votes, a total of 621, were exhausted due to confusion. Even if all of these voters intended to vote for Poliquin, the number of “disenfranchised” ballots was far too small to make up the gap.

With so few ballots being exhausted due to confusion, the ME-2 RCV data shows that RCV is not too confusing for voters, but instead that voters largely understand how RCV works. As Maine continues to use RCV and voters become increasingly familiar with it, future election data should

show even less confusion from voters and perhaps even greater willingness to rank multiple candidates.

## CONCLUSION

In all, the willingness to use of rank-ordering by a majority of voters and the extremely low exhaustion rates due to confusion both indicate that RCV is not too complicated for voters to understand. Instead, the data shows that voters in Maine effectively use the power of RCV to express their preferences by ranking candidates and that the overwhelming majority of ballots accurately reflect those preferences.

As other states look to implement RCV in their elections, including the recently adopted “Top Four” system in Alaska or the “Final Five Voting” system being considered in states like Wisconsin, voters should feel confident that RCV election outcomes are unlikely to be impacted by voter confusion.<sup>13</sup> Instead, voters can look forward to expressing their preferences in new ways, just like voters in Maine.

## ABOUT THE AUTHOR

**Matthew Germer** is a Fellow for the R Street Institute's Governance Program, where he focuses on elections.

## ENDNOTES

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7. 21-A M.R.S. § 723-A (2020). <https://legislature.maine.gov/statutes/21-A/title21-Asec723-A.html>.
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