



Ranked Choice Voting: Alternatives for Delaware State and Federal Elections

By: Jeffrey Chubbs, Legislative Fellow
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Overview

Maine has become the first state to implement ranked-choice voting (RCV) for the 2020 presidential election. In 2016, the state's voters [approved](#) RCV for the 2018 U.S. Congressional elections and its use has also become popular in [several cities](#) across the nation. However, the implementation of Maine's alternative voting system has not been without controversy. Yet, it's important to understand how ranked-choice voting works and why it is gaining momentum.

Voters [rank](#) their preference of each candidate on the ballot, if a candidate collects a majority of votes, they are the winner. If no candidate wins by a majority, then whomever the least number of votes went to, is eliminated. Then, the remaining votes are shifted to the voter's second choice and a new tally would reveal if a candidate has now won by the majority. Basically, it shifts the voting system from candidates winning by a plurality (more votes than the other candidate) to a majority (more than half of the total votes). So, why is this alternative being proposed?

A disadvantage of the current system is that a candidate who is *disliked* by a majority of voters can still win the vote if more than two candidates run and split votes. Therefore, voters then 'strategically' choose the most electable candidate instead of the one they personally favor. Secondly, there is reason to believe that a more balanced voting system could stem [polarization](#), as candidates would be at an advantage if they appeal to the majority of voters instead of the constituencies that earn them the most votes. Third, RCV has been in practice throughout the world, Australia, Hong Kong, and Ireland have implemented the system for several decades. The question remains if its increasing use and popularity will continue to grow throughout the United States.

Importing an alternative voting system has not been without difficulties as legislatures like Maine's have grappled with the legality and potential downsides of RCV. The brief will introduce how states have utilized RCV, understand its potential drawbacks, and provide resources for Delaware legislators with additional resources. **Delaware currently does not permit the use of RCV in any type of election.**

Advantages of Ranked Choice Voting

- **Representation:** Voters' wants could be more [accurately](#) fulfilled as a candidate would be selected that is of a majority preference.
- **Civil Campaigning:** Emphasis is placed on [cooperation](#) and less on “negative campaigning” during primaries. Candidates would likely be appealing to second or third choice voters as well.
- **Cost Reduction:** A Fiscal Policy Institute [report](#) suggests that avoiding run-off elections with RCV could lead to recurring savings in the long-run.

Challenges of Ranked Choice Voting

- **Confusion:** An often-cited [criticism](#) from both sides of the political spectrum is RCV's potential to confuse voters and lead to disqualified ballots.
- **Exhausted Choices:** The Maine Heritage Policy Center produced a [report](#) detailing the difficulty it poses for voters to access and understand basic policy stances of many candidates. In terms of RCV, voters would leave choices blank, known as an exhausted ballot.

RCV in Maine's Legislature

- In 2018, Maine's Congressional House seat was determined through RCV. Initially, neither [candidate](#) had won the majority until later-round tallies lead to the incumbent, Bruce Poliquin's, defeat.
- The results lead to Poliquin requesting a [recount](#) that was ultimately ended, but has pursued additional legal [actions](#) against the system.

- Four Maine citizens [filed](#) a lawsuit to suspend RCV in the 2020 presidential election. However, on October 6, the Supreme court [rejected](#) the opposition. RCV will proceed in Maine.

Examples of Proposed Legislation

- **PA HB 2042** is [pending](#) in committee to allow for RCV for state elections.
- **Utah** enacted [HB 277](#) in 2019, creating an alternative voting methods pilot project in two [counties](#).
- **NCSL State Elections Database** provides additional [examples](#) under the “alt voting methods” topic header.

Considerations for Delaware Legislators

- **Voter Education:** Based on a study in California Bay Area with RCV, there is [evidence](#) that suggests switching systems, while advantageous, will require voter education for its communities.
- **Election Type:** At least 18 other [states](#) use RCV for a particular election. For example, some use them for military/overseas voters, party-level elections, or local elections.
- **Legality:** Maine's Constitution [requires](#) a “plurality” of votes for its state elected officials. Therefore, an amendment is needed for RCV to be legal in those races. The Delaware Constitution should be reviewed to determine if there are legal challenges that could arise from implementing an alternative voting practice in Delaware.

Additional Resources

- NCSL has a [brief](#) and updated [webpage](#) describing RCV. FairVote also produces [information](#) on the topic.